

WAREHOUSING AND DEPOSITS

CHAPTER 469

SENATE BILL NO. 2301

(Senators Unruh, Miller)
(Representative Seibel)

AN ACT to amend and reenact section 60-02-07 of the North Dakota Century Code, relating to public warehouse licenses; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 60-02-07 of the North Dakota Century Code is amended and reenacted as follows:

60-02-07. Public warehouse license - ~~How obtained~~ - Fee - Financial statement.

~~An annual~~ A license must be obtained from the commission for each public warehouse in operation in this state. ~~The license expires on July thirty-first of each year.~~

1. a. The commission shall stagger by lot the expiration date of all licenses issued for the period beginning August 1, 2015, so that one-half of all the licenses issued expire on July 31, 2016, and one-half of all the licenses issued expire on July 31, 2017. Thereafter, all licenses issued under this section must be for a period of two years and terminate on the thirty-first day of July in the year of expiration.
- b. (1) Notwithstanding the provisions of subdivision a, the commission shall license a warehouse annually, for the first six years of the warehouse's operation.
(2) An initial annual license application that becomes effective on or after June first does not expire until July thirty-first of the following calendar year.
2. No license may describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described.
3. a. The annual license fee for a public warehouse is ~~three~~:
 - (1) Three hundred dollars for a warehouse of a ~~bushel~~ having a maximum capacity of two hundred thousand bushels [7047.8 cubic meters] ~~or less, four~~;
 - (2) Four hundred fifty dollars for a warehouse of a ~~bushel~~ having a capacity of more than two hundred thousand and bushels [7047.8 cubic meters]

~~but not more than five hundred thousand bushels [7047.8 to not more than 17619.54 cubic meters];~~ and five

~~(3) Five hundred fifty dollars for a warehouse of a bushel having a capacity of more than five hundred thousand bushels [17619.54 cubic meters].~~

b. The biennial license fee for a public warehouse is:

~~(1) Six hundred dollars for a warehouse having a maximum capacity of two hundred thousand bushels [7047.8 cubic meters];~~

~~(2) Nine hundred dollars for a warehouse having a capacity of more than two hundred thousand bushels [7047.8 cubic meters] but not more than five hundred thousand bushels [17619.54 cubic meters]; and~~

~~(3) One thousand one hundred dollars for a warehouse having a capacity of more than five hundred thousand bushels [17619.54 cubic meters].~~

c. ~~A license renewal~~An application for an annual license renewal that is received after July fifteenth ~~must be assessed~~include an additional one hundred dollar fee per warehouse. An application for a biennial license renewal that is received after July fifteenth must include an additional two hundred dollar fee per warehouse.

4. If a public warehouseman operates two or more warehouses in the same city or siding, in conjunction with each other and with the same working force, and keeps one set of books and records for all such warehouses, and issues one series of scale tickets, warehouse receipts, checks, and credit-sale contracts for the grain stored and purchased therein, only one license is required for the operation of all such warehouses. When two or more warehouses are operated under one license, the license fee is based upon the combined bushel capacity of the warehouses.~~If the commission employs fewer than two full-time equivalent warehouse inspectors, each annual fee under this section is reduced by one hundred dollars.~~

5. If required to obtain United States department of agriculture approval of the commission's warehouse inspection program, the commission may require that the applicant submit a current financial statement prepared in accordance with generally accepted accounting principles. A financial statement furnished under this section~~subsection~~ is a confidential trade secret and is not a public record.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 13, 2015

Filed March 13, 2015

CHAPTER 470

SENATE BILL NO. 2291

(Senators Wanzek, Miller, Unruh)
(Representative D. Anderson)

AN ACT to amend and reenact sections 60-02-11 and 60-04-03.1 of the North Dakota Century Code, relating to the allowable time for grain warehouse scale ticket conversions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 60-02-11 of the North Dakota Century Code is amended and reenacted as follows:

60-02-11. Scale ticket - Contents - Conversion.

1. a. Every public warehouseman, upon receiving grain into ~~its~~the warehouse, shall issue a uniform scale ticket for each load of grain received. ~~Such~~The scale tickets must be numbered consecutively, and one copy of each ticket must be retained and remain as a permanent record. The original ticket must be delivered to the person from whom the grain is received, upon receipt of each load of grain.
 - b. All scale tickets must be converted into cash, noncredit-sale contracts, credit-sale contracts, or warehouse receipts, within forty-five days after the grain is delivered to the warehouse, unless:
 - (1) The person to whom the scale ticket is issued signs a form waiving all rights to trust benefits under section 60-04-03.1;
 - (2) The form identifies by number each scale ticket to which the waiver applies; and
 - (3) The form is signed by the warehouseman.
 - c. The commission shall prepare the waiver form required by subdivision b and make the form available to each warehouse.
 - d. The warehouseman shall keep one copy of the signed waiver form with the records of the warehouse, provide one copy to the person who was issued the scale ticket and signed the form, and file one copy with the commission.
2. Nothing in this chapter requires a warehouseman to receive grain for storage. A warehouseman shall publish and post, in a conspicuous place in ~~its~~the warehouse, a publication identifying whether storage will be available to ~~its~~ patrons or whether grain will be accepted via cash or a credit-sale contract arrangement.

SECTION 2. AMENDMENT. Section 60-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:

60-04-03.1. Trust fund established.

1. Upon the insolvency of any warehouseman, a trust fund shall be established for:
 - a. ~~For the benefit of noncredit-sale receiptholders of the insolvent warehouseman, other than those who have waived their rights as beneficiaries of the trust fund in accordance with section 60-02-11;~~ and to
 - b. ~~To~~ pay the costs incurred by the commission in the administration of this chapter.
2. The trust fund ~~must consist~~consists of the following:
 1. a. The grain in the warehouse of the insolvent warehouseman or the proceeds as obtained through the sale of such grain;
 2. b. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee ~~must be remitted to the commission and included in the trust fund;~~
 3. c. The proceeds of insurance policies upon grain destroyed in the elevator;
 4. d. The claims for relief, and proceeds therefrom, for damages upon any bond given by the warehouseman to ensure faithful performance of the duties of a warehouseman;
 5. e. The claims for relief, and proceeds therefrom, for the conversion of any grain stored in the warehouse;
 6. f. Unencumbered accounts receivable for grain sold prior to the filing of the claim that precipitated an insolvency;
 7. g. Unencumbered equity in grain hedging accounts; and
 8. h. Unencumbered grain product assets.

Approved March 20, 2015
Filed March 20, 2015