

ELEVATOR.

CHAPTER 61.

[S. B. No. 103.]

PROVIDING FOR A STATE ELEVATOR.

AN ACT to Provide for the Purchase of a Site and for the Erection of a State Elevator at Duluth, Minnesota, Superior or West Superior, Wisconsin, for Public Storage and the Shipment of Wheat, and the Regulation Thereof, and to Appropriate Money for that Purpose.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION—LOCATION.] That the sum of one hundred thousand dollars (\$100,000) is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, or so much thereof as may be necessary, for the erection of a State elevator or warehouse at Duluth, Minnesota, Superior or West Superior, Wisconsin, as hereinafter provided.

§ 2. MEMBERSHIP OF BOARD—SITE—WHEN TO BE PURCHASED.] The Lieutenant Governor, Chairman of the Railroad Commissioners, and Commissioner of Agriculture and Labor shall constitute a board to be known as the Board of Grain and Warehouse Commissioners, whose duty shall be to select, locate and purchase a site for an elevator or warehouse at Duluth, Minnesota, Superior or West Superior, Wisconsin, at the discretion of the board, and subject to the approval of the Governor. Said site shall be purchased on or before July 15, 1893, or as soon thereafter as practicable.

§ 3. ABSTRACT AND DEED.] Before purchasing the land for said site the said Board of Grain and Warehouse Commissioners shall receive from the seller or sellers an abstract of title, which shall be approved by the Attorney General and the Governor, and no money shall be paid for land or such site without a perfect conveyance of title in fee simple to the State by warranty deed. Such deed shall be placed and remain in control of the State Treasurer, after being first duly recorded.

§ 4. PLANS, SPECIFICATIONS AND ESTIMATES.] The said Board of Grain and Warehouse Commissioners are directed and required to cause to be prepared suitable plans and specifications; but no plans shall be adopted which shall not first have been approved by the Governor. Said plans shall be accompanied by specifications and by detailed estimates of the amount, quality and description of all materials and labor required for the erection and completion of the elevator or warehouse according to said plans.

§ 5. ADVERTISEMENT FOR BIDS FOR CONSTRUCTION.] Whenever the said plans and specifications shall have been approved and adopted, the said Board of Grain and Warehouse Commissioners shall cause to be duly published an advertisement at Duluth, Minnesota, Superior or West Superior, Wisconsin, aforesaid for sealed bids, reserving the right to reject and readvertise, for the construction of the elevator or warehouse herein authorized and provided, and shall furnish a printed copy of this act and of the specifications to all parties applying therefor; and all parties interested who shall desire it shall have free access to the plans with the privilege of taking notes and making memoranda thereof; and a copy of said plans and specifications shall be left in the city in which said elevator or warehouse is to be built.

§ 6. LETTING OF CONTRACT—BOND OF BIDDER.] Not less than twenty days after the publication of said proposal for bids, and at the time and place named in said advertisement, in the presence of the bidders, or so many of them as may be present, the bids shall be opened for the first time, and the contract shall be let to the lowest and best bidder; *Providing*, The board shall deem this for the best interests of the State; *Provided*, That no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000) signed by at least three (3) good and sufficient sureties, conditioned as a guaranty for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act in case his bid is accepted.

§ 7. SIGNATURE OF CONTRACT—BOND.] The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond in a sum to be fixed by the said commissioners, said bond to be approved by the Governor before being accepted, conditioned for the faithful performance of his contract. The said contract shall be signed by the chairman of the Board of Grain and Warehouse Commissioners on behalf of the board, and attested by the signature of the secretary of the board. It shall be drawn in triplicate, and one copy of the same shall be deposited in the office of the State Auditor.

§ 8. MONEYS—HOW PAYABLE.] The moneys herein appropriated for purchasing the site and constructing the elevator or warehouse shall be paid to the parties to whom they may become due and payable directly from the treasury of the State, on the warrant of the State Auditor, and the State Auditor is hereby authorized and required to draw said warrant for money due under this act upon the order of said Board of Grain and Warehouse commissioners.

§ 9. WAREHOUSEMAN AND ASSISTANTS—APPOINTMENT, BONDS AND COMPENSATION.] It shall be the duty of the Board of Grain and Warehouse Commissioners to appoint a suitable person as warehouseman of the said State elevator or warehouse, and such assistants as shall be necessary, who shall hold their offices during

the pleasure of said commissioners. Said warehousemen and assistants shall not be members of any board of trade or association of any like character; they shall give bonds in such sums as the Grain and Warehouse Commissioners shall require, conditioned for the faithful discharge of their duties, and shall receive such compensation as the Board of Grain and Warehouse Commissioners shall determine, which compensation shall be paid out of the warehouse fund hereinafter created, on the order of the Grain and Warehouse Commissioners.

§ 10. RULES AND REGULATIONS—BOARD TO ADOPT.] The Grain and Warehouse Commissioners shall adopt such rules and regulations for the receiving, handling, storing, selling and delivering of wheat as they shall deem proper.

§ 11. CHARGES—TO BE A LIEN.] The Grain and Warehouse Commissioners shall fix the charges for storage and handling of wheat, including the cost of receiving and delivering; said charges shall be and constitute a lien on the grain so received, and said charges for receiving, handling, storing, selling and delivering of wheat shall be collected by the warehouseman and assistants, and shall by them be paid into the State treasury and be known as the Warehouse Fund.

§ 12. SPECIAL FUND—HOW RAISED—USE THEREOF.] In addition to the charges mentioned in Section ten (10) there shall be charged the sum of one (1) cent per bushel on all wheat received into the elevator or warehouse, which shall go into a fund to be known as the Special Warehouse Fund, which shall be under the control of the Board of Grain and Warehouse Commissioners and used by them for increasing the capacity and facilities for handling, storing and shipping wheat.

§ 13. WEEKLY REPORTS.] Said warehouseman shall make weekly reports to the Board of Grain and Warehouse Commissioners, said reports to be made on blanks furnished by said Commissioners.

§ 14. MONEYS TURNED INTO TREASURY WEEKLY.] All moneys mentioned in Sections eleven (11) and twelve (12) received by the warehouseman or his assistants shall be turned into the State treasury weekly, and at the same times that the reports are made to the Grain and Warehouse Commissioners, which shall be mailed to and filed with the State Auditor.

§ 15. NORTH DAKOTA WHEAT ONLY TO BE RECEIVED.] No wheat shall be received in the said elevator or warehouse except such as shall have been grown in the State of North Dakota.

§ 16. TREASURER TO KEEP SEPARATE ACCOUNTS OF MONEYS.] It shall be the duty of the Treasurer of the State of North Dakota to receive all moneys collected by virtue of this act, and to keep a separate account of the same, and to pay the same out on the order of the Grain and Warehouse Commissioners.

§ 17. CONDITION—CIVIL JURISDICTION OVER SITE TO BE CEDED.] No construction or expenditure shall be made in any state under

the provisions of this act until the legislature of said state shall have first ceded to the State of North Dakota absolute civil jurisdiction over the tract of land on which the elevator or elevators herein provided for are to be built; so that said elevator or elevators and all wheat received, or in transit to them, shall be exempt from the grading laws of said state, and the said elevators exempt from the regulative laws of said state relating to elevators, and they and their contents exempt from taxation, whether local or state, and subject only to the control of the State of North Dakota.

§ 18. BOARD TO MAKE FURTHER PROVISIONS FOR HANDLING, WHERE NECESSARY.] The board of control herein provided for are hereby empowered to make suitable provision at Buffalo, New York, or at any other necessary point or points, either by constructing or leasing a suitable elevator, floating or stationary, to transfer from vessels to canal boats, or to cars, any grain that has been produced in the State of North Dakota, and to do each and every thing which may be found necessary to enable our North Dakota grain to reach its ultimate destination, either before or after being sold by our citizens, to prevent its being mixed with other grain; the expense of which shall be met by a suitable toll at the given points arranged to pay for the labor and investment, but the investment to start the arrangement can be made out of the money hereby appropriated, or out of the revenue to arise from the operation of the elevator at Duluth, Minnesota, Superior or West Superior, Wisconsin.

Approved, March 17, 1893.