

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1470

Introduced by

Representatives Pollert, Heller, D. Johnson, Weisz

Senators Erbele, Wanzek

1 A BILL for an Act to amend and reenact section 60-02-30 of the North Dakota Century Code,
2 relating to public grain warehouse contracts; to repeal section 60-02-31 of the North Dakota
3 Century Code, relating to notices for the termination of grain storage contracts; and to declare
4 an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 60-02-30 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **60-02-30. Termination of public grain warehouse storage contracts - Notice to**
9 **receiptholder.**

- 10 1. All storage contracts terminate on the date identified in the publication required by
11 section 60-02-17. If a different termination date is not identified in the publication,
12 then all storage contracts on grain in ~~store at a~~ public grain ~~warehouses~~
13 warehouse terminate on June thirtieth of each year, except for storage contracts
14 on dry edible beans which terminate on April thirtieth of each year.
- 15 2. Storage on ~~any or all~~ grain in ~~storage at a~~ public grain ~~warehouses~~ warehouse
16 may be terminated by the ~~owner~~ receiptholder at any time before the applicable
17 date by the payment of all legal charges and the surrender of the warehouse
18 receipt, together with a demand for delivery of the grain in storage, or notice to the
19 public warehouseman to sell the stored grain.
- 20 3. Upon the expiration of the storage contract, the warehouseman is not obligated to
21 renew the storage contract.
- 22 4. At least thirty days before the termination date of a storage contract, the public
23 warehouseman shall notify the receiptholder by mail of the warehouseman's
24 intention to terminate the storage contract on the date identified in the storage

1 contract, unless the receiptholder, before that time, demands redelivery, authorizes
2 sale, extends the storage contract, or enters a new contract with the public
3 warehouseman for restorage. Failure to notify the receiptholder, as required by
4 this section, results in the forfeiture of storage charges accrued for the grain during
5 the previous twelve months.

6 5. In the absence of a demand for delivery, an order to sell, or an agreement between
7 the public warehouseman and the receiptholder for storage after the termination
8 date of the storage contract, the warehouseman ~~may sell~~, upon the expiration of
9 the storage contract, may sell at the local market price on the close of business on
10 that day, all stored grain of the receiptholder and tender to the receiptholder the
11 proceeds of the sale, less accrued storage charges ~~thereon~~ and the public
12 warehouseman's advances upon any previous storage contract of the
13 receiptholder.

14 **SECTION 2. REPEAL.** Section 60-02-31 of the North Dakota Century Code is
15 repealed.

16 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.