

WAREHOUSING AND DEPOSITS

CHAPTER 585

SENATE BILL NO. 2220
(Agriculture Committee)

(At the request of the Public Service Commission)

RECEIVING STATIONS

AN ACT to create and enact a new subsection to section 60-02-01 and a new section to chapter 60-02 of the North Dakota Century Code, relating to procedures to license receiving stations and the definition of receiving station.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 60-02-01 of the North Dakota Century Code is created and enacted as follows:

"Receiving station" means any facility other than an individually licensed warehouse that is used by a licensed public warehouseman to receive and temporarily store grain prior to transferring the grain to the warehouseman's primary licensed warehouse location or delivering it directly to market.

SECTION 2. A new section to chapter 60-02 of the North Dakota Century Code is created and enacted as follows:

Receiving stations. A licensed public warehouseman may establish a receiving station without a separate warehouse license for that facility if all of the following conditions are met:

1. The station is colocated with another licensed public warehouse, the operator of which will take delivery of the grain on behalf of the warehouseman who established the receiving station.
2. The storage space used by the receiving station is used solely by the receiving station and is not licensed as part of the warehouse that is located at that site.
3. The grain taken in by the receiving station is not commingled with other grain at that site.
4. The warehouseman establishing the station requests and receives commission permission to increase licensed capacity to include the space to be used at the receiving station.
5. Grain received at the receiving station is recorded on scale tickets issued by the warehouseman who established the station and is covered by that warehouseman's bond.
6. Warehouse receipted grain received at the receiving station is available for redelivery to the receipt holder at that location even if the station has been closed. A charge for redelivery must be stated in the warehouseman's redelivery policy.

The storage space used by a receiving station need not be physically disconnected from the facilities of the other licensed warehouse located at that site.

Approved March 10, 1993
Filed March 11, 1993

CHAPTER 586

SENATE BILL NO. 2195
(Agriculture Committee)

(At the request of the Public Service Commission)

PUBLIC WAREHOUSE LICENSES

AN ACT to amend and reenact sections 60-02-07, 60-02-38, and subsection 3 of section 60-02-40 of the North Dakota Century Code, relating to the license for a public warehouse and redemption of receipts when the ownership of a warehouse is transferred.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 60-02-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

60-02-07. Public warehouse license - How obtained - Fee. An annual license must be obtained ~~through from~~ the commission for each public warehouse in operation in this state, ~~and the~~. The license expires on July thirty-first of each year. No license ~~so issued~~ may describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described ~~therein~~. The annual license fee for a public warehouse ~~must be~~ is one hundred ~~thirty fifty~~ dollars for a warehouse of a bushel capacity of two hundred thousand [7047.8 cubic meters] or less, ~~two three~~ hundred ~~sixty~~ dollars for a warehouse of a bushel capacity of two hundred thousand and one to and including five hundred thousand [7047.83 to and including 17619.54 cubic meters], and ~~three four~~ hundred ~~forty~~ dollars for a warehouse of a bushel capacity of five hundred thousand and one [17619.57 cubic meters] or more. ~~The fees collected under this section must be paid into the state treasury and credited to the general fund of the state.~~ 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 where but one set of books and records is kept for all such warehouses, and scale tickets, warehouse receipts, checks, and credit-sale contracts of but one series are issued for the grain stored and purchased therein, only one license is required for the operation of all such warehouses. Where two or more warehouses are operated under one license, the license fee ~~must be~~ is based upon the combined bushel capacity of ~~said the~~ warehouses.

SECTION 2. AMENDMENT. Section 60-02-38 of the North Dakota Century Code is amended and reenacted as follows:

60-02-38. Refund of license fee by commission. ~~The~~ When requested in writing, the commission shall refund the license fee of a public warehouse, or so much ~~thereof~~ as in its judgment ~~would be~~ is just and reasonable, when satisfactory proof is furnished ~~to said commission~~ that ~~such the~~ warehouse has been transferred to some other person, and ~~application is made by~~ the new owner has applied for a license for the same warehouse for the unexpired period for which the original license was issued. ~~Where~~ When a warehouse is destroyed by fire or other cause, the license fee may be prorated ~~in such amount~~ as the commission may determine.

SECTION 3. AMENDMENT. Subsection 3 of section 60-02-40 of the North Dakota Century Code is amended and reenacted as follows:

3. Serve notice by registered or certified mail, at least thirty days before the transfer, upon all receiptholders having claims against the warehouse to call for delivery of the grain covered by the receipts, and to pay all storage charges due, the warehouseman in such case to make no charge for redelivery. The commission may waive the thirty-day notice period upon receipt of written consent of all receiptholders.

Approved March 24, 1993
Filed March 25, 1993

CHAPTER 587

HOUSE BILL NO. 1134
(Agriculture Committee)
(At the request of the Public Service Commission)

ROVING GRAIN OR HAY BUYER

AN ACT to amend and reenact subsection 6 of section 60-03-01 of the North Dakota Century Code, relating to the definition of roving grain and hay buyer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹ SECTION 1. AMENDMENT. Subsection 6 of section 60-03-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. "Roving grain or hay buyer" means any person, other than a public warehouseman, who is in the business of buying grain or hay from the owner for resale or processing, or markets grain or hay on behalf of the owner. "Roving grain or hay buyer" does not include any producer of grain or hay who purchases grain or hay from other producers to complete a carload or truckload in which the greater portion of the load is grain or hay grown by the producer or on-farm feedlot operations in which at least fifty percent of the livestock is owned by the owner of the farm.

Approved April 9, 1993
Filed April 9, 1993

¹ NOTE: Subsection 6 of 60-03-01 was also amended by section 4 of Senate Bill No. 2334, chapter 52.

CHAPTER 588

HOUSE BILL NO. 1162
(Industry, Business and Labor Committee)
(At the request of the Public Service Commission)

STORAGE COMPANY LICENSES

AN ACT to amend and reenact section 60-07-01 of the North Dakota Century Code, relating to fees charged for licensing storage companies as public warehouses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 60-07-01 of the North Dakota Century Code is amended and reenacted as follows:

¹ ~~60-07-01. Licensing storage companies as public warehouses. The public service commission may license any suitable person, firm, or corporation organized under the laws of the state, or authorized to do business within the state, to carry on the business of a public warehouse for the storage of any goods, wares, merchandise, or other general or special commodities, except grain in bulk. A license to engage in business of a public warehouseman may be obtained by filing an application with the public service commission showing:~~

1. The city and street address, or a description of the land, where each warehouse is located, together with the business name under which each such warehouse is operated.
2. The kind of property stored in each warehouse.

~~Said The application shall must be accompanied by the bond required under section 60-07-02, and an annual fee of ten twenty-five dollars for each warehouse, which fee shall be paid into the state treasury and credited to the general fund of the state. Such The license shall must be renewed annually and shall must be issued for the calendar year.~~

Approved April 7, 1993
Filed April 8, 1993

¹ NOTE: Section 60-07-01 was also amended by section 106 of Senate Bill No. 2223, chapter 54.

CHAPTER 589

HOUSE BILL NO. 1444
(Representative Dorso)

STORAGE COMPANY LICENSES

AN ACT to amend and reenact section 60-07-11 of the North Dakota Century Code, relating to storage company license exemptions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 60-07-11 of the North Dakota Century Code is amended and reenacted as follows:

60-07-11. License exemptions - Public warehouses - To whom applied. This chapter ~~shall does~~ not be construed to apply to:

1. Any ~~An~~ implement transfer company;
2. Any ~~A~~ garage storing motor vehicles for hire for the owners thereof; ~~or~~
3. Any ~~A~~ railroad or transportation company, if within forty-eight hours after receipt of goods, wares, and ~~or~~ merchandise at their destination, it ~~shall notify~~ notifies the consignee of the arrival thereof in writing. In case ~~such~~ the consignee or ~~his~~ the consignee's assignee fails and ~~neglects~~ to call for or receive ~~said~~ the goods, wares, or merchandise within thirty days after receipt of the same by any ~~the~~ railroad or transportation company, ~~said~~ the railroad or transportation company must turn over ~~said~~ the goods, wares, or merchandise to a licensed bonded storage company or warehouseman in the city in which ~~said~~ the goods, wares, or merchandise then are located, or, if there is no storage company in ~~such~~ that city, to a licensed bonded storage company or warehouseman in the city on the line of the carrier nearest to the place where ~~such~~ the goods, wares, or merchandise then are located, upon the payment of the charges of ~~said~~ the carriers thereon. ~~Such~~ The charges, ~~thus~~ paid by ~~said~~ the bonded storage company or warehouseman to ~~said~~ the carrier, ~~shall be~~ constitute a lien on ~~said~~ the goods, wares, or merchandise; ~~or~~
4. A person who deals only in used household goods or furniture.

Approved April 8, 1993
Filed April 9, 1993

CHAPTER 590

HOUSE BILL NO. 1133
(Agriculture Committee)
(At the request of the Public Service Commission)

GRAIN WEIGHING FEES

AN ACT to repeal section 60-09-03 of the North Dakota Century Code, relating to fees charged for weighing grain at grain elevators.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 60-09-03 of the North Dakota Century Code is repealed.

Approved March 22, 1993
Filed March 23, 1993