Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

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.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2301 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 44 Nays 0 Absent 3

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 88 Nays 3 Absent 3

Speaker of the House

Chief Clerk of the House

Received by the Governor at 2:12 P.M. on March 12, 2015.

Approved at 10:09 A.M. on March 13, 2015.

Governor

Filed in this office this 13th day of March, 2015,

at 151 o'clock P M.

Secretary of State