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

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.

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. 2291.

Senate Vote:	Yeas 45	Nays 2	Absent 0
House Vote:	Yeas 56	Nays 34	Absent 4

Secretary of the Senate

Received by the Governor at 2:18 P. M. on March 19, 2015.

Approved at 11:46 A. M. on March 20, 2015.

Governor

Filed in this office this 20th day of March, 2015,

at 3:56 o'clock P M.

Secretary of State