

January 15, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1026

Page 1, line 1, replace "and two" with "three"

Page 1, line 2, after "60-02.1" insert ", and a new section to chapter 60-04"

Page 1, line 7, after the third comma insert "and"

Page 1, line 7, replace the second "section" with ", and sections 60-04-03"

Page 1, line 12, after "60-02.1-27" insert ", 60-04-09"

Page 5, line 16, replace "an" with "a new"

Page 13, after line 22, insert:

"SECTION 11. A new section to chapter 60-02.1 of the North Dakota Century Code is created and enacted as follows:

Commissioner's authority - Grain buyer - Trust assets.

Upon the commissioner's determination that continued operation of a grain buyer is likely to result in probable loss of assets to receipt holders, the commissioner immediately may suspend, close, or take control of the assets held in a trust fund described in section 60-02.1-30, or take any combination of these actions as the commissioner deems necessary to begin an orderly liquidation of those trust fund assets as provided in this chapter."

Page 14, line 7, replace "an" with "a new"

Page 20, line 12, overstrike "apply to the district"

Page 20, line 13, overstrike "court of Burleigh County for authority to take all action necessary to"

Page 20, line 16, overstrike "Upon notice to the licensee as the court prescribes, but not exceeding twenty days, or"

Page 20, overstrike lines 17 through 25

Page 22, after line 8, insert:

"SECTION 28. A new section to chapter 60-04 of the North Dakota Century Code is created and enacted as follows:

Commissioner's authority - Warehouseman - Trust assets.

Upon the commissioner's determination that continued operation of a warehouseman is likely to result in probable loss of assets to receipt holders, the commissioner immediately may suspend, close, or take control of the assets held in a trust fund described in section 60-04-03.1, or take any combination of these actions as the commissioner deems necessary to begin an orderly liquidation of those trust fund assets as provided in this chapter."

SECTION 29. AMENDMENT. Section 60-04-03 of the North Dakota Century Code is amended and reenacted as follows:

60-04-03. Appointment of commissioner.

~~Upon the insolvency of any warehouseman, the commissioner shall apply to the district court of a county in which the warehouseman operates a licensed warehouse for authority to take all action necessary and appropriate to secure and act as trustee of the trust fund described in section 60-04-03.1. Upon such notice to the warehouseman as the court shall prescribe, but not exceeding twenty days, or upon waiver of such notice in writing by the warehouseman, the court shall proceed to hear and determine such application in a summary manner. If it shall appear to the court the warehouseman is insolvent within the meaning of this chapter and it would be for the best interests of the receipt holders that the commissioner secure and execute such trust, the court shall issue an order granting the application, without bond, at which time the commissioner shall proceed to exercise the commissioner's authority without further direction from the court.~~

~~Upon the filing of the commissioner's application, the court may issue ex parte such temporary order as may be necessary to preserve or protect the assets of the trust fund, or the value of the trust fund, until the court issues an order granting or denying the application."~~

Page 22, line 18, after the fourth comma insert "60-04-09,"

Renumber accordingly