

**OPINION
59-288**

November 23, 1959 (OPINION)

WAREHOUSING AND DEPOSITS

RE: Grain and Seed Warehouses - License

We have received your letter of November 16, 1959, in which you request an opinion on the question of whether a grain warehouseman who has obtained a license from the Federal Government to operate as such must also obtain a license from the Public Service Commission in accordance with the provisions of Title 60-02, N.D.R.C. of 1943.

In the case of *Rice v. Santa Fe Elevator Corp.*, 221 U.S. 218 (1947), 91 L. Ed. 1447, the Supreme Court of the United States held that the Federal license requirements were exclusive and that it was not necessary for a warehouseman to procure a license from the State after having procured a license from the Federal authorities. To the same effect see *In re. Farmers Cooperative Association*, 8 N.W. 2d. 557 (S.D. 1943).

It is my opinion, therefore, that such a license is not necessary under the circumstances stated.

LESLIE R. BURGUM

Attorney General