

LEGISLATIVE BILL 172

Approved by the Governor February 10, 1999

Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Schrock, 38; Vrtiska, 1

AN ACT relating to grain warehouses; to amend section 88-527, Revised Statutes Supplement, 1998; to change inspection procedures; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 88-527, Revised Statutes Supplement, 1998, is amended to read:

88-527. (1) No person shall operate a warehouse nor act as a warehouseman without a license issued pursuant to the Grain Warehouse Act. Warehouses, except warehouses which are licensed under the United States Warehouse Act, shall be licensed and regulated by the commission. If the applicant is an individual, the application shall include the applicant's social security number. Such warehouses shall be inspected by the commission at least once every ~~nine~~ twelve months.

(2) The commission may make available to the United States Government or any of its agencies, including the Commodity Credit Corporation, the results of inspections made and inspection reports submitted by employees of the commission upon payment of such fees as may be determined by the commission. The fees shall cover the actual cost of the services rendered in regard to providing the information.

(3) The commission may charge for inspections conducted at the request of a warehouse licensee. The commission may assess a surveillance fee against the assets of a warehouse licensee for actual expenses incurred by the commission in suspending a license or terminating the operations of a warehouse licensee. The commission may enter into contracts for such purpose and shall keep a record of all surveillance fees collected. All surveillance fees collected by the commission shall be deposited in the Nebraska Grain Warehouse Surveillance Cash Fund.

(4) The commission may enter into agreements and contracts with regulators in states which border Nebraska for the purpose of licensing or examining any public grain warehouseman which operates facilities in such states. The commission shall assume all jurisdiction over any warehouseman headquartered in Nebraska regarding his or her warehouse activity. A warehouseman headquartered and licensed in another state which acquires facilities in Nebraska is under the jurisdiction of the headquarter state under the terms of such agreement or contract.

Sec. 2. Original section 88-527, Revised Statutes Supplement, 1998, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.