

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 860**

Introduced by Burling, 33; Dierks, 40.

Read first time January 11, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to grain; to amend sections 75-903.02  
2 and 88-528.01, Revised Statutes Cumulative Supplement,  
3 2006; to remove the requirement for fingerprinting for  
4 licensees under the Grain Dealer Act and the Grain  
5 Warehouse Act; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 75-903.02, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           75-903.02 For each application filed under section 75-903  
4 after January 1, 2004, one of the following primary parties  
5 shall be subject to ~~fingerprinting~~ and a check of his or her  
6 criminal history record information maintained by the Federal  
7 Bureau of Investigation through the Nebraska State Patrol: (1) If  
8 the applicant is not an individual, the chief executive officer,  
9 president, or general manager; or (2) if the applicant is an  
10 individual, the individual. If the primary party has been subject  
11 to a check of his or her criminal history record information  
12 pursuant to this section on a prior application, he or she is  
13 not subject to another such check upon a subsequent application.  
14 If a primary party has been subject to a check of his or  
15 her criminal history record information pursuant to another law,  
16 the commission may waive such requirement under this section.  
17 A primary party shall furnish to the Nebraska State Patrol  
18 a full set of fingerprints to enable a criminal background  
19 investigation to be conducted. ~~The primary party shall request~~  
20 ~~that the Nebraska State Patrol submit the fingerprints to the~~  
21 ~~Federal Bureau of Investigation for a national criminal history~~  
22 ~~record check.~~ The primary party shall pay the actual cost, if any,  
23 of the ~~fingerprinting~~ and check of his or her criminal history  
24 record information. The primary party shall authorize release of  
25 the national criminal history record check to the commission.

1 The criminal history record information check shall be completed  
2 within ninety days after the date the application for a license is  
3 received in the commission's office, and if not, the application  
4 shall be returned to the applicant. The commission shall deny a  
5 grain dealer license to any applicant whose primary party has been  
6 convicted of a felony financial crime.

7 Sec. 2. Section 88-528.01, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9 88-528.01 For each application filed under section 88-528  
10 after January 1, 2004, one of the following primary parties  
11 shall be subject to ~~fingerprinting~~ and a check of his or her  
12 criminal history record information maintained by the Federal  
13 Bureau of Investigation through the Nebraska State Patrol: (1) If  
14 the applicant is not an individual, the chief executive officer,  
15 president, or general manager; or (2) if the applicant is an  
16 individual, the individual. If the primary party has been subject  
17 to a check of his or her criminal history record information  
18 pursuant to this section on a prior application, he or she is  
19 not subject to another such check upon a subsequent application.  
20 If a primary party has been subject to a check of his or  
21 her criminal history record information pursuant to another law,  
22 the commission may waive such requirement under this section.  
23 A primary party shall furnish to the Nebraska State Patrol  
24 a full set of fingerprints to enable a criminal background  
25 investigation to be conducted. The primary party shall request

1 that the Nebraska State Patrol submit the fingerprints to the  
2 Federal Bureau of Investigation for a national criminal history  
3 record check. The primary party shall pay the actual cost, if any,  
4 of the fingerprinting and check of his or her criminal history  
5 record information. The primary party shall authorize release of  
6 the national criminal history record check to the commission.  
7 The criminal history record information check shall be completed  
8 within ninety days after the date the application for a license is  
9 received in the commission's office, and if not, the application  
10 shall be returned to the applicant. The commission shall deny a  
11 warehouse license to any applicant whose primary party has been  
12 convicted of a felony financial crime.

13           Sec. 3. Original sections 75-903.02 and 88-528.01,  
14 Revised Statutes Cumulative Supplement, 2006, are repealed.