

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 730

Introduced by Johnson, 23.

Read first time January 06, 2016

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to grain warehouses; to amend section 88-530,
- 2 Reissue Revised Statutes of Nebraska; to change a provision relating
- 3 to security coverage for sellers of grain stored in a warehouse
- 4 closed by the Public Service Commission; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 88-530, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 88-530 Each applicant shall show sufficient net worth or
4 stockholders' equity to conform with the financial requirements which the
5 commission shall establish by the adoption and promulgation of rules and
6 regulations. Applicants shall file with the commission security in the
7 form of a bond, a certificate of deposit, an irrevocable letter of
8 credit, United States bonds or treasury notes, or other public debt
9 obligations of the United States which are unconditionally guaranteed as
10 to both principal and interest by the United States in such sum as the
11 commission may require and in the form and of the kind prescribed by the
12 commission. The security shall be in an amount set by the commission
13 pursuant to rules and regulations, but shall not be less than twenty-five
14 thousand dollars. The security shall run to the State of Nebraska for the
15 benefit of each person who stores grain in such warehouse and of each
16 person who, ~~holds a check for purchase of grain stored in such warehouse~~
17 ~~which was issued by the warehouse licensee~~ not more than five business
18 days prior to the cutoff date of operation of the warehouse, owned and
19 sold grain stored in the warehouse and had not received payment from the
20 warehouse licensee for such grain, but shall not include grain sold by
21 signed contract or priced scale ticket. The cutoff date of operation of
22 the warehouse ~~which~~ shall be the date the commission officially closes
23 the warehouse. The security shall be conditioned upon (1) the warehouse
24 licensee carrying combustion, fire, lightning, and tornado insurance
25 sufficient to cover loss upon all stored grain in such warehouse, (2) the
26 delivery of the grain upon surrender of the warehouse receipt, and (3)
27 the faithful performance by the warehouse licensee of all provisions of
28 law relating to the storage of grain by such warehouse licensee and rules
29 and regulations adopted and promulgated by the commission. The commission
30 may require increases in the amount of the security from time to time as
31 it may deem necessary for the protection of the storers. For an applicant

1 who has filed a reviewed fiscal year-end financial statement pursuant to
2 section 88-528, the commission shall require additional security in an
3 amount set by the commission pursuant to rules and regulations, which
4 shall not be less than twenty-five thousand dollars and not more than
5 five hundred thousand dollars. The surety on a bond shall be a surety
6 company licensed by the Department of Insurance. An irrevocable letter of
7 credit or certificate of deposit shall be issued by a federally insured
8 depository institution.

9 The security shall particularly describe the warehouse intended to
10 be covered by the security. The liability of the surety on a bond shall
11 not accumulate for each successive license period which the bond covers.
12 The liability of the surety shall be limited to the amount stated on the
13 bond or on an appropriate rider or endorsement to the bond.

14 Sec. 2. Original section 88-530, Reissue Revised Statutes of
15 Nebraska, is repealed.