

AMENDMENTS TO LB305

Introduced by Agriculture.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 88-541, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 88-541 (1) Each warehouse licensee shall file with the commission a
6 schedule of the licensee's storage rates and charges existing as of the
7 date of filing, and each applicant for a warehouse license shall file
8 with the commission a schedule of the applicant's storage rates and
9 charges existing on the date the application is filed. A warehouse
10 licensee shall post the filed schedule of rates and charges on signage
11 issued by the commission in a conspicuous place at the licensee's
12 warehouse location. Such rates and charges shall be full compensation for
13 receiving, handling, storing, delivering, and insuring grain.

14 (2) A warehouse licensee may increase or decrease such rates and
15 charges by (a) filing notice of such change of rates and charges with the
16 commission and also sending such notice to all grain owners of record not
17 less than thirty days prior to such change of rates and charges and (b)
18 posting notice of such change of rates and charges on signage issued by
19 the commission in a conspicuous place at the warehouse licensee's
20 warehouse. The new rates and charges shall be charged on all grain in
21 storage at the time of, and all grain received for storage after, the
22 effective date of the change of rates and charges. Not less than once
23 each year, the commission shall by order fix reasonable storage rates,
24 and no warehouse licensee shall charge a lesser or greater rate, except
25 upon application to and a hearing before the commission. If, after a
26 hearing, the commission finds that a lesser or greater rate should be
27 ordered, it shall enter a supplemental order fixing a different rate for

1 ~~such applicant. Such charges shall be full compensation for the~~
2 ~~receiving, handling, storing, delivering, and insuring of grain.~~

3 (3) No discrimination shall be made between different customers by
4 any state-licensed grain warehouse either in facilities, rates, charges,
5 or handling of any grain, except that members of a cooperative may be
6 given preference in storage facilities in warehouses of the cooperative.
7 The rates charged to any governmental agency shall be exempt from
8 commission regulation.

9 Sec. 2. Section 88-549, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 88-549 (1) At least once each calendar year and not later than one
12 year from the date of receipt of the previous written notice, each
13 warehouse licensee shall send written notice to each person who stores
14 grain in such warehouse at such person's last-known address specifying
15 the type and amount of grain in storage, the location at which the grain
16 is being stored, and the current rate of storage.

17 (2) A warehouse licensee shall not charge any storage rates and
18 charges other than or in addition to the schedule of storage rates and
19 charges duly filed and posted pursuant to section 88-541.

20 (3) Any warehouse licensee who violates subsection (1) or (2) of
21 this section shall be guilty of a Class V misdemeanor.

22 Sec. 3. Original sections 88-541 and 88-549, Reissue Revised
23 Statutes of Nebraska, are repealed.