

# NEBRASKA

PUBLIC SERVICE COMMISSION

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CHRISTIAN MIRCH  
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TO: ALL NEBRASKA PUBLIC GRAIN WAREHOUSE AND GRAIN DEALER LICENSEES

FROM: TERRI FRITZ  
DIRECTOR, GRAIN WAREHOUSES & DEALERS

DATE: JUNE 14, 2024

RE: LEGISLATIVE BILL 262

During the Legislative session this year, the Governor approved Legislative Bill 262 on April 16, 2024. This bill has statutory changes to the Grain Warehouse Act as well as the Grain Dealer Act. These changes become law effective July 18, 2024.

I have included and highlighted with this memo the statutes that have changes. To summarize the statutory changes to the Grain Warehouse Act are:

- Language cleanup references to “warehouseman” to “warehouse operator”.
- Definition of grain includes reference of organic and non-GMO grains.
- Federal background checks will be required even if one has been done previously if the primary party goes to a different licensed facility.
- Maximum security goes to \$1,000,000.
- The Commission will no longer set the maximum handling and storage rates for licensed warehouses.

Statutory changes to the Grain Dealer Act are:

- Definition of grain includes reference of organic and non-GMO grains.
- Federal background checks will be required even if one has been done previously if the primary party goes to a different licensed facility.
- Maximum security goes to \$1,000,000.

I will shortly be sending out security endorsements to both warehouses and dealers. These endorsements will be effective July 18, 2024. If you are a grain dealer and presently do not report grain dealer volume of business on your fiscal year-end financial and presently at the maximum security of \$300,000, you will automatically go to \$1,000,000 unless you report to our department your actual volume of business for your fiscal year end. Grain Dealer security is presently figured at 7% of your fiscal year-end volume of business.

Thomas W. Golden, Executive Director  
Public Service Commission

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**Please let us know as soon as possible if you want to report your volume of business if it will be less than \$1,000,000.** If you go to the maximum security of \$1,000,000, you will not need to report your volume of business in your fiscal year-end financial.

For warehouses, you will not see a change unless you are presently at the maximum security of \$500,000. The maximum security on July 18<sup>th</sup> will increase to \$1,000,000. Warehouse security is presently calculated at 20 cents per bushel times total licensed capacity. If you submit a reviewed fiscal year-end financial, an additional 2 cents per bushel times total licensed capacity is required.

I will also be sending to all warehouses a form regarding their storage and handling rates. If your rates for storage and handling will not be changing you will need to return the form, checking the box marked "no change". If you are wanting to change your rates, you will indicate what is changing, effective date, and we will approve the request as we have always done and issue new rate posters. The difference is that the Commission will no longer set the maximum rates starting July 18<sup>th</sup>. As before, if there is an increase, you still need to give your storers a 30-day notice of the change before the rate can be implemented.

Later this year we will have a workshop to discuss rules and regulations as they will need to be updated to incorporate the new statute changes. This workshop will give everyone the opportunity to review our present Grain Warehouse and Dealer rules and regulations with the new statute changes and propose additional changes. More information will be sent out once a date is set for this workshop.

Let me know if you have any questions. I can be reached at 402-471-0223 or [terri.fritz@nebraska.gov](mailto:terri.fritz@nebraska.gov) or you can also reach out to Jordan Fuller at 402-471-0222 or [jordan.fuller@nebraska.gov](mailto:jordan.fuller@nebraska.gov).

Thomas W. Golden, Executive Director  
**Public Service Commission**

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## **75-156. Civil penalty; procedure; order; appeal.**

(1) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty of up to ten thousand dollars per day against any person, motor carrier, regulated motor carrier, common carrier, contract carrier, licensee, grain dealer, or grain warehouse operator for each violation of (a) any provision of the laws of this state within the jurisdiction of the commission as enumerated in section 75-109.01, (b) any term, condition, or limitation of any certificate, permit, license, or authority issued by the commission pursuant to the laws of this state within the jurisdiction of the commission as enumerated in section 75-109.01, or (c) any rule, regulation, or order of the commission issued under authority delegated to the commission pursuant to the laws of this state within the jurisdiction of the commission as enumerated in section 75-109.01.

(2) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty not less than one hundred dollars and not more than one thousand dollars against any jurisdictional utility for each violation of (a) any provision of the State Natural Gas Regulation Act, (b) any rule, regulation, order, or lawful requirement issued by the commission pursuant to the act, (c) any final judgment or decree made by any court upon appeal from any order of the commission, or (d) any term, condition, or limitation of any certificate issued by the commission issued under authority delegated to the commission pursuant to the act. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance after notification of the violation is given.

(3) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty of up to ten thousand dollars per day against any wireless carrier for each violation of the Enhanced Wireless 911 Services Act or any rule, regulation, or order of the commission issued under authority delegated to the commission pursuant to the act.

(4) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty of up to one thousand dollars against any person for each violation of the Nebraska Uniform Standards for Modular Housing Units Act or the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or any rule, regulation, or order of the commission issued



under the authority delegated to the commission pursuant to either act. Each such violation shall constitute a separate violation with respect to each modular housing unit, manufactured home, or recreational vehicle, except that the maximum penalty shall not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

(5) The civil penalty assessed under this section shall not exceed two million dollars per year for each violation except as provided in subsection (4) of this section. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance after notification of the violation is given.

(6) Upon notice and hearing in accordance with this section and section 75-157, the commission may enter an order assessing a civil penalty of up to one hundred dollars against any person, firm, partnership, limited liability company, corporation, cooperative, or association for failure to file an annual report or pay the fee as required by section 75-116 and as prescribed by commission rules and regulations or for failure to register as required by section 86-125 and as prescribed by commission rules and regulations. Each day during which the violation continues after the commission has issued an order finding that a violation has occurred constitutes a separate offense. Any party aggrieved by an order of the commission under this section may appeal. The appeal shall be in accordance with section 75-136.

(7) When any person or party is accused of any violation listed in this section, the commission shall notify such person or party in writing (a) setting forth the date, facts, and nature of each act or omission upon which each charge of a violation is based, (b) specifically identifying the particular statute, certificate, permit, rule, regulation, or order purportedly violated, (c) that a hearing will be held and the time, date, and place of the hearing, (d) that in addition to the civil penalty, the commission may enforce additional penalties and relief as provided by law, and (e) that upon failure to pay any civil penalty determined by the commission, the penalty may be collected by civil action in the district court of Lancaster County.

**Source:** Laws 1995, LB 424, § 18; Laws 1996, LB 1218, § 41; Laws 2000, LB 1285, § 9; Laws 2002, LB 1105, § 493; Laws 2002, LB 1211, § 10; Laws 2003, LB 187, § 22; Laws 2003, LB 735, § 1; Laws 2003, LB 790, § 73; Laws 2005, LB 319, § 3; Laws 2008, LB755, § 3; Laws 2013, LB545, § 8; Laws 2020, LB461, § 4; Laws 2024, LB262, § 23.

**Operative Date:** July 19, 2024

**Cross References**



## 75-902. Terms, defined.

For purposes of the Grain Dealer Act, unless the context otherwise requires:

- (1) Commission means the Public Service Commission;
- (2) Direct delivery grain has the same meaning as in section 88-526;
- (3) Direct delivery obligation has the same meaning as in section 88-526;

(4)(a) Grain means, but is not limited to, all unprocessed beans, whole corn, milo and other sorghum, wheat, rye, barley, oats, millet, safflower seed and processed plant pellets, alfalfa pellets, and any other bulk pelleted agricultural storable commodity, except grain which has been processed or packaged for distribution as seed.

(b) Grain includes all commodities described in subdivision (4)(a) of this section whether grown and marketed as fungible commodities or within segregated marketing channels, including, but not limited to, certified organic commodities;

(5)(a) Grain dealer means any person, partnership, limited liability company, corporation, or association that (i) buys grain from the producer of the grain within this state for purposes of selling such grain or (ii) acts as an employee or agent of a buyer or seller for purposes of collective bargaining in the marketing of grain.

(b) Grain dealer does not include (i) a feeder or custom feeder of livestock or poultry or (ii) a warehouse licensee under the Grain Warehouse Act or a warehouse licensee under the United States Warehouse Act of a warehouse located in Nebraska if the warehouse licensee does not buy, sell, or transport grain other than grain that is received at its licensed warehouse facilities;

(6) In-store transfer has the same meaning as in section 88-526;

(7) Post-direct delivery storage position has the same meaning as in section 88-526; and

(8) Producer means the owner, tenant, or operator of land in this state who has an interest in and receives all or part of the proceeds from the sale of grain produced on that land.

**Source:** Laws 1985, LB 389, § 4; Laws 1987, LB 507, § 2; Laws 1996, LB 1123, § 1; Laws 2003, LB 735, § 3; Laws 2005, LB 439, § 1; Laws 2015, LB183, § 1; Laws 2024, LB262, § 24.

**Operative Date:** July 19, 2024

**Cross References**



### **75-903. Grain dealer; licensure; requirements; fee.**

All grain dealers doing business in this state shall be licensed by the commission. If the applicant is an individual, the application shall include the applicant's social security number. To procure and maintain a license, each grain dealer shall:

(1) Pay an annual fee of one hundred dollars which shall be due on or before the date established by the commission for each license. Such fees shall be paid to the State Treasurer and credited to the General Fund;

(2) File security which may be a bond issued by a corporate surety company and payable to the commission, an irrevocable letter of credit, or a certificate of deposit, subject to the approval of the commission, for the benefit of any producer who files a valid claim arising from a sale to a grain dealer. The security shall be in an amount set by the commission of not less than thirty-five thousand dollars and not more than one million dollars. Amounts used in the calculation of the security shall include all direct delivery grain purchases and exchanges valued on the date delivery is made. Amounts used in the calculation of the security shall not include any transactions in which direct delivery grain is exchanged for a post-direct delivery storage position and the post-direct delivery storage position is created by an in-store transfer on the same date as the delivery of the direct delivery grain. Such security shall be furnished on the condition that the licensee will pay for any grain purchased upon demand, not later than fifteen days after the date of the last shipment of any contract. The liability of the surety shall cover purchases made by the grain dealer during the time the bond is in force. A grain dealer's bond filed with the commission shall be in continuous force and effect until canceled by the surety. The liability of the surety on any bond required by this section shall not accumulate for each successive license period during which the bond is in force; and

(3) File a reviewed or audited fiscal year-end financial statement prepared by an independent certified public accounting firm. If licensing as an individual, the financial statement shall be prepared in accordance with Other Comprehensive Basis of Accountancy, as filed with the board, for a personal financial statement, using historical cost and accrual basis of accounting. If licensing as a partnership, corporation, or limited liability company, the financial statement shall be prepared in accordance with accounting principles generally accepted. The financial statement shall include: (a) A statement of income showing profit or loss; (b) a balance sheet; (c) a statement of cash flow; (d) a statement of proprietor's capital or retained earnings; (e) the volume and dollar value of the grain purchases the licensee made in Nebraska during the fiscal year; (f) the volume and dollar value of transactions in which direct delivery grain is exchanged for a post-direct delivery storage position and the post-direct delivery storage position is not created by an

in-store transfer on the same date as the delivery of the direct delivery grain; and (g) the accounting firm's certification, assurances, opinions, and comments and the notes with respect to the financial statement. If the volume and dollar value of the grain purchases is not reported, the grain dealer shall file the maximum grain dealer security as required by the Grain Dealer Act.

(4) If an applicant for a grain dealer license is a wholly owned subsidiary of a parent company and such a financial statement is not prepared for the subsidiary, the parent company shall submit its reviewed or audited fiscal year-end financial statement and shall execute an unconditional guarantee agreement as prescribed by the commission.

**Source:** Laws 1985, LB 389, § 5; Laws 1987, LB 507, § 3; Laws 1996, LB 1123, § 2; Laws 1997, LB 752, § 201; Laws 2003, LB 187, § 24; Laws 2003, LB 735, § 4; Laws 2005, LB 52, § 1; Laws 2005, LB 439, § 2; Laws 2015, LB183, § 2; Laws 2024, LB262, § 25.

**Operative Date: July 19, 2024**

#### **Annotations**

Pursuant to the former subsection (4) of this section, the warehouse bond and the dealer bond cannot be combined, because the activity covered by each bond is unique and the requirements for bond protection under each bond are different. In re Claims Against Pierce Elevator, 291 Neb. 798, 868 N.W.2d 781 (2015).



## **75-903.02. Criminal history record information check; fingerprinting; when.**

For each application filed under section 75-903 after January 1, 2004, one of the following primary parties shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol: (1) If the applicant is not an individual, the chief executive officer, president, or general manager; or (2) if the applicant is an individual, the individual. If a primary party has been subject to a check of his or her criminal history record information pursuant to another law, the commission may waive such requirement under this section. A primary party shall furnish to the Nebraska State Patrol a full set of fingerprints to enable a criminal background investigation to be conducted. The primary party shall request that the Nebraska State Patrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The primary party shall pay the actual cost, if any, of the fingerprinting and check of his or her criminal history record information. The primary party shall authorize release of the national criminal history record check to the commission. The criminal history record information check shall be completed within ninety days after the date the application for a license is received in the commission's office, and if not, the application shall be returned to the applicant. The commission shall deny a grain dealer license to any applicant whose primary party has been convicted of a felony financial crime.

**Source:** Laws 2003, LB 735, § 5; Laws 2005, LB 52, § 2; Laws 2024, LB262, § 26.

**Operative Date: July 19, 2024**



## 88-526. Terms, defined.

As used in the Grain Warehouse Act, unless the context otherwise requires:

(1) Commission means the Public Service Commission;

(2) Direct delivery grain means all grain that is bought, sold, or transported in the name of a warehouse licensee, other than grain that is received at the licensed warehouse facilities;

(3) Direct delivery obligation means the obligation of a warehouse licensee or grain dealer to transfer title to warehouse-owned grain to a producer by an in-store transfer upon the delivery of direct delivery grain. A direct delivery obligation is treated as a grain dealer obligation until such time as it is satisfied by an in-store transfer;

(4)(a) Grain means wheat, corn, oats, soybeans, barley, rye, flax, or sorghum which has not been processed or packaged for the purpose of distribution as seed, including, but not limited to, edible beans, whole corn plant pellets, alfalfa pellets, millet, sunflower seed, safflower seed, and any other bulk pelleted agricultural storable commodity.

(b) Grain includes all commodities described in subdivision (4)(a) of this section whether grown and marketed as fungible commodities or grown and marketed within segregated marketing channels, including, but not limited to, certified organic commodities;

(5) Grain dealer has the same meaning as in section 75-902;

(6) Grain in storage means any grain which has been received at any warehouse and to which title has not been transferred to the warehouse operator by signed contract or priced scale ticket;

(7) In-store transfer means a method by which a warehouse licensee transfers title to warehouse-owned grain to any person in satisfaction of a direct delivery obligation between the warehouse licensee or grain dealer and the producer, and the grain remains in the warehouse;

(8) Post-direct delivery storage position means a storage position acquired through an in-store transfer in satisfaction of a direct delivery obligation;

(9) Warehouse means any grain elevator, mill, grist mill, building, or receptacle in which grain is held in storage for more than ten consecutive days;

(10) Warehouse licensee means any warehouse operator who is licensed pursuant to the Grain Warehouse Act; and

(11) **Warehouse operator** means any person, partnership, limited liability company, corporation, or association who (a) receives grain for storage or stores or offers to store grain for legal consideration for another person, partnership, limited liability company, corporation, or association in a warehouse where delivered or (b) receives grain for shipment to other points for storage, consignment, or resale either in or out of this state.

**Source:** Laws 1987, LB 164, § 2; Laws 1993, LB 121, § 563; Laws 2003, LB 735, § 8; Laws 2005, LB 439, § 4; Laws 2024, LB262, § 42.

**Operative Date: July 19, 2024**

#### **Annotations**

Notice of an in-store transfer is considered prima facie evidence that an in-store transfer occurred, but it is not the only evidence that can establish the occurrence of an in-store transfer. In re Claims Against Pierce Elevator, 291 Neb. 798, 868 N.W.2d 781 (2015).



**88-527. Warehouse operator; warehouses; warehouseman; license required; inspection; commission; powers and duties; fees; agreements with bordering states.**

(1) No person shall act as a warehouse operator 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 twelve months.

(2) If the commission determines that additional examinations are necessary after a regular examination is completed at a warehouse, the commission may charge such warehouse for the cost of the additional examinations according to the commission's fee schedule. Warehouses shall only be charged if such examinations are for reasons of irregularities from the previous examination or if financial conditions warrant additional examinations.

(3) 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.

(4) The commission may charge for inspections conducted at the request of a warehouse licensee.

(5) 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 remitted to the State Treasurer for credit to the Nebraska Grain Warehouse Surveillance Cash Fund.

(6) 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 warehouse operator which operates facilities in such states. The commission shall assume all jurisdiction over any warehouse operator headquartered in Nebraska regarding his or her warehouse activity. A warehouse operator 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.

## **88-528.01. Criminal history record information check; fingerprinting; when.**

For each application filed under section 88-528, one of the following primary parties shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol: (1) If the applicant is not an individual, the chief executive officer, president, or general manager; or (2) if the applicant is an individual, the individual. If a primary party has been subject to a check of his or her criminal history record information pursuant to another law, the commission may waive such requirement under this section. A primary party shall furnish to the Nebraska State Patrol a full set of fingerprints to enable a criminal background investigation to be conducted. The primary party shall request that the Nebraska State Patrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The primary party shall pay the actual cost, if any, of the fingerprinting and check of his or her criminal history record information. The primary party shall authorize release of the national criminal history record check to the commission. The criminal history record information check shall be completed within ninety days after the date the application for a license is received in the commission's office, and if not, the application shall be returned to the applicant. The commission shall deny a warehouse license to any applicant whose primary party has been convicted of a felony financial crime.

**Source:** Laws 2003, LB 735, § 11; Laws 2005, LB 52, § 5; Laws 2024, LB262, § 44.

**Operative Date:** July 19, 2024



## **88-530. Financial requirements; security; requirements; liability of surety.**

Each applicant shall show sufficient net worth or stockholders' equity to conform with the financial requirements which the commission shall establish by the adoption and promulgation of rules and regulations. Applicants shall file with the commission security in the form of a bond, a certificate of deposit, an irrevocable letter of credit, United States bonds or treasury notes, or other public debt obligations of the United States which are unconditionally guaranteed as to both principal and interest by the United States in such sum as the commission may require and in the form and of the kind prescribed by the commission. The security shall be in an amount set by the commission pursuant to rules and regulations, but shall not be less than twenty-five thousand dollars. The security shall run to the State of Nebraska for the benefit of each person who stores grain in such warehouse and of each person who, not more than five business days prior to the cutoff date of operation of the warehouse, owned and sold grain stored in the warehouse and had not received payment from the warehouse licensee for such grain, but shall not include grain sold by signed contract or priced scale ticket. The cutoff date of operation of the warehouse shall be the date the commission officially closes the warehouse. The security shall be conditioned upon (1) the warehouse licensee carrying combustion, fire, lightning, and tornado insurance sufficient to cover loss upon all stored grain in such warehouse, (2) the delivery of the grain upon surrender of the warehouse receipt, and (3) the faithful performance by the warehouse licensee of all provisions of law relating to the storage of grain by such warehouse licensee and rules and regulations adopted and promulgated by the commission. The commission may require increases in the amount of the security from time to time as it may deem necessary for the protection of the storers. For an applicant who has filed a reviewed fiscal year-end financial statement pursuant to section 88-528, the commission shall require additional security in an amount set by the commission pursuant to rules and regulations, which shall not be less than twenty-five thousand dollars and not more than one million dollars. The surety on a bond shall be a surety company licensed by the Department of Insurance. An irrevocable letter of credit or certificate of deposit shall be issued by a federally insured depository institution.

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

**Source:** Laws 1987, LB 164, § 6; Laws 1989, LB 78, § 29; Laws 2003, LB 735, § 12; Laws 2016, LB730, § 1; Laws 2024, LB262, § 45.

**Operative Date:** July 19, 2024

**Annotations**

Issuance of a check does not occur when the sale of grain occurs or the date the check was written. Instead, issuance is the date that a check is first delivered by the maker or drawer. In re Claims Against Pierce Elevator, 291 Neb. 798, 868 N.W.2d 781 (2015).

The operative date for check holder claims is the date the check was issued. In re Claims Against Pierce Elevator, 291 Neb. 798, 868 N.W.2d 781 (2015).

The warehouse bond and the dealer bond cannot be combined, because the activity covered by each bond is unique and the requirements for bond protection under each bond are different. In re Claims Against Pierce Elevator, 291 Neb. 798, 868 N.W.2d 781 (2015).



## **88-541. Schedule of storage rates and charges; requirements.**

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

(2) A warehouse licensee may increase or decrease such rates and charges by (a) filing notice of such change of rates and charges with the commission and also sending such notice to all grain owners of record not less than thirty days prior to such change of rates and charges and (b) posting notice of such change of rates and charges on signage issued by the commission in a conspicuous place at the warehouse licensee's warehouse. The new rates and charges shall be charged on all grain in storage at the time of, and all grain received for storage after, the effective date of the change of rates and charges.

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

**Source:** Laws 1987, LB 164, § 17; Laws 2024, LB262, § 46.

**Operative Date:** July 19, 2024

**88-549. Warehouse; notice to person storing grain; restriction on storage rates and charges; violation; penalty.**

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

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

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

**Source:** Laws 1987, LB 164, § 25; Laws 1992, LB 366, § 65; Laws 2024, LB262, § 47.

**Operative Date: July 19, 2024**