

LEGISLATIVE BILL 636

Approved by the Governor April 17, 1978

Introduced by Agriculture and Environment Committee,
Schmit, 23, Chmn.; Burrows, 30; Hefner, 19; R.
Maresh, 32; Kahle, 37; Venditte, 7

AN ACT relating to weights and measures; to provide for inspection and testing of grain moisture measuring devices; to provide duties of the Public Service Commission; and to provide penalties.

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

Section 1. The Public Service Commission, grain warehouse department, shall enforce the provisions of this act. It shall make or cause to be made all inspections and may establish tolerances and specifications for grain moisture measuring devices similar to the tolerances and specifications recommended or used by the grain branch of the United States Department of Agriculture, which shall have for their object the establishment of more accurate grain moisture measuring in the State of Nebraska. The Public Service Commission may charge a fee to cover the cost of inspecting grain moisture measuring devices.

Sec. 2. The supervisor of the grain warehouse department of the Public Service Commission, or his or her inspectors, shall inspect, make comparative tests of, and ascertain if correct, every grain moisture measuring device used or employed in this state by any proprietor, agent or lessee or employee in proving or ascertaining the moisture of grain offered for sale, sold, purchased or in the process of being purchased. Such inspector shall use as a standard for making such comparative tests a grain moisture measuring device meeting the tolerances and specifications established pursuant to section 1 of this act.

Sec. 3. Whenever the supervisor of the grain warehouse department of the Public Service Commission, or his or her inspectors, compares grain moisture tests of the device being tested with the standard grain moisture measuring device and finds that they correspond or causes them to correspond with the standard, the supervisor, or his or her inspectors, shall seal or mark such grain moisture measuring testing device with appropriate seals or works. Any such grain moisture measuring testing device which upon such inspection shall be found to be

defective shall be sealed or marked with an appropriate seal indicating such device to be defective and the owner or user of such device shall be notified in writing on the date of such inspection of such defective condition by the supervisor of the grain warehouse department, or his or her inspectors.

Sec. 4. Commencing September 1, 1979, any person who, by himself or by his agent or as agent of another person, shall use in buying or selling grain any grain moisture measuring device which has not been tested and approved for use by the supervisor of the grain warehouse department of the Public Service Commission or his or her inspectors shall be guilty of a Class IIIA misdemeanor, except that the use of a newly-purchased grain moisture measuring device in the buying or selling of grain prior to regular inspection and approval shall not be considered a misdemeanor if the user of such device has given notice to the supervisor of the grain warehouse department of the Public Service Commission of the purchase and intended use of such new device. Such notice shall be given by either certified or registered mail not later than ten days prior to the date of such intended use.

Sec. 5. A person who violates this act shall be guilty of a Class IIIA misdemeanor and, if a public employee, such person shall be subject to dismissal.