MADAM PRESIDENT:

The Senate Committee on Agriculture, to which was referred House Bill No. 1237, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1. Page 3, line 14, after "processing" delete "," and insert "or".
2. Page 3, line 14, after "sweet corn" delete "," and insert ".".
3. Page 3, line 14, strike "or flint corn.".
4. Page 4, line 12, delete "(23)"Licensee"" and insert "(23)"Licensee"".
5. Page 6, line 17, delete "December" and insert "August".
6. Page 8, line 41, delete "statutory" and insert "registered".
7. Page 9, line 2, delete "statutory" and insert "registered".
8. Page 9, line 3, delete "statutory" and insert "registered".
9. Page 9, line 8, delete "statutory" and insert "registered".
10. Page 9, line 16, delete "statutory" and insert "registered".
11. Page 9, line 15, delete "statutory" and insert "registered".
12. Page 9, line 16, delete "statutory" and insert "registered".
13. Page 9, line 17, delete "statutory" and insert "registered".
14. Page 9, line 17, after "dies" insert "or is incapacitated".
15. Page 9, line 18, after "death" insert "or incapacity".
16. Page 9, line 19, after "death" insert "or incapacity".
17. Page 9, line 20, delete "statutory" and insert "registered".
Page 9, line 22, delete "statutory" and insert "registered".

Page 9, line 23, delete "statutory" and insert "registered".

Page 9, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 5. IC 26-3-7-6.5, AS AMENDED BY P.L.60-2015,
SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) The names, locations, respective counties, and license status of licensees may be disclosed.

(b) Unless in accordance with a judicial order, the director, the agency, its counsel, auditors, or its other employees or agents shall not divulge any other information disclosed by the applications or reports filed or inspections performed under the provisions of this chapter. However, information may be divulged to agents and employees of the agency, the board, as required by subsection (d), the state board of accounts or another entity retained under subsection (f), or to any other legal representative of the state or federal government otherwise empowered to see or review the information.

(c) Except as provided in subsection (d), the director may disclose the information described in subsection (b) only in the form of an information summary or profile, or statistical study based upon data provided with respect to more than one (1) warehouse, grain buyer, or buyer-warehouse that does not identify the warehouse, grain buyer, or buyer-warehouse to which the information applies.

(d) The director shall disclose to the board, while the board is in executive session, the status and inspection results of any licensee who poses a significant risk of failure or who has failed to meet the minimum requirements in section 4(e) or 16 of this chapter on two (2) consecutive audits. The director may not include any identifying information regarding the licensee. The director may not disclose the information to a board member who has not executed a confidentiality agreement presented by the agency.

(e) The director shall provide the board with records of previous failures to analyze the factors that have led to previous failures.

(f) The director may use the services of the state board of accounts or retain another entity to assist the agency in investigating any audit results or other factors which indicate the potential for a licensee failure. The director may seek the advice
and guidance of the board on selecting an entity or on any other matter.

Page 10, delete lines 1 through 10.
Page 11, line 25, delete "the subject of litigation or was".
Page 11, line 27, after "of the" insert "claims".
Page 11, line 29, delete "not later" and insert "not more".
Page 13, line 13, delete "licensee," and insert "licensee or claimant subject to".
Page 13, line 13, delete "claimant, or person".
Page 13, line 14, delete "aggrieved by".
Page 13, line 17, delete "party" and insert "licensee or claimant".
Page 13, line 20, delete "party" and insert "licensee or claimant".
Page 14, line 5, delete ";".
Page 14, line 6, delete "(1)".
Page 14, line 6, delete "claim; or" and insert "claim.".
Page 14, run in lines 5 through 6.
Page 14, delete lines 7 through 9.
Page 17, line 41, delete "(a) As used in this section, "claim".
Page 17, line 42, delete "period" means the period beginning October 7, 2014, and ending".
Page 18, delete line 1.
Page 18, line 2, delete "(b)" and insert "(a)".
Page 18, line 4, delete "within the claim period" and insert "beginning October 8, 2014, and ending April 8, 2015.".
Page 18, line 7, delete "for the" and insert ";".
Page 18, line 8, delete "claim period.".
Page 18, line 9, delete "(c)" and insert "(b)".
Page 18, line 12, delete "October 7, 2014," and insert "October 8, 2014, and ending April 8, 2016.".
Page 18, delete line 13.
Page 18, line 14, delete "(d)" and insert "(c)".
Page 18, line 20, delete "(e)" and insert "(d)".
Page 18, line 25, delete "(f)" and insert "(e)".
Page 18, line 29, delete "(d)" and insert "(c)".
Page 18, line 30, delete "(g)" and insert "(f)".
Page 18, line 37, after "processing" delete "," and insert "or".
Page 18, line 37, after "sweet corn" delete "," and insert ".".
Page 18, line 37, strike "or flint corn.".
Page 19, line 3, after "requested" insert "and received".
Page 19, delete lines 11 through 20, begin a new paragraph and insert:
"SECTION 16. IC 26-4-4-2, AS AMENDED BY P.L.60-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The administrative expense account is created within the fund.

(b) The expenses of administering the fund and paying administrative expenses must be paid from money in the administrative expense account.

(c) The board may transfer annually not more than two hundred fifty thousand dollars ($250,000) from the fund to the administrative expense account.

(d) Administrative expenses under this section may include:

(1) processing refunds;
(2) enforcement of the fund;
(3) record keeping in relation to the fund;
(4) the ordinary management and investment fees connected with the operation of the fund; and
(5) legal fees and legal expenses in actions brought against the corporation or board and that have been approved by the board;

(6) the use of supplemental consulting services.

(e) The agency may not use money in the administrative expense account for expenses other than the expenses described in subsection (d)."

Page 20, delete lines 38 through 42, begin a new paragraph and insert:
"(c) A producer who reenters the grain indemnity program may not make a claim on the fund that arises from a failure that occurs before the producer meets the requirements for reentry described in subsection (a)."

Page 21, line 4, after "available" insert "electronically".
Page 21, line 5, after "producers" insert ",".
Page 21, line 5, delete "both electronically and through".
Page 21, line 5, after "grain buyers" insert ",".
Page 21, line 13, delete "to" and insert "a producer may".
Page 21, line 13, delete "who has requested a" and insert "the producer's status in the program.”.
Page 21, line 14, delete "refund and who is no longer covered by the program.”.

(Reference is to HB 1237 as reprinted February 17, 2017.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

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