

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1128 be amended to read as follows:

- 1 Page 6, between lines 17 and 18, begin a new paragraph and insert:
- 2 "SECTION 7. IC 15-15-12-27, AS ADDED BY P.L.2-2008,
- 3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2012]: Sec. 27. (a) The council shall do the following:
- 5 (1) Elect a president, vice president, secretary, treasurer, and other
- 6 officers the council considers necessary.
- 7 (2) Employ personnel and contract for services that are necessary
- 8 for the proper implementation of this chapter.
- 9 (3) Bond the treasurer and such other persons as necessary to
- 10 ensure adequate protection of funds received and administered by
- 11 the council.
- 12 (4) Authorize the expenditure of funds and the contracting of
- 13 expenditures to conduct proper activities under this chapter.
- 14 (5) Annually establish priorities and prepare and approve a budget
- 15 consistent with the estimated resources of the council and the
- 16 scope of this chapter.
- 17 (6) Annually publish an activities report and audit and, **before**
- 18 **January 31**, present the report and audit to the director, the dean
- 19 of agriculture, **the members of the standing committees of the**
- 20 **house of representatives and the senate concerned with**
- 21 **agriculture**, and the legislative council. The report and audit
- 22 must be:
- 23 (A) sent to the legislative council in an electronic format under
- 24 IC 5-14-6; and

- 1 (B) available on the council's Internet web site.
- 2 (7) Procure and evaluate data and information necessary for the
- 3 proper implementation of this chapter.
- 4 (8) Formulate and execute assessment procedures and methods of
- 5 collection.
- 6 (9) Receive and investigate, or cause to be investigated,
- 7 complaints and violations of this chapter and take necessary
- 8 action within the council's authority.
- 9 (10) Adopt bylaws and operating procedures governing operations
- 10 of the council.
- 11 (11) Keep accurate accounts of all receipts and disbursements of
- 12 funds handled by the council and have the receipts and
- 13 disbursements audited annually by a certified public accountant.
- 14 (12) Establish and maintain an Internet web site.
- 15 (13) Take any other action necessary for the proper
- 16 implementation of this chapter.
- 17 (b) A majority of the voting members of the council constitutes a
- 18 quorum. The affirmative votes of at least a majority of the quorum, and
- 19 at least nine (9) affirmative votes, are required for the council to take
- 20 action."
- 21 Page 10, after line 2, begin a new paragraph and insert:
- 22 "SECTION 13. IC 15-15-12-38, AS ADDED BY P.L.2-2008,
- 23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2012]: Sec. 38. (a) For the marketing year beginning October
- 25 1, 2009, if at least twenty-five percent (25%) of the assessment is
- 26 refunded during the marketing year, the council shall:
- 27 (1) cease collecting the assessment on January 1 of the
- 28 subsequent year;
- 29 (2) maintain a sufficient amount of money to pay any refunds
- 30 requested by producers; and
- 31 (3) request that the legislative council have legislation prepared
- 32 to repeal the corn market law.
- 33 (b) If for the marketing year beginning October 1, 2009, less than
- 34 twenty-five percent (25%) of the assessments are refunded, the council
- 35 shall review the refunds for each year beginning with the marketing
- 36 year beginning October 1, 2010. If refunds exceed twenty-five percent
- 37 (25%) in two (2) consecutive marketing years, the council shall:
- 38 (1) cease collecting the assessment on January 1 of the
- 39 subsequent year;
- 40 (2) maintain a sufficient amount of money to pay any refunds
- 41 requested by producers; and
- 42 (3) request that the legislative council have legislation prepared
- 43 to repeal the corn market law.
- 44 (c) The dean of agriculture and the council shall report to the
- 45 legislative council **and the members of the standing committees of**
- 46 **the house of representatives and the senate concerned with**

- 1 **agriculture** the amounts collected and refunded. The report to the
- 2 legislative council must be in an electronic format under IC 5-14-6.".
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1128 as printed January 23, 2012.)

Representative Grubb