



AGRIBUSINESS COUNCIL OF INDIANA NEWSLETTER

Promoting Agribusiness Policy in Indiana

February 24, 2017

Legislative Developments From the Indiana Statehouse

HB 1494- Regulation of confined feeding operations

HB 1494, authored by Representative Wolkins, was heard this week and amended on Second Reading. As amended, the bill clarifies when a permit, permit amendment or facility change is needed. Any expansion in manure capacity would require a new permit or a permit amendment. A permit is required for new manure facility construction or a change to a manure storage facility that would increase manure storage capacity by 10% or more. This will allow farmers to make minor modifications, such as switching out mature pit fans, without requiring a new permit. The amended bill can be found [here](#). HB 1494 will be eligible for Third Reading on Monday, February 27.

HB 1447- Transportation of agricultural commodities

House Bill 1447 was presented by Representative Friend for its Third Reading. The bill would expand the definition of an “overweight divisible load” to include lumber goods as well as agricultural commodities. Further, this bill would shift liability away from employees who transport overweight cargo, as the Bureau of Motor Vehicles can no longer assign points against these drivers for vehicle size and weight infractions.

HB 1237- Grain Buyers and Warehouse Licensing

House Bill 1237 saw its Third Reading this week, where it passed by a vote 97-0. It has been referred to the Senate for further review, and its sponsor will be Senator Leising. These are some of the highlights for the bill:

- Amends notice that is required on contracts for the purchase of grain from producers;
- Allows the director of the agency to issue subpoenas and order to compel production of records;
- Requires the director to provide certain information to the grain indemnity board
- Specifies that producers who have not requested a refund from the program after June are participants in the grain indemnity program;
- Changes the future coverage period from 12 months to 15 months; and,
- Requires the grain indemnity board to develop certain educational information for producers.

ACI is pleased that the onerous provisions that required notice to a customer when coverage expired, and distribution of educational materials by grain buyers is not contained in this bill.

SB 476- Grain Buyers and Warehouse Licensing

Senate Bill 476 has passed out of the Senate on Third Reading, by a vote 49-0. The bill will now be referred to the House for further consideration. The House sponsors will be Representatives Baird and Lehe. These are some highlights for the bill:

- Specifies that a lien against a licensee terminates the earlier of:
 - 1) when the licensee discharges the claim; or,
 - 2) 15 months after the delivery of grain to a first purchaser for sale or storage under a bailment;
- Requires the director to consider claims due depositors for the six month period before April 8, 2015, as a result of a licensee's failure before April 8, 2016; and,
- Amends the coverage period for delivered grain.

ACI is still uncomfortable with provisions providing for retroactive coverage, however we believe that impact has been mitigated to the last failure only. ACI will continue to monitor this bill for further changes as it moves through the House.

Note:

ACI encourages its members to call their legislators regarding these two grain bills. Members will want to emphasize two items:

- Both bills ***should not*** require grain buyers to deliver educational brochures upon contract execution; and,
- Grain buyers ***should not*** have the duty to disclose to customers when grain coverage has expired.

The House legislators can be found by calling (800) 382-9842.

The Senate legislators can be found by calling (800) 382-9467.

Three Bills You Should Know About:

HB 1234- Storage of Agricultural Ammonia

Provides for the regulation by the state chemist of farmer-owned facilities that store ammonia or ammonia solutions

SB 90- Doing Business or Marketing as a Cooperative

Provides that it is unlawful for a business entity that is not a cooperative or mutual entity to use the term "cooperative" or "co-op" in its business name if it is misleading, or advertise to its customers that it is a cooperative

SB 421- Above Ground Storage Tanks

Repeals the law requiring owners of certain above ground storage tanks to register their tanks with the Indiana Department of Environmental Management

Updated Key Dates for the 2017 General Assembly:

House

February 21- Committee Report Deadline

February 23- Second Reading Deadline

February 27- Third Reading Deadline

April 3- Referred Senate Bill's Committee Report Deadline

April 5- Referred Senate Bill's Second Reading Deadline

April 6- Referred Senate Bill's Third Reading Deadline

April 21- Anticipated Sine Die

Senate

February 23- Committee Report Deadline Feb 23

February 27- Second Reading Deadline Feb 27

February 28- Third Reading Deadline Feb 28

April 3- Referred House Bill's Committee Report Deadline

April 5- Referred House Bill's Second Reading Deadline

April 6- Referred House Bill's Third Reading Deadline

April 21- Anticipated Sine Die

Bill & Calendar Information

To review all bills ACI is tracking, click here: [Link](#).

To read the full text of this session's bills, click here: [Link](#).

Full calendars can be found at the following links: [House Calendar](#) & [Senate Calendar](#).

ACI Monthly Policy Calls

Please join our ACI Monthly Policy Call this Friday, March 3 at 2:00 p.m.

Dial In: 1.888.872.3603

Pass Code: 3172365981

Please direct any questions, comments, or edits of the Bill Track Report to Mark Shublak at (317)-236-5981; mark.shublak@icemiller.com or Lesa Dietrick at (317)-236-2252; lesa.dietrick@icemiller.com.