

(2) The Department shall place in the Indemnification Administration Fund each year an amount not less than 2 percent of the total amount of the assessment received in that year and not more than \$5,000.]

[13-105.

(a) The grain producer may present a claim to the Department when:

(1) The grain producer has incurred a loss on grain which has been delivered to a grain buyer;

(2) The grain producer has demanded payment for the loss from the grain buyer; and

(3) No payment has been forthcoming within 10 days after the demand.

(b) To verify his claim, the grain producer shall present a receipt and any additional evidence of loss that the Department might deem necessary.]

[13-106.

(a) No payments may be made from the Fund until the amount contained in the Fund exceeds \$250,000.

(b) (1) All claim payments will be made by the Department from the Fund on February 1 following the date of claim. The price per bushel of grain shall be established on the day of the loss and shall be for the full market value on that day.

(2) If there are insufficient funds to cover all claims for a certain year, payments shall be made on a pro rata basis up to 80 percent of the total loss of each grain producer. If payment is not received in the amount of 80 percent of total loss for a certain year, then such additional amounts shall be paid as funds become available in succeeding years until repayment of 80 percent of total loss is attained. If at any time a producer receives payment totaling more than 80 percent of total loss, such excess payment shall immediately be returned to the Fund.

(3) Upon final payment of a claim to a grain producer from the Fund, the grain producer shall subrogate his interest, if any, to the Department in a cause of action against any and all parties to the amount of the loss that the grain producer was reimbursed by the Indemnity Fund.]

[13-107.

(a) (1) The grain buyer shall file a report with the Department specifying the amount of grain received during the period covered by the report and the amount of the assessment based thereon. The time the report is due is as follows: