**South Carolina General Assembly**

124th Session, 2021-2022

**A97, R24, S698**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Peeler, Climer, Hutto, Williams, Talley, Leatherman, K. Johnson, Sabb, McElveen, Setzler, Alexander, Goldfinch, Gambrell, Grooms, Cromer, Shealy, Davis, Young, Rice, Stephens and Campsen

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Introduced in the Senate on March 24, 2021

Introduced in the House on April 6, 2021

Passed by the General Assembly on April 8, 2021

Governor's Action: April 16, 2021, Signed

Summary: Cotton Producer Claims

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/24/2021 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj\20210324.docx))

3/24/2021 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 5](file:///h:\sj\20210324.docx))

3/24/2021 Senate Recalled from Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 3](file:///h:\sj\20210324.docx))

3/25/2021 Senate Read second time ([Senate Journal‑page 29](file:///h:\sj\20210325.docx))

3/25/2021 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 29](file:///h:\sj\20210325.docx))

3/25/2021 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 29](file:///h:\sj\20210325.docx))

3/26/2021 Senate Read third time and sent to House ([Senate Journal‑page 13](file:///h:\sj\20210326.docx))

4/6/2021 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 131](file:///h:\hj\20210406.docx))

4/7/2021 House Read second time ([House Journal‑page 25](file:///h:\hj\20210407.docx))

4/7/2021 House Roll call Yeas‑110 Nays‑0 ([House Journal‑page 26](file:///h:\hj\20210407.docx))

4/8/2021 House Read third time and enrolled ([House Journal‑page 7](file:///h:\hj\20210408.docx))

4/15/2021 Ratified R 24

4/16/2021 Signed By Governor

4/21/2021 Effective date 04/16/21

7/2/2021 Act No.  97

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=698&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/24/2021](file:///p:\pprever\2021-22\698_20210324.docx)

[3/24/2021-A](file:///p:\pprever\2021-22\698_20210324A.docx)

[4/6/2021](file:///p:\pprever\2021-22\698_20210406.docx)

(A97, R24, S698)

**A JOINT RESOLUTION TO AUTHORIZE THE USE OF CERTAIN FUNDS FROM THE WAREHOUSE RECEIPTS GUARANTY FUND TO PAY CERTAIN COTTON PRODUCER CLAIMS, TO PROVIDE THAT THE COTTON PRODUCER SHALL SUBROGATE HIS INTEREST IN A CAUSE OF ACTION, AND TO PROVIDE FOR THE RETURN OF CERTAIN FUNDS TO THE WAREHOUSE RECEIPTS GUARANTY FUND.**

Be it resolved by the General Assembly of the State of South Carolina:

**Warehouse receipts guaranty fund, cotton producer claims**

SECTION 1. (A) For the purposes of this joint resolution:

(1) “Debtor” means the gin located in Clarendon County with a date of loss, as set by the department, of March 17, 2021.

(2) “Department” means the Department of Agriculture.

(3) “Loss” means any monetary loss of a debtor over and beyond the amount protected by the debtor’s bond and over and beyond the amount, if any, previously received for the monetary loss from the South Carolina Grain Producers Guaranty Fund or the Warehouse Receipts Guaranty Fund as a result of doing business with the debtor.

(B) The funds in the Warehouse Receipts Guaranty Fund derived from all interest and investment revenue must be used to pay cotton producer claims for loss until the balance is depleted to three million dollars or all cotton producer loss claims are paid in full, whichever occurs first.

(C)(1) A cotton producer claim must be filed within ninety days of the effective date of this resolution. Failure to file a timely claim shall bar a cotton producer from recovering pursuant to this resolution.

(2) Cotton producer claims for loss must be paid in the order in which they are verified and approved by the department.

(3) If the interest and investment portion of the Warehouse Receipts Guaranty Fund is insufficient to cover all cotton producer claims, payments must be made on a pro rata basis up to one hundred percent of the total loss of each cotton producer claim.

(4) If a cotton producer receives payment for more than one hundred percent of a total loss at any time he shall return the excess to the Warehouse Receipts Guaranty Fund.

(D) The cotton producer shall subrogate any interest in a cause of action against all parties related to the claim to the department upon approval of a claim but before payment is made to the cotton producer. An independent law firm may be hired and paid by the Warehouse Receipts Guaranty Fund for the purpose of collecting losses by the department. Any income, interest, or funds otherwise derived from the department’s action against parties relating to the claims must be reinvested into the Warehouse Receipts Guaranty Fund.

**Time effective**

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

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