Session 114 - (2001-2002)

H*4944 (Rat #0432, Act #0340 of 2002) General Bill, By Sharpe

Summary: Agriculture; provisions regarding fertilizer permits; operation of agricultural facilities; farm trucks; grain dealers' licenses; operation of animal facilities, animal waste management, and liability for pollution of stream water

A BILL TO AMEND SECTION 46-25-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS ASSOCIATED WITH FERTILIZERS, BY ADDING A DEFINITION OF "RESTRICTED FERTILIZER"; TO AMEND SECTION 46-25-210, AS AMENDED, RELATING TO REGISTRATION OF FERTILIZER, SO AS TO PROVIDE FOR FERTILIZER DISTRIBUTOR PERMITS, TO PROVIDE FOR GENERAL AND RESTRICTED FERTILIZER PERMITS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; AND TO AMEND SECTION 46-25-1170, RELATING TO CIVIL PENALTIES IN ADDITION TO OTHER PENALTIES, SO AS TO INCLUDE THE DENIAL, REVOCATION, OR MODIFICATION OF CERTAIN PERMITS WITHIN THE SECTION; TO AMEND SECTION 46-25-810, AS AMENDED, RELATING TO INSPECTION TAX AND TONNAGE REPORTS ON FERTILIZER, SO AS TO PROVIDE THAT REGISTRANTS OR GUARANTORS WHO DISTRIBUTE OR SELL COMMERCIAL FERTILIZER IN SOUTH CAROLINA SHALL PAY INSPECTION TAX TO THE DIVISION RATHER THAN THE STATE TREASURER; TO AMEND CHAPTER 45, TITLE 46, RELATING TO NUISANCE SUITS ARISING FROM AGRICULTURAL OPERATIONS, BY ADDING SECTION 46-45-70 SO AS TO PROVIDE, THAT NO ESTABLISHED AGRICULTURAL FACILITY OR AGRICULTURAL OPERATION IS OR BECOMES A NUISANCE BY CHANGED CONDITIONS IN OR ABOUT THE FACILITY OR OPERATION; TO AMEND SECTION 56-3-670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO PROVIDE THAT "FARM TRUCK" INCLUDES A TRUCK TRANSPORTING FARM PROCESSED HORTICULTURAL PRODUCTS, INCLUDING SOIL AMENDMENTS AND MULCHES, OTHER THAN FIRST MARKET; TO AMEND SECTION 46-40-60, RELATING TO SCHEDULES FOR REMITTING ASSESSMENTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE MAY SUSPEND GRAIN DEALERS' LICENSES ON FAILURE TO TIMELY REMIT CERTAIN PAYMENTS; TO AMEND SECTION 46-41-130, RELATING TO PROCEDURES FOR REFUSAL, SUSPENSION, OR REVOCATION OF LICENSES, SO AS TO INCLUDE SUSPENSIONS OR REVOCATIONS OF GRAIN DEALERS' LICENSES FOR FAILURE TO PAY CERTAIN ASSESSMENTS WITHIN THE PROVISIONS OF THIS SECTION; TO AMEND CHAPTER 7, TITLE 46, RELATING TO CLEMSON UNIVERSITY, BY ADDING SECTION 46-7-100 SO AS TO PROVIDE THAT CLEMSON UNIVERSITY, IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SHALL CREATE A TRAINING AND CERTIFICATION PROGRAM FOR OWNERS OR OPERATORS OF CERTAIN ANIMAL FACILITIES, AND TO PROVIDE THAT OPERATORS OF ANIMAL FACILITIES AND WASTE UTILIZATION AREAS MUST BE TRAINED AND CERTIFIED ON THE OPERATION OF ANIMAL WASTE MANAGEMENT UNDER THE PROGRAM; TO AMEND SECTION 46-45-50, RELATING TO LIABILITY FOR POLLUTION AND FLOODING IN CERTAIN SUITS RELATED TO AGRICULTURAL OPERATIONS, SO AS TO PROVIDE THAT THE PROVISIONS OF SECTION 46-45-70 DO NOT AFFECT OR DEFEAT THE RIGHT OF A PERSON TO RECOVER DAMAGES FOR ANY INJURIES OR DAMAGES SUSTAINED BY HIM BECAUSE OF POLLUTION OF, OR CHANGE IN CONDITION OF, THE WATERS OF A STREAM OR BECAUSE OF AN OVERFLOW ON HIS LANDS; AND TO REPEAL SECTION 59-119-130 OF THE 1976 CODE.-amended title

03/20/02	**House**	**Introduced and read first time HJ-29**
03/20/02	**House**	**Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-29**
04/17/02	**House**	**Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs HJ-7**
04/18/02	**House**	**Amended HJ-57**
04/24/02	**House**	**Amended HJ-38**
04/24/02	**House**	**Read second time HJ-39**
04/25/02	**House**	**Read third time and sent to Senate HJ-10**
04/30/02	**Senate**	**Introduced and read first time SJ-10**
04/30/02	**Senate**	**Referred to Committee on Agriculture and Natural Resources SJ-10**
05/16/02	**Senate**	**Committee report: Favorable with amendment Agriculture and Natural Resources SJ-28**
05/21/02	**Senate**	**Amended SJ-20**
05/21/02	**Senate**	**Read second time SJ-20**
05/21/02	**Senate**	**Ordered to third reading with notice of amendments SJ-20**
05/22/02	**Senate**	**Amended SJ-33**
05/22/02	**Senate**	**Read third time and returned to House with amendments SJ-33**
05/29/02	**House**	**Concurred in Senate amendment and enrolled HJ-115**
06/04/02		**Ratified R 432**

07/03/02	**Signed By Governor**
07/25/02	**Effective date 6/30/02 See Act**
07/25/02	**Copies available**
08/06/02	**Act No. 340**