**South Carolina General Assembly**

125th Session, 2023-2024

**A32, R39, S603**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Climer

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Introduced in the Senate on March 7, 2023

Introduced in the House on March 30, 2023

Currently residing in the Senate

Governor's Action: May 16, 2023, Signed

Summary: Grain and Cotton Producers Guaranty Fund

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/7/2023 Senate Introduced and read first time ([Senate Journal‑page 6](h:\sj\20230307.docx))

3/7/2023 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 6](h:\sj\20230307.docx))

3/15/2023 Senate Committee report: Favorable **Agriculture and Natural Resources** ([Senate Journal‑page 20](h:\sj\20230315.docx))

3/16/2023 Scrivener's error corrected

3/28/2023 Senate Read second time ([Senate Journal‑page 70](h:\sj\20230328.docx))

3/28/2023 Senate Roll call Ayes-42 Nays-0 ([Senate Journal‑page 70](h:\sj\20230328.docx))

3/29/2023 Senate Read third time and sent to House ([Senate Journal‑page 27](h:\sj\20230329.docx))

3/30/2023 House Introduced and read first time ([House Journal‑page 25](h:\hj\20230330.docx))

3/30/2023 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 25](h:\hj\20230330.docx))

4/26/2023 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 7](h:\hj\20230426.docx))

5/2/2023 House Read second time ([House Journal‑page 29](h:\hj\20230502.docx))

5/2/2023 House Roll call Yeas-117 Nays-0 ([House Journal‑page 29](h:\hj\20230502.docx))

5/3/2023 House Read third time and enrolled ([House Journal‑page 21](h:\hj\20230503.docx))

5/11/2023 Ratified R 39

5/16/2023 Signed By Governor

5/25/2023 Effective date 05/16/23

5/25/2023 Act No. 32

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=603&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/603_20230307.docx)

[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/603_20230315.docx)

[03/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/603_20230316.docx)

[04/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/603_20230427.docx)

(A32, R39, S603)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46‑41‑230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND’S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER’S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; and BY AMENDING SECTION 46‑41‑250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

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

Insufficiency in fund

SECTION 1. Section 46‑41‑230(D) of the S.C. Code is amended to read:

(D) If there is an insufficient amount of money in the fund to cover all claims, payments must be made on a pro rata basis up to one hundred percent of the total loss of each producer. The pro rata determination shall be based upon the producer’s total loss amount as well as the total number of exemptions granted to the producer as set forth in Section 46‑41‑250. The more exemptions granted to a producer, the lower the share the producer will receive. Claims against the fund must be paid in the order in which they have been verified and approved.

Application for exemption

SECTION 2. Section 46‑41‑250(C) and (D) of the S.C. Code is amended to read:

(C) Upon filing of the application, the department must issue the applicant an exemption certificate specifying the producer, commodity exempted, and period of exemption. The certificate, when presented to the grain or cotton dealer upon delivery of the grain or cotton, entitles the specified producer to an exemption from the dealer's and handler's assessment on the specified commodity.

(D) When an exemption is granted under this section, the grain or cotton dealer must retain a copy of the exemption certificate for a period of no less than two years. Any producer who elects not to participate in the fund is not eligible to be reimbursed for any loss for the commodity exempted for that calendar year.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023.

Approved the 16th day of May, 2023.

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