



March 5, 2021

South Carolina State Legislative Weekly Update - February 26, 2021



The General Assembly returned to the Capitol this week for their eighth week of the legislative session to continue their work for the state.

Prohibition of Summer Oyster Harvesting

Senator Sandy Senn of Charleston County introduced [Senate Bill 629](#) relating to out-of-season harvest permits for shellfish mariculture. In summary, the bill ***prohibits the SC Department of Natural Resources from issuing any out-of-season harvesting permit to a Shellfish Mariculture permittee for the privilege of harvesting oysters out of season.***

No Trespassing

[House Bill 3291](#) that ***allows for a different method of posting notices of trespassing involving clearly visible purple-painted boundaries*** passed favorable out of subcommittee and now heads to full committee for consideration.

Asian Longhorned Beetle Regulation

Asian Longhorned Beetle Regulation - The House Regulations and Administrative Procedures Committee passed Clemson PSA proposed protective regulations that will ***define the quarantine area and process for containing and eradicating the Asian Longhorned Beetle***. Outreach and education efforts to inform the public about quarantines have already ensued and will continue. Additionally, any person, business, or entity regularly engaged in the possible movement of regulated articles, such as nurseries, landscapers, and arborists, will be contacted by the ALB program and entered into a compliance agreement which will indicate their understanding of the new regulation and provide them with direct contact to program officials.

Right-to-Repair Virtual Meeting

On Thursday, SC Farm Bureau hosted a **virtual Right-to-Repair** meeting where Farm Bureau members had the opportunity to interact with legislators and equipment representatives related to challenges with equipment repair. [House Bill 3500](#), sponsored by Representative Paula Calhoun of Lexington County is a bill that ***focuses on requiring farm equipment manufacturers make diagnostic and repair documentation available to independent repair providers or owners under certain circumstances***.

Illegal Transportation of Feral Hogs

The **Feral Hog Transportation Bill**, [House Bill 3539](#), is scheduled to be heard in Senate Agriculture and Natural Resources subcommittee next week. Feral hogs are responsible for \$115 million in damage statewide each year and have been a growing problem for farmers. The Feral Hog Transport Bill gives law enforcement the tools needed to identify and prosecute individuals illegally transporting feral hogs. While it is currently illegal in South Carolina to transport feral hogs, it is very difficult to prove hogs are wild. This legislation would require individuals to obtain proper identification of the animals to prove their origin. An amendment was adopted that created additional documents that can be used for identification of hogs during transportation. More information on this priority issue can be found [here](#).

Congressional Report

National News

WOTUS Update: This week, the Tenth Circuit Court of Appeals reinstated the Navigable Waters Protection Rule (NWPR) in Colorado, meaning that the NWPR is now

effective across the entire country. This means the new rule proposed by the Trump Administration that replaced WOTUS is the current law of the land.

Agricultural Labor: Reps. Zoe Lofgren (D-CA) and Dan Newhouse (R-WA) have reintroduced the Farm Workforce Modernization Act in the 117th Congress. AFBF's current position on this legislation is as follows: "AFBF acknowledges there are severe shortcomings in the Farm Workforce Modernization Act and reserves the right to continue to seek improvements to this legislation. The bill must be substantially modified to receive the support of AFBF."

Cattle Market Transparency Act: U.S. Senators Deb Fischer (R-Neb.), a member of the Senate Agriculture Committee, and Ron Wyden (D-Ore.) introduced the bipartisan *Cattle Market Transparency Act of 2021*. The legislation would restore transparency and accountability in the cattle market by establishing regional cash minimums and equipping producers with more market information. AFBF supports this bill.

The *Cattle Market Transparency Act of 2021* will:

1. Establish regional mandatory minimum thresholds of negotiated cash and negotiated grid trades to enable price discovery in cattle marketing regions. It will require the Secretary of Agriculture in consultation with the Chief Economist, to establish regionally sufficient levels of negotiated cash and negotiated grid trade, seek public comment on those levels, then implement.
2. Require USDA to create and maintain a publicly available library of marketing contracts between packers and producers in a manner that ensures confidentiality.
3. Prohibit the USDA from using confidentiality as a justification for not reporting and makes clear that USDA must report all LMR information, and they must do so in a manner that ensures confidentiality.
4. Mandate that a packer report to USDA the number of cattle scheduled to be delivered for slaughter each day for the next 14 days and require USDA to report this information on a daily basis.

Taxes: Farm Bureau is supporting new House and Senate legislation to make the 199A business deduction permanent. The Section 199A business income deduction, passed as part of the Tax Cuts and Jobs Act, allows pass through businesses to take a deduction worth 20 percent of their business income. Ninety-eight percent of farms and ranches are organized as pass through businesses. The 199A deduction is temporary

and expires at the end of 2025. If it is not made permanent, the result will be a huge increase in the taxes that farmers and ranchers pay and leave them without ways to deal with the cyclical and unpredictable nature of their businesses.

PPP Loans: Two bills have been introduced to make farm and ranch partnerships eligible for Paycheck Protection Program (PPP) Loans. The Small Business Administration has, however, been denying participation to self-employed Schedule F farmers and ranchers who are organized as partnerships or as a sole-owner LLC (Limited Liability Company). AFBF believes that Congress intended to include partnerships and LLCs and has been working with the members of Congress and with the House and Senate small business committees to pressure SBA to adjust their guidance.

SC Farm Bureau Government Relations

Here for our Members!

Our Government Relations team serves as the link between our members and government officials at the local, state and national level. We work with local officials, the state Legislature, the Governor's office, departments, agencies, congressional delegation and staff to promote Farm Bureau policy as set by our grassroots members.

With one united voice, GR staff and our members will continue to advocate for agriculture.

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**Plug In, Weigh In
Together we can make a difference**