

H. 3929

STATUS INFORMATION

General Bill

Sponsors: Reps. Hiott, Pitts, Kirby, Forrest, Yow, Sandifer, Atkinson, Hayes, Hixon, V.S. Moss and S. Rivers

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Introduced in the House on March 7, 2017

Currently residing in the House

Summary: Agricultural animal facilities

HISTORY OF LEGISLATIVE ACTIONS

Date Body Action Description with journal page number

3/7/2017 House Introduced and read first time ([House Journal-page 78](#))

3/7/2017 House Referred to Committee on **Agriculture, Natural Resources
and Environmental Affairs** ([House Journal-page 78](#))

3/30/2017 House Member(s) request name removed as sponsor: Toole

4/27/2017 House Committee report: Favorable with amendment **Agriculture,
Natural Resources and Environmental Affairs**
([House Journal-page 1](#))

5/2/2017 House Requests for debate-Rep(s). Hiott, B Newton, Clary,
Forrester, Toole, Hixon, Cogswell, Burns, GR Smith,
Brown, Martin, Elliott, JE Smith, Weeks, Anderson,
Davis, Cobb-Hunter, Kirby, Jefferson, Williams, Hill,
West, Ballentine, Spires, King, Huggins, Hewitt, Fry,
Hardee, Erickson, W Newton, Wheeler, Hart, Norrell,
Murphy, Chumley ([House Journal-page 46](#))

5/3/2017 House Member(s) request name added as sponsor: S.Rivers

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VERSIONS OF THIS BILL

[3/7/2017](#)

[4/27/2017](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

Indicates Matter Stricken

Indicates New Matter

COMMITTEE REPORT

April 27, 2017

H. 3929 Second Reading 5-5-17

Introduced by Reps. Hiott, Pitts, Kirby, Forrest, Yow, Sandifer, Atkinson, Hayes, Hixon and V.S. Moss

S. Printed 4/27/17--H.

Read the first time March 7, 2017.

THE COMMITTEE ON AGRICULTURE, NATURAL

To whom was referred a Bill (H. 3929) to amend the Code of Laws of South Carolina, 1976, by adding Section 44-1-65 so as to establish specific requirements for the review and appeal of decisions, etc., respectfully

REPORT:

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

"Section 44-1-65. (A) In making a staff decision on a permit, license, certification, or other approval of a poultry facility or another agricultural animal facility, except a swine facility, pursuant to Section 44-1-60(D), or if the department conducts a final review conference related to a decision on a permit, license, certification, or other approval of a poultry facility or another agricultural animal facility, except a swine facility, pursuant to Section 44-1-60(F), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other agricultural animal facilities, other than swine facilities.

(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another agricultural animal facility, other than a swine facility:

(1) in addition to an applicant, permittee, and licensee, only an affected person may request a final review conference pursuant to Section 44-1-60(F);

(2) only an affected person may request a contested case hearing pursuant to Section 44-1-60(G);

(3) in addition to an applicant, permittee, and licensee, only an affected person may become a party to a final review conference;

(4) only an affected person may become a party to a contested case hearing; and

(5) in addition to an applicant, permittee, and licensee, only an affected person is entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the South Carolina Administrative Procedures Act.

(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another agricultural animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the development or use of property after receipt of the application including, but not limited to, the construction of a residence.

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another agricultural animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, the affected person may not withdraw or rescind the waiver.

(D) An applicant, permittee, licensee, and an affected person who has exhausted all administrative remedies within the department relating to a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another agricultural animal facility, except a swine facility, and who is aggrieved by a final decision is entitled to appeal the decision pursuant to Section 1-23-380.

(E) For purposes of this section, 'affected person' means a property owner with standing within a one-mile radius of the proposed building footprint or permitted poultry facility or other agricultural animal facility, except a swine facility, who is challenging on its own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the permitting of poultry facilities and other agricultural animal facilities, other than swine facilities."

SECTION 2. Section 44-1-60(A) of the 1976 Code is amended to read:

"(A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case shall must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another agricultural animal facility, except a swine facility, also must comply with the provisions of Section 44-1-65."

SECTION 3. Section 46-45-80 of the 1976 Code is amended to read:

"Section 46-45-80. Any setback distances given in R. 61-43, Standards for Permitting of Agricultural Animal Facilities, are minimum siting requirements as established by the Department of Health and Environmental Control. As long as the established setbacks are achieved, the department may not require additional setback distances on a case-by- case basis considering the factors set forth in the regulation. Such distances from property lines or residences may be waived or reduced by written consent of the adjoining property owners, or otherwise without consent of the adjoining property owners, when there are innovative and alternative technologies approved by the department pursuant to the Innovative and Alternative Technologies Section of R. 61-43. All agricultural animal facilities affected by these setback provisions must have a vegetative buffer between the facility and the affected residence person as established by DHEC unless otherwise agreed to in writing by the adjoining landowners."

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

DAIRY LEGISLATION

April 2017

As the legislative session comes to an end, we find that a number of issues have been addressed but few have passed. The roads bill is in conference committee and is expected to be passed out more in line with the House version. As currently written, the bill provides for 12 cents increase in gas taxes over a number of years and adjust fees and the \$300. sales tax on the purchase of vehicles.

We will be reviewing the budget to make sure that issues impacting agriculture are minimized. Bill S.570, addresses the Clemson pesticide program but also adds some language to the section dealing with dairying, which revises language in current legislation.

The "A South Carolina Taste" was a huge success and had an excellent turnout from the House, Senate and the staffs of both bodies. Next year's taste is scheduled for Tuesday, April 3, 2018, assuming there are no furloughs or holidays taken by the legislature.

National Dairy letter is included in this communication. There are a number of questions related to trade agreements with Mexico and Canada which will become more focused in the coming months.

There is also an issue related to “What is Milk” because of all the solution variations currently being marketed as milk.

Kelly Smith
SC Dairy Assoc.
PO Box 1184
Irmo SC 29063
803.772.5354
kellysmith@as-irmo.com

Study Report

URBANA, Ill. — Researchers at the University of Illinois are using pigs as a model to study the best way of evaluating protein quality in foods eaten by children, a method that was proposed by the Food and Agriculture Organization of the United Nations in 2011.

“Plant proteins are the primary sources of amino acids in many parts of the world, whereas animal proteins are the primary sources in other parts of the world. However, the composition and digestibility of these types of proteins differ,” says Dr. Hans H. Stein, professor of animal sciences at U of I and principal investigator of this research.

Researchers in Stein’s lab conducted a study to calculate protein scores for eight sources of protein, derived from both plants and animals.

Protein scores compare the amount of digestible amino acids in a food with a “reference protein,” a theoretical protein which contains fully digestible amino acids in the proportions required for human nutrition at a particular stage of life.

The score which has been used for more than 20 years is the protein digestibility-corrected amino acid score, or PDCAAS. PDCAAS is calculated using the total tract digestibility of crude protein. However, this method has certain shortcomings.

“The total tract digestibility fails to take into account nitrogen excretion in the hindgut,” Stein said. “The PDCAAS also assumes that all amino acids in a foodstuff have the same digestibility as crude protein, but in reality, amino acid digestibility’s differ.”

These flaws led to the development of a new measure, called the digestible indispensable amino acid score. The DIAAS is calculated using ileal digestibility values, because all absorption of amino acids takes place in the small intestine. It also uses values calculated individually for each amino acid.

Stein and his team determined standardized ileal digestibility of crude protein and amino acids in eight sources of animal and plant protein: whey protein isolate, whey protein concentrate, milk protein concentrate, skimmed milk powder, pea protein concentrate, soy protein isolate, soy flour, and whole-grain wheat. They derived DIAAS scores from those ileal digestibility values. They also calculated

PDCAAS-like scores by applying the total tract digestibility of crude protein in the ingredients to all amino acids.

All dairy proteins tested in the study met Food and Agriculture Organization standards as “excellent/high”-quality sources of protein for people six months of age or older, with DIAAS values of 100 or greater. Soy protein isolate and soy flour qualified as “good” sources of protein, with a score between 75 and 100. With scores below 75, pea protein concentrate and wheat did not qualify to make recommendations regarding protein quality.

“Compared with DIAAS, PDCAAS calculations tended to underestimate the protein value of high quality protein sources, and overestimate the value of lower quality sources,” said Stein. “Thus, to better meet protein requirements of humans, especially for people consuming diets that are low or marginal in digestible amino acids, DIAAS values should be used to estimate protein quality of foods.”

Stein acknowledged certain limitations in the study. “The protein sources used in this experiment were fed raw, and foods processed as they typically are for human consumption might well have different protein values.” However, he said, it represents a step forward in determining protein quality.

Funding for the research was provided by National Dairy Council, the non-profit organization founded by America’s dairy farmers and funded by the national dairy checkoff program. The organization had no input into the experimental design or analysis.

“The results of this pilot study indicate that dairy proteins may be an even higher quality source of protein compared to vegetable-based protein sources than previously thought,” said Dr. Greg Miller, chief science officer at NDC. “While using DIAAS is a newer concept and more research will be needed, one thing rings true — milk proteins are high quality and milk as a beverage has protein plus eight other essential nutrients, which is especially important when it comes to kids, because they need quality nutrition to help support their growth and development.”

The paper, “Values for digestible indispensable amino acid scores for some dairy and plant proteins may better describe protein quality than values calculated using the concept for protein digestibility-corrected amino acid scores” was published in the February 2017 issue of the *British Journal of Nutrition*. The co-authors were John Mathai and Yanhong Liu of the University of Illinois.

— University of Illinois
via [EurekAlert!](#)

For more articles concerning dairy, [click here](#).

- See more at: https://www.morningagclips.com/dairy-an-excellent-source-of-protein/?utm_content=articles&utm_campaign=NLCampaign&utm_source=Newsletter&utm_term=newsletteredition&utm_medium=email#sthash.J8hplpMR.dpuf

AGRICULTURE Committee: FAVORABLE

S. 570 –

Senator Massey: A BILL TO AMEND SECTION 46-33-90 OF THE 1976 CODE, RELATING TO REGISTRATION REQUIREMENTS FOR THE SHIPMENT AND SALE OF TREES, PLANTS, AND SHRUBS, TO PROVIDE A NURSERY REGISTRATION FEE SCHEDULE AND A NURSERY DEALER REGISTRATION FEE SCHEDULE AND TO DEFINE NECESSARY TERMS; TO AMEND SECTION 46-9-90(A), RELATING TO PENALTIES FOR VIOLATING THE CHAPTER ON THE STATE CROP PEST COMMISSION, TO PROVIDE THAT A PERSON VIOLATING THE CHAPTER OR CHAPTERS ASSIGNED TO THE COMMISSION IS GUILTY OF A MISDEMEANOR; TO AMEND SECTION 46-10-100(A), RELATING TO BOLL WEEVIL ERADICATION, TO PROVIDE THAT A PERSON WHO VIOLATES SECTION 46-10-60 OR WHO ALTERS, FORGES, COUNTERFEITS, OR USES WITHOUT AUTHORITY A CERTIFICATE, PERMIT, OR OTHER DOCUMENT PROVIDED FOR IN THE CHAPTER IS GUILTY OF A MISDEMEANOR; TO AMEND SECTION 46-13-180(1), RELATING TO PENALTIES FOR VIOLATING THE PESTICIDE CONTROL ACT, TO PROVIDE THAT ANY PERSON WHO WILLFULLY VIOLATES THE PROVISIONS OF THE CHAPTER ON THE PESTICIDE CONTROL 3 ACT IS GUILTY OF A MISDEMEANOR; TO AMEND SECTION 46-15-100, RELATING TO AGRICULTURAL MARKETING GENERALLY, TO PROVIDE THAT ANY PERSON WHO VIOLATES PROVISIONS WITHIN THE BOUNDS OF ANY MARKET ESTABLISHED UNDER CHAPTER 15, TITLE 46 OR ARTICLE 1, CHAPTER 19, TITLE 46 IS GUILTY OF A MISDEMEANOR; TO AMEND SECTION 46-23-80, RELATING TO NOXIOUS WEEDS, TO PROVIDE THAT ANY PERSON WHO VIOLATES CHAPTER 23, TITLE 46 IS GUILTY OF A MISDEMEANOR; AND TO AMEND SECTION 46-49-70, RELATING TO THE SUPERVISION AND REGULATION OF MILK AND MILK PRODUCTS, TO PROVIDE THAT ANY PERSON VIOLATING CHAPTER 49, TITLE 46 IS GUILTY OF A MISDEMEANOR.

Referred to Committee on Ways and Means

[H. 3929](#) ([Word](#) version) -- Reps. Hiott, Pitts, Kirby, Toole, Forrest, Yow, Sandifer, Atkinson, Hayes, Hixon and V. S. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-65 SO AS TO ESTABLISH SPECIFIC REQUIREMENTS FOR THE REVIEW AND APPEAL OF DECISIONS BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) REGARDING THE PERMITTING OF CERTAIN AGRICULTURAL ANIMAL FACILITIES; TO AMEND SECTION 44-1-60, AS AMENDED, RELATING TO APPEALS FROM DHEC DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO REVISE AND CLARIFY PROCEDURES FOR REVIEWING PERMITS FOR CERTAIN AGRICULTURAL ANIMAL FACILITIES; TO AMEND SECTION 46-45-60, RELATING TO APPLICABILITY OR LOCAL ORDINANCES TO AGRICULTURAL OPERATIONS, SO AS TO CHANGE CERTAIN EXCEPTIONS; AND TO AMEND SECTION 46-45-80, RELATING TO SETBACK DISTANCES FOR CERTAIN AGRICULTURAL ANIMAL FACILITIES, SO AS TO PROHIBIT DHEC FROM REQUIRING ADDITIONAL SETBACK DISTANCES IF ESTABLISHED DISTANCES ARE ACHIEVED, TO PROHIBIT THE WAIVER OR REDUCTION OF SETBACK DISTANCES IF THEY ARE ACHIEVED, WITH EXCEPTIONS, WITHOUT WRITTEN CONSENT OF ADJOINING PROPERTY OWNERS, AND TO ALLOW DHEC TO REQUIRE CERTAIN BUFFERS.

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