**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3543**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J. Moore, Pendarvis, J.L. Johnson, Rivers, S. Williams and Garvin

Document Path: l:\council\bills\agm\19871cz21.docx

Introduced in the House on January 12, 2021

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Black Farmer Restoration Program

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2020 House Prefiled

12/16/2020 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

1/12/2021 House Introduced and read first time ([House Journal‑page 232](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 232](file:///h:\hj\20210112.docx))

1/13/2021 House Member(s) request name added as sponsor: J.L.Johnson

1/26/2021 House Member(s) request name added as sponsor: Rivers, S.Williams

3/22/2021 House Member(s) request name added as sponsor: Garvin

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3543&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/16/2020](file:///p:\pprever\2021-22\3543_20201216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 3, TITLE 46 ENTITLED THE “BLACK FARMER RESTORATION PROGRAM”, TO DIRECT THE DEPARTMENT OF AGRICULTURE TO ESTABLISH THE BLACK FARMER RESTORATION FUND TO PURCHASE FARMLAND ON THE OPEN MARKET AND GRANT IT TO ELIGIBLE INDIVIDUALS, TO ESTABLISH CERTAIN REQUIREMENTS AND LIMITATIONS FOR THE PROGRAM, TO ESTABLISH THE “FARM CONSERVATION CORPS” TO PROVIDE TRAINING IN AN ON‑FIELD ENVIRONMENT FOR SOCIALLY DISADVANTAGED RESIDENTS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 3, TITLE 46 AS ARTICLE 1 ENTITLED “GENERAL PROVISIONS”.

Whereas, despite fierce backlash, the new emancipated Black growers won a major share of the agricultural landscape after the Civil War and it was estimated that by the 1910s owned an estimated twenty million acres of land most of which was in the South; and

Whereas, since that time, racist machinations within the United States Department of Agriculture has reduced the number of Black farmers by ninety‑eight percent and the few remaining Black farms hold on to just ten percent of the acreage they had fought so hard to win; and

Whereas, the United States has previously granted massive land grants throughout the nation’s history. These land transfers generated wealth for beneficiaries and their heirs but effectively precluded Black Americans from participating. Additionally, the nearly complete wipeout of Black farmland ownership driven by racist federal and state policies represented a transfer of wealth worth three hundred billion dollars; and

Whereas, this legislation and the federal Justice for Black Farmers Act would seek to balance the scales of justice after decades of systemic racism by correcting the millions of acres of land lost within the Black farming community and encourage a resurgence of Black farmers. The General Assembly finds that the time to take action is long overdue and it must work diligently and competently to reverse the destructive forces unleashed upon Black farmers over the past century. Now, therefore,

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

SECTION 1. Chapter 3, Title 46 of the 1976 Code is amended by adding:

“Article 3

Black Farmer Restoration Program

Section 46‑3‑300. As used in this article:

(1) ‘Agricultural easement’ means a nonpossessory interest of a holder in real property imposing limitations on the use of the property strictly to agricultural purposes. An agricultural easement does not prevent a property owner from constructing, improving, or maintaining a primary residence or housing for farmworkers on the land.

(2) ‘Commissioner’ means the Commissioner of Agriculture.

(3) ‘Department’ means the South Carolina Department of Agriculture.

(4) ‘Eligible individual’ means a resident of this State who:

(a) was born in this State;

(b) is at least twenty‑one years of age;

(c) has previously identified as Black or African American; and

(d) has at least one parent of African ancestry.

(5) ‘Qualified entity’ means an organization:

(a) is or has a fiscal sponsor who is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986;

(b) with a minimum of three years of experience providing agricultural services, business assistance, legal assistance, or advocacy services to socially disadvantaged farmers; and

(c) in which at least half of the members of the organization’s board of directors are Black.

(6) ‘Socially disadvantaged farmer’ means a farmer who is a member of a socially disadvantaged group.

(7) ‘Socially disadvantaged group’ means a group of people whose members have been subject to racial or ethnic prejudice because of their identity as a member of a group without regard to their individual qualities.

(8) ‘Training’ means a program approved by the commissioner that:

(a) provides an eligible individual with the basic skills to operate a farm profitably with a primary focus on regenerating the soil, ecosystem, and local community;

(b) provides a course of study that is equivalent to no less than thirty academic credit hours of study, which may be provided as direct in‑field instruction;

(c) focuses on low capital‑intensive techniques and technologies; and

(d) studies local and regional food systems and the market opportunities those systems present.

Section 46‑3‑310. There is hereby created the Black Farmer Restoration Program within the South Carolina Department of Agriculture to support current Black farmers and to encourage the growth of Black farmers into the field of agriculture. There is established in the state treasury a separate and distinct fund known as the ‘Black Farmer Restoration Fund’. The fund shall consist of gifts, grants and donations, and mandatory legislative appropriations which must be made to support the program. Expenditures from the fund must be used exclusively to pay costs, fees, and expenses necessary to administer the program.

Section 46‑3‑320. (A) The department shall:

(1) purchase, from willing sellers, available agricultural land within this State at a price no greater than fair market value; and

(2) convey grants of the purchased land to eligible individuals at no cost to the eligible individual.

(B) A land grant to an eligible individual may not exceed one hundred acres.

(C)(1) An eligible individual seeking a land grant shall submit an application on a form and in a manner approved by the commissioner that must include a legal description of the eligible agricultural land.

(2) The commissioner shall give priority to applications to:

(a) socially disadvantaged farmers;

(b) eligible individuals with a family history of land dispossession;

(c) eligible individuals with experience in agriculture, including experience obtained through the provisions of this article; and

(d) eligible individuals who are veterans.

(3) The commissioner may grant an application submitted by a qualified entity on behalf of one or more eligible individuals seeking a land grant. An application submitted by a qualified entity for more than one hundred acres must include a proposal for how the land will be subdivided and separately conveyed to multiple eligible individuals.

(D)(1) The commissioner shall attach an agricultural easement to the land before it may be conveyed to the eligible individual or qualified entity.

(2) The recipient of the land grant may sell the land but the department has the right of first refusal to purchase the land at the appraised value of the land to convey to another eligible individual pursuant to the provisions of this article.

Section 46‑3‑330. (A) The department shall establish the ‘Farm Conservation Corps’ to provide residents between the ages of eighteen and twenty‑nine from socially disadvantaged groups the academic, vocational, and social skills necessary to pursue long‑term and productive careers in agriculture.

(B) The members of the Farm Conservation Corps shall serve as on‑farm apprentices, at no cost, to farms with an annual gross farm income of less than two hundred and fifty thousand dollars operated by:

(1) socially disadvantaged farmers;

(2) beginning farmers; or

(3) farmers operating certified organic farms as defined in Section 2103 of the Organic Foods Production Act.

Section 46‑3‑340. The department shall promulgate regulations to carry out the provisions of this article.”

SECTION 2. Sections 46‑3‑10 through 46‑3‑280 of the 1976 Code are designated as Article 1, Chapter 3, Title 46 entitled “General Provisions”. The Code Commissioner is directed to change references from “chapter” to “article” as appropriate to reflect the designated provisions.

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

‑‑‑‑XX‑‑‑‑