



ALAN WILSON
ATTORNEY GENERAL

September 12, 2024

Sterling M. Busbee, Esq.
Haynesworth Sinkler Boyd, P.A.
Post Office Box 340
Charleston, SC 29402

Dear Ms. Busbee:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter states the following:

On behalf of the South Carolina Conservation Bank (the "Bank"), we request additional guidance and confirmation regarding administration of The Working Farmland Protection Fund. S.C. Code Ann. § 48-59-150 ("the Act")

It is our understanding the qualifications for a "11-11" § 48-59-150

[REDACTED]

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parcels of farmland, each generating \$50,000 in income per year. Farmer A additionally makes \$50,000 per year working a part-time job. Farmer A would not qualify as an eligible trust fund recipient regarding any one of the separate parcels, but does derive at least fifty percent of his income for the year from farming. It is our interpretation and understanding, that the intent of the Act is to include Farmer A, and similarly situated persons, as “eligible trust fund recipients.”

Law/Anal sis

It is this Office’s opinion that the income requirement in South Carolina Code § 48-59-150(B) should be interpreted to apply to a landowner’s total farmland holdings to determine whether the income percentage threshold is satisfied, rather than considering each parcel

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48-59-150(A). Moreover, the criteria the Bank is directed to employ when evaluating applications for grants from the Fund include consideration of the landowner's authority to "to make the subject farmland available via lease or transfer of the protected property to another farmer or other

[REDACTED]



Matthew Houck
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General