

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Small
5 Farmer Restoration Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Agricultural conservation easement" means a nonpossessory
8 interest of a holder in real property imposing limitations on
9 the use of the property to ensure the property remains
10 available for agricultural purposes.

11 "Costs of acquisition" means out-of-pocket direct costs of
12 activities incurred in connection with the processing,
13 recording, and documentation of an agricultural conservation
14 easement. "Costs of acquisition" includes out-of-pocket direct
15 costs for appraisals, land surveys, title verification, and
16 closing. "Costs of acquisition" does not include any costs
17 incurred by a qualified easement holder for staffing,
18 overhead, or operations.

19 "Director" means the Director of Agriculture.

20 "Department" means the Department of Agriculture.

21 "Eligible individual" means a resident of this State who:

22 (1) was born in this State;

23 (2) is at least 21 years of age; and

1 (3) has previously been identified as a socially
2 disadvantaged farmer.

3 "Federal poverty level" means the poverty guidelines
4 updated periodically in the Federal Register by the U.S.
5 Department of Health and Human Services under the authority of
6 42 U.S.C. 9902(2).

7 "Fund" means the Small Farmer Restoration Program Fund.

8 "Limited resource farmer" means a farmer with direct or
9 indirect gross farm sales not more than the current indexed
10 value in each of the previous 2 years, and who has a total
11 household income that in each of the previous 2 years is less
12 than or equal to the federal poverty level for a family of 4 or
13 less than 50% of the county median household income.

14 "New and beginning farmer" means a farmer who has operated
15 a farm or ranch for less than 10 years.

16 "Qualified easement holder" means a State agency, federal
17 agency, county, municipality, or nonprofit organization under
18 Section 501(c)(3) of the Internal Revenue Code of 1986 with
19 experience acquiring, whether through purchase, donation, or
20 transfer, an agricultural conservation easement or other
21 conservation easement.

22 "Qualified entity" means an organization:

23 (1) that is a nonprofit corporation under Section
24 501(c)(3) of the Internal Revenue Code of 1986 or an
25 organization that has a fiscal sponsor who is exempt from
26 taxation under Section 501(c)(3) of the Internal Revenue

1 Code of 1986; and

2 (2) that has a minimum of 3 years of experience
3 providing agricultural services, business assistance,
4 legal assistance, or advocacy services to socially
5 disadvantaged farmers.

6 "Qualified farmland" means land that is in agricultural
7 production or available for agricultural production, including
8 row crops, livestock, nurseries, orchards, or pastures, and
9 incidental land that is associated with an active agricultural
10 operation.

11 "Socially disadvantaged farmer" means a farmer who is a
12 member of a socially disadvantaged group.

13 "Socially disadvantaged group" means a group whose members
14 have been subjected to racial, ethnic, or gender prejudice
15 because of their identity as members of a group without regard
16 to their individual qualities. These groups include all of the
17 following:

18 (1) American Indian or Alaska Native (a person having
19 origins in any of the original peoples of North and South
20 America, including Central America, and who maintains
21 tribal affiliation or community attachment).

22 (2) Asian (a person having origins in any of the
23 original peoples of the Far East, Southeast Asia, or the
24 Indian subcontinent, including, but not limited to,
25 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
26 the Philippine Islands, Thailand, and Vietnam).

1 (3) Black or African American (a person having origins
2 in any of the black racial groups of Africa).

3 (4) Hispanic or Latino (a person of Cuban, Mexican,
4 Puerto Rican, South or Central American, or other Spanish
5 culture or origin, regardless of race).

6 (5) Native Hawaiian or Other Pacific Islander (a
7 person having origins in any of the original peoples of
8 Hawaii, Guam, Samoa, or other Pacific Islands).

9 "Technical assistance" includes, but is not limited to,
10 organizing, advising, counseling, educating, planning,
11 drafting, translating, interpreting, and consulting with
12 socially disadvantaged farmers for the purpose of preparing
13 them for favorable financing for land acquisition or
14 negotiating leasing arrangements.

15 "Training" means a program of training approved by the
16 Director that:

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

20 (2) provides a course of study that is equivalent to
21 no less than 30 academic credit hours of study, which may
22 be provided as direct in-field instruction;

23 (3) focuses on low capital-intensive techniques and
24 technologies; and

25 (4) studies local and regional food systems and the
26 market opportunities those systems present.

1 Section 10. Small Farmer Restoration Program Fund.

2 (a) The Small Farmer Restoration Program Fund is created
3 as a special fund in the State treasury. Except as provided in
4 subsection (b), the moneys in the Fund, upon appropriation by
5 the General Assembly, shall be used for the purposes of the
6 program, which include grants for the purchase of agricultural
7 conservation easements, technical assistance grants, technical
8 assistance provided by the Department, and administrative
9 costs incurred by the Department in administering the program.

10 (b) Notwithstanding subsection (a), moneys may be
11 deposited into the Fund from federal grants and gifts and
12 donations that are designated and required by the donor to be
13 used exclusively for the purposes of the program.

14 (c) Not more than 10% of available funds under this Act may
15 be used for technical assistance purposes and administration.
16 Not less than 90% of funds available for grants under this Act
17 shall be expended for the acquisition of agricultural
18 conservation easements. Moneys in the Fund shall also be
19 available for the following purposes:

20 (1) To provide technical assistance grants to
21 qualified entities in support of socially disadvantaged
22 farmers who are seeking access to farmland.

23 (2) To provide grants to qualified easement holders
24 for the purchase of agricultural conservation easements.
25 Moneys from the Fund shall be available in each fiscal

1 year to any qualified easement holder having made an
2 application that has been reviewed by the Department.

3 Award grants may include:

4 (A) payment to qualified easement holders for the
5 purchase of agricultural conservation easements on
6 qualified farmland; or

7 (B) payment of the costs of acquisition related to
8 the purchase of agricultural conservation easements
9 approved by the Department.

10 (d) An agricultural conservation easement under this Act
11 shall not prevent a property owner from constructing,
12 improving, or maintaining a primary residence or housing for
13 farmworkers on the land unless expressly specified in the
14 easement deed.

15 Section 15. Department responsibilities. Subject to
16 appropriation, the Department shall:

17 (1) adopt a scoring process to be used in evaluating
18 applications for agricultural conservation easement grants
19 that prioritizes applications benefiting:

20 (A) socially disadvantaged farmers;

21 (B) limited resource farmers;

22 (C) eligible individuals with a history of land
23 dispossession; and

24 (D) new and beginning farmers;

25 (2) include, as ranking criteria in the scoring

1 process, projects that:

2 (A) leverage local, federal, or private funding,
3 including a match requirement;

4 (B) support transition of farmland to next
5 generation owner-operators; and

6 (C) support conservation priorities, including
7 protection of habitat, water quality, watershed
8 conservation, climate resilience, and local
9 conservation plans; and

10 (3) include, as eligibility criteria, projects that:

11 (A) protect farmland that is under threat of
12 conversion to other uses; and

13 (B) demonstrate that the parcel proposed for
14 conservation is expected to continue to be used for
15 agricultural production if conserved.

16 Section 20. Farm Conservation Corps.

17 (a) Subject to appropriation and in partnership with the
18 University of Illinois Extension, the Department shall
19 establish the Farm Conservation Corps to provide residents
20 between the ages of 18 and 29 from socially disadvantaged
21 groups the academic, vocational, and social skills necessary
22 to pursue long-term and productive careers in agriculture.

23 (b) The members of the Farm Conservation Corps shall serve
24 as on-farm apprentices, at no cost, to farms that have been
25 provided with an agricultural conservation easement under this

1 Act or have an annual gross farm income of less than \$250,000
2 and that, in either case, are operated by:

- 3 (1) socially disadvantaged farmers; or
4 (2) beginning farmers.

5 Section 25. Data collection and reporting.

6 (a) Subject to appropriation, the Director shall make
7 publicly available annual reports describing data on the
8 recipients of the Department programs, including assistance
9 from farm subsidy programs, and the amounts of the assistance,
10 delineated by the race, ethnicity, and gender of the
11 recipients.

12 (b) Subject to appropriation, the Department shall conduct
13 research on the status of socially disadvantaged farmers,
14 including, but not limited to:

15 (1) the share of land ownership of those socially
16 disadvantaged farmers as compared to all farmers,
17 delineated by the race, ethnicity, and gender of the
18 landowners;

19 (2) the share of the amount of assistance those
20 socially disadvantaged farmers receive from the Department
21 as compared to all farmers, delineated by the race,
22 ethnicity, and gender of the recipients;

23 (3) the share, status, and receipt of loans by
24 socially disadvantaged farmers as compared to all farmers,
25 delineated by the race, ethnicity, and gender of the

1 recipients; and

2 (4) an assessment of the reasons for disparities in
3 land ownership, assistance from the Department, and loans
4 for socially disadvantaged farmers compared to all
5 farmers.

6 (c) Subject to appropriation, the Department shall conduct
7 research on the demographics and status of farmworkers,
8 including, but not limited to:

9 (1) the races, ethnicities, ages, localities, wages,
10 benefits, and working conditions of farmworkers;

11 (2) the economic contributions of farmworkers to the
12 State economy; and

13 (3) the satisfaction of farmworkers with their
14 employment.

15 (d) The Department shall:

16 (1) investigate historical changes in reporting
17 methodology and misreporting of socially disadvantaged
18 farmers in the census of agriculture;

19 (2) develop procedures to ensure that census of
20 agriculture surveys accurately capture the status of
21 socially disadvantaged farmers engaged in urban
22 agriculture; and

23 (3) conduct, concurrently with each census of
24 agriculture, a review to assess:

25 (A) the outreach efforts and methodologies used in
26 conducting the census of agriculture; and

1 (B) the effects of those outreach efforts and
2 methodologies on the counting of socially
3 disadvantaged farmers.

4 (e) Subject to appropriation, the Department shall
5 annually conduct and annually make publicly available reports
6 describing in-depth research and analysis of corporate
7 (domestic and foreign) land investment and ownership in this
8 State with specific attention given to the impact of corporate
9 land investment and ownership on:

10 (1) land consolidation trends in this State and in the
11 United States;

12 (2) challenges and opportunities for new and beginning
13 farmers accessing land for farming;

14 (3) challenges and opportunities for members of
15 socially disadvantaged groups accessing land for farming;
16 and

17 (4) crop selection and production trends.

18 Section 35. Rulemaking. By no later than December 31,
19 2026, the Department shall adopt rules to carry out the
20 provisions of this Act, including the adoption of rules that
21 establish a process for submitting and processing of
22 applications for grants. Rules adopted under this Section
23 shall align with existing federal and local programs to
24 maximize potential for matching funds.

1 Section 90. The State Finance Act is amended by adding
2 Section 5.1030 as follows:

3 (30 ILCS 105/5.1030 new)

4 Sec. 5.1030. The Small Farmer Restoration Program Fund.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.