



Sen. David Koehler

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10400SB4044sam001

LRB104 17650 BDA 34668 a

1 AMENDMENT TO SENATE BILL 4044

2 AMENDMENT NO. _____. Amend Senate Bill 4044 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Agricultural Land Conservation Act.

6 Section 5. Findings and intent. The General Assembly
7 hereby reiterates the legislative findings and statement of
8 intent set forth in Section 2 of the Farmland Preservation Act
9 and further finds that:

10 (1) According to a 2024 report published by the
11 Department of Agriculture at the University of Illinois at
12 Urbana-Champaign, midwestern states lost over 1.5 million
13 acres of agricultural land to development between 2001 and
14 2021, with the highest losses occurring in Illinois.

15 (2) Each year in Illinois, thousands of acres of
16 agricultural land are rezoned and developed into

1 industrial, commercial, and residential areas.

2 (3) Soil and water conservation districts are units of
3 local government, but they lack taxing authority.

4 (4) Soil and water conservation district employees
5 serve as the critical infrastructure in every county in
6 Illinois, administering vital State and federal
7 conservation programs. They are on the front lines of
8 addressing pressing environmental challenges, including
9 improving water quality, enhancing soil health, and
10 building resilience to the increasingly severe impacts of
11 climate change. Their work is foundational to achieving
12 environmental goals, and their presence on the ground
13 ensures that these efforts reach the necessary scale.

14 (5) Unstable or intermittent funding threatens to
15 undermine the capacity of soil and water conservation
16 districts to deliver programs that support farmers,
17 landowners, and communities across the State. Without
18 adequate staffing, Illinois risks losing the ability to
19 put federal funds earmarked for conservation and climate
20 resilience onto the ground in Illinois. Moreover, it puts
21 at risk the progress made in addressing water quality
22 issues, mitigating flooding, and improving soil
23 sustainability.

24 Section 10. Definitions. In this Act:

25 "Agricultural land" means land that is intensively used

1 and managed for the production of food and fiber.
2 "Agricultural land" includes cropland; hay land; pastures,
3 including native pastures and rangeland; orchards; vineyards;
4 areas that support wetland crops; other lands used to support
5 the production of livestock; and small tree farms.

6 "Agrivoltaic system" means a ground-mounted photovoltaic
7 solar energy system that meets the following criteria:

8 (1) the applicable farm plan and the system have been
9 intentionally designed with agricultural producers,
10 agrivoltaics experts, or both agricultural producers and
11 agrivoltaics experts;

12 (2) the system is constructed, installed, and operated
13 to achieve an integrated and simultaneous production of
14 both solar energy and current or future marketable
15 agricultural products, including all products and
16 activities described in Section 3-35 of the Use Tax Act
17 and apiaries if the apiary is paired with another
18 qualifying marketable agricultural product, by an
19 agricultural producer;

20 (3) the agricultural production of the system occurs
21 on land beneath or between rows of solar panels; and

22 (4) the agricultural production of the system begins
23 as soon as agronomically feasible and optimal for the
24 agricultural producer after the commercial operation date
25 of the solar panels and continues until decommissioning.

26 "Agrivoltaic system" does not include a system that has a

1 pollinator habitat as the sole dual use of the system.

2 "Department" means the Department of Agriculture.

3 Section 15. Farmland Conversion Fee Fund. The Farmland
4 Conversion Fee Fund is created as a special fund in the State
5 treasury. Revenue generated from the Farmland Conversion Fees
6 imposed under Section 20 shall be collected by the Department
7 and deposited into the Farmland Conversion Fee Fund. Moneys in
8 the Farmland Conversion Fee Fund may be expended and
9 distributed by the Department exclusively for the following
10 purposes:

11 (1) supporting educational and other programs that
12 support healthy soil, clean water, and climate-smart
13 agricultural practices;

14 (2) supporting operations funding for soil and water
15 conservation districts;

16 (3) covering costs associated with administering the
17 Act; and

18 (4) any other purpose that the Department determines
19 is consistent with the purposes and intent of this Act.

20 Before expending moneys for any other purpose, the
21 Department shall, subject to the availability of moneys in the
22 Fund, ensure that during each State fiscal year: (i) \$100,000
23 is distributed to the Department for the collection of fees
24 and the administration of the program; and (ii) at least
25 \$4,000,000 is distributed to soil and water conservation

1 districts in the State for the purposes of paragraph (2) of
2 this Section. Any remainder may be expended by the Department
3 for the purposes enumerated in this Section.

4 Beginning July 1, 2026, and every July 1 thereafter, the
5 amounts described in items (i) and (ii) shall be annually
6 increased by the annual unadjusted percentage increase (but
7 not less than zero) in the consumer price index-u for the 12
8 months ending with the September preceding each November 1,
9 including all previous adjustments. In this Section, "consumer
10 price index-u" means the index published by the Bureau of
11 Labor Statistics of the United States Department of Labor that
12 measures the average change in prices of goods and services
13 purchased by all urban consumers, United States city average,
14 all items, 1982-84 = 100.

15 Section 20. Farmland Conversion Fees.

16 (a) Beginning January 1, 2027, if a person purchases or
17 leases agricultural land for the purpose of developing or
18 constructing a solar farm, a wind farm, an industrial park, a
19 commercial area, or a single-family or multiple-family
20 dwelling or for any other purpose that removes the
21 agricultural land from production, then the person shall pay
22 to the Department within 30 days of the purchase or lease of
23 the agricultural land a Farmland Conversion Fee of \$67 per
24 acre.

25 (b) Revenue generated from Farmland Conversion Fees shall

1 be collected by the Department and deposited into the Farmland
2 Conversion Fee Fund.

3 (c) Conversion of agricultural land that will be removed
4 from production is exempt from the Farmland Conversion Fee if
5 it is removed from production for the personal use of a farmer
6 or landowner or if it is one or more of the following types of
7 agricultural land conversion:

8 (1) any conversion of land in which the primary
9 function of the converted area supports agricultural
10 infrastructure, such as livestock operations or grain
11 elevators;

12 (2) any conversion of land done by a State agency;

13 (3) any conversion of land done for the creation of
14 high-voltage transmission systems;

15 (4) any conversion of land whose primary purpose is
16 the establishment of conservation practices; or

17 (5) any conversion of land done for the creation of
18 one or more agrivoltaic systems.

19 (d) The Department shall adopt rules to implement and
20 administer this Section.

21 Section 25. Enforcement. The Attorney General, in
22 conjunction with the Department, shall enforce this Act. Any
23 person who fails to pay a Farmland Conversion Fee shall be
24 subjected to a penalty equivalent to 3 times the Farmland
25 Conversion Fee due, plus interest calculated at a rate equal

1 to the yield on 26-week United States Treasury bills most
2 recently auctioned prior to the date of the determination of
3 the repayment obligation to the Department.

4 Section 90. The State Finance Act is amended by adding
5 Section 5.1036 as follows:

6 (30 ILCS 105/5.1036 new)

7 Sec. 5.1036. The Farmland Conversion Fee Fund.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."