



Rep. Sonya M. Harper

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1 AMENDMENT TO HOUSE BILL 3501

2 AMENDMENT NO. _____. Amend House Bill 3501 by replacing
3 everything after the enacting clause with the following:

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

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

7 "Agricultural easement" means a nonpossessory interest of
8 a holder in real property imposing limitations on the use of
9 the property strictly to agricultural purposes. An
10 agricultural easement does not prevent a property owner from
11 constructing, improving, or maintaining a primary residence or
12 housing for farmworkers on the land.

13 "Director" means the Director of Agriculture.

14 "Department" means the Illinois Department of Agriculture.

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

16 was born in this State;

1 is at least 21 years of age;
2 has previously identified as Black or African
3 American; and
4 has at least one parent of African ancestry.

5 "Qualified entity" means an organization: that has a
6 fiscal sponsor who is exempt from taxation pursuant to Section
7 501(c)(3) of the Internal Revenue Code of 1986;

8 that has a minimum of three years of experience
9 providing agricultural services, business assistance,
10 legal assistance, or advocacy services to socially
11 disadvantaged farmers; and

12 in which at least half of the members of the
13 organization's board of directors are Black.

14 "Socially disadvantaged farmer" means a farmer who is a
15 member of a socially disadvantaged group.

16 "Socially disadvantaged group" means a group of people
17 whose members have been subject to racial or ethnic prejudice
18 because of their identity as a member of a group without regard
19 to their individual qualities.

20 "Training" means a program of training approved by the
21 Director that:

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

25 provides a course of study that is equivalent to no
26 less than thirty academic credit hours of study, which may

1 be provided as direct in-field instruction;
2 focuses on low capital-intensive techniques and
3 technologies; and
4 studies local and regional food systems and the market
5 opportunities those systems present.

6 Section 10. Black Farmer Restoration Program. There is
7 hereby created the Black Farmer Restoration Program within the
8 Illinois Department of Agriculture to support current Black
9 farmers and to encourage the growth of Black farmers into the
10 field of agriculture. The Black Farmer Restoration Fund is
11 created as a special fund in the State treasury. The Fund shall
12 consist of gifts, grants and donations, and appropriations
13 which must be made to support the Program. Expenditures from
14 the Fund must be used exclusively to pay costs, fees, and
15 expenses necessary to administer the Program.

16 Section 15. Department and Director responsibilities.

17 (a) The Department shall:

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

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

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

1 (c) Eligible individuals:

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

6 (2) The Director shall give priority to applications
7 to:

8 (A) socially disadvantaged farmers;

9 (B) eligible individuals with a family history of
10 land dispossession;

11 (C) eligible individuals with experience in
12 agriculture, including experience obtained through the
13 provisions of this article; and

14 (D) eligible individuals who are veterans.

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

21 (d) Granted land.

22 (1) The Director shall attach an agricultural easement
23 to the land before it may be conveyed to the eligible
24 individual or qualified entity.

25 (2) The recipient of the land grant may sell the land
26 but the Department has the right of first refusal to

1 purchase the land at the appraised value of the land to
2 convey to another eligible individual pursuant to the
3 provisions of this article.

4 Section 20. Farm Conservation Corps.

5 (a) The Department shall establish the Farm Conservation
6 Corps to provide residents between the ages of 18 and 29 from
7 socially disadvantaged groups the academic, vocational, and
8 social skills necessary to pursue long-term and productive
9 careers in agriculture.

10 (b) The members of the Farm Conservation Corps shall serve
11 as on-farm apprentices, at no cost, to farms with an annual
12 gross farm income of less than \$250,000 operated by:

- 13 (1) socially disadvantaged farmers;
14 (2) beginning farmers; or
15 (3) farmers operating certified organic farms.

16 Section 25. Equity Commission.

17 (a) Establishment.

18 (1) Generally. There is established in the Department
19 of Agriculture the Equity Commission, the purposes of
20 which are:

- 21 (A) to study historical and continuing
22 discrimination by the Department against Black farmers
23 and ranchers that is fostered or perpetuated by the
24 laws, rules, policies, or practices of the Department;

1 and

2 (B) to recommend actions to end the systematic
3 disparities in treatment of Black farmers and
4 ranchers, particularly by the Department.

5 (2) Membership.

6 (A) Composition. The Commission shall be composed
7 of 9 members, to be appointed by the Director, of whom:

8 (i) three shall be Black farmers or ranchers
9 with not less than 10 years of experience in
10 farming or ranching;

11 (ii) three shall be employees or board members
12 of nonprofit organizations that have not less than
13 7 years of experience providing meaningful
14 agricultural, business assistance, legal
15 assistance, or advocacy services to Black farmers
16 or ranchers; and

17 (iii) three shall be faculty or staff from
18 Chicago State University, the University of
19 Illinois at Urbana-Champaign, or Southern Illinois
20 University.

21 (B) Date. The appointments of the members of the
22 Commission shall be made not later than 90 days after
23 the effective date of this Act.

24 (3) Term; vacancies.

25 (A) Generally. A member of the Commission shall be
26 appointed for the life of the Commission.

1 (B) Vacancies. A vacancy in the Commission: (i)
2 shall not affect the powers of the Commission; and
3 (ii) shall be filled in the same manner as the original
4 appointment.

5 (4) Meetings.

6 (A) Initial meeting. Not later than 30 days after
7 the date on which all members of the Commission have
8 been appointed, the Commission shall hold the first
9 meeting of the Commission.

10 (B) Frequency. The Commission shall meet at the
11 call of the Chairperson.

12 (C) Quorum. A majority of the members of the
13 Commission shall constitute a quorum, but a lesser
14 number of members may hold hearings.

15 (5) Chairperson and Vice Chairperson. The Commission
16 shall select a Chairperson and Vice Chairperson from among
17 the members of the Commission.

18 (b) Duties.

19 (1) Study. The Commission shall study discrimination
20 against Black farmers and ranchers by the Department,
21 including by conducting investigations of the prevalence
22 of discrimination against Black farmers and ranchers in
23 Department offices and programs.

24 (2) Recommendations. The Commission shall develop
25 recommendations for ending the systematic disparities in
26 treatment of Black farmers and ranchers, particularly by

1 the Department.

2 (3) Outreach. In studying the matters under paragraph
3 (1) and developing recommendations under paragraph (2),
4 the Commission shall:

5 (A) consult with the Socially Disadvantaged
6 Farmers and Ranchers Policy Research Center; and

7 (B) hold town hall meetings with socially
8 disadvantaged farmers and ranchers, researchers, and
9 civil rights advocates.

10 (4) Report. On or before January 1, 2024, the
11 Commission shall provide to the Governor and the General
12 Assembly a detailed report that describes:

13 (A) the findings of the study under paragraph (1);
14 and

15 (B) the recommendations developed under paragraph
16 (2).

17 (c) Powers of Commission.

18 (1) Hearings. The Commission shall hold open,
19 televised, and public hearings, during which the
20 Commission may sit and act at such times and places, take
21 such testimony, and receive such evidence as the
22 Commission considers advisable to carry out this section.

23 (2) Information from State agencies.

24 (A) Generally. The Commission may secure directly
25 from a State agency such information as the Commission
26 considers necessary to carry out this Section.

1 (B) Furnishing information. On request of the
2 Chairperson of the Commission, the head of any State
3 agency shall furnish the information to the
4 Commission.

5 (3) Gifts. The Commission may accept, use, and dispose
6 of gifts or donations of services or property.

7 (d) Compensation and expenses; support.

8 (1) Compensation and expenses. Members shall serve
9 without compensation but may be reimbursed for reasonable
10 expenses incurred in the performance of their duties from
11 funds appropriated for that purpose.

12 (2) Support. The Department shall house the Commission
13 and shall provide suitable meeting facilities to the
14 Commission, together with such personnel and
15 administrative assistance as the Commission may require.

16 (e) Repeal. This Section is repealed January 1, 2025.

17 Section 30. Data collection and reporting.

18 (a) Generally. The Director shall make publicly available
19 annual reports describing data on the recipients of the
20 Department, including assistance from farm subsidy programs,
21 and the amounts of the assistance, delineated by the race,
22 ethnicity, and gender of the recipients.

23 (b) Research of socially disadvantaged farmers and
24 ranchers. The Department shall conduct research on the status
25 of socially disadvantaged farmers and ranchers, including, but

1 not limited to:

2 (1) the share of land ownership of those socially
3 disadvantaged farmers and ranchers as compared to all
4 farmers and ranchers, delineated by the race, ethnicity,
5 and gender of the landowners;

6 (2) the share of the amount of assistance those
7 socially disadvantaged farmers and ranchers receive from
8 the Department as compared to all farmers and ranchers,
9 delineated by the race, ethnicity, and gender of the
10 recipients;

11 (3) the share, status, and receipt of loans by
12 socially disadvantaged farmers and ranchers as compared to
13 all farmers and ranchers, delineated by the race,
14 ethnicity, and gender of the recipients; and

15 (4) an assessment of the reasons for disparities in
16 land ownership, assistance from the Department, and loans
17 for socially disadvantaged farmers and ranchers compared
18 to all farmers and ranchers.

19 (c) Research of farmworkers. The Department shall conduct
20 research on the demographics and status of farmworkers,
21 including, but not limited to:

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

24 (2) the economic contributions of farmworkers to the
25 Illinois economy; and

26 (3) satisfaction of farmworkers with their employment.

1 (d) Census of agriculture. The Department shall:

2 (1) investigate historical changes in reporting
3 methodology and misreporting of Black farmers and ranchers
4 in the census of agriculture;

5 (2) develop procedures to ensure that census of
6 agriculture surveys accurately capture the status of
7 socially disadvantaged farmers and ranchers engaged in
8 urban agriculture; and

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

11 (A) the outreach and methodologies used in
12 conducting the census of agriculture; and

13 (B) how such outreach and methodologies have
14 affected the counting of socially disadvantaged
15 farmers and ranchers.

16 (e) Corporate ownership of farmland. The Department shall
17 annually conduct, and annually make publicly available reports
18 describing, in-depth research and analysis of corporate
19 (domestic and foreign) land investment and ownership in
20 Illinois, with specific attention given to the impact of
21 corporate land investment and ownership on:

22 (1) land consolidation trends in Illinois and in the
23 United States;

24 (2) challenges and opportunities for new and beginning
25 farmers and ranchers accessing land for farming or
26 ranching;

1 (3) challenges and opportunities for members of
2 socially disadvantaged groups accessing land for farming
3 or ranching; and

4 (4) crop selection and production trends.

5 Section 35. Rulemaking. The Department shall adopt rules
6 to carry out the provisions of this Act.

7 Section 90. The State Finance Act is amended by adding
8 Section 5.970 as follows:

9 (30 ILCS 105/5.970 new)

10 Sec. 5.970. The Black Farmer Restoration Fund.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".