

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 Farmer
5 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 land remains available
10 for agricultural purposes. An agricultural conservation
11 easement does 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 "Costs of acquisition" means out-of-pocket direct costs of
16 activities incurred in connection with the processing,
17 recording, and documentation of an agricultural conservation
18 easement, such as appraisals, land surveys, title
19 verification, and closing. "Costs of acquisition" do not
20 include any costs incurred by a qualified easement holder for
21 staffing, overhead, or operations.

22 "Director" means the Director of Agriculture.

23 "Department" means the Department of Agriculture.

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

2 (1) was born in this State;

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

4 (3) is a member of a socially disadvantaged group.

5 "Limited resource farmer" means a farmer with direct or
6 indirect gross farm sales not more than the current indexed
7 value in each of the previous 2 years, and who has a total
8 household income at or below the national poverty level for a
9 family of 4, or less than 50% of county median household income
10 in each of the previous 2 years.

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

13 "Qualified entity" means an organization:

14 (1) that is a nonprofit corporation under Section
15 501(c)(3) of the Internal Revenue Code of 1986 or an
16 organization which has a fiscal sponsor who is exempt from
17 taxation under Section 501(c)(3) of the Internal Revenue
18 Code of 1986; and

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

23 "Qualified easement holder" means a State agency, federal
24 agency, county, municipality, or nonprofit organization under
25 Section 501(c)(3) of the Internal Revenue Code of 1986 with
26 experience acquiring, whether through purchase, donation, or

1 transfer, an agricultural or other conservation easement.

2 "Qualified farmland" means land that is in agricultural
3 production or available for agricultural production, including
4 row crops, livestock, nurseries, orchards, or pastures, and
5 incidental land that is associated with an active agricultural
6 operation.

7 "Socially disadvantaged farmer" means a farmer who is a
8 member of a socially disadvantaged group.

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

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

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

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

25 (4) Hispanic or Latino (a person of Cuban, Mexican,
26 Puerto Rican, South or Central American, or other Spanish

1 culture or origin, regardless of race).

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

5 "Training" means a program of training approved by the
6 Director that:

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

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

13 (3) focuses on low capital-intensive techniques and
14 technologies; and

15 (4) studies local and regional food systems and the
16 market opportunities those systems present.

17 Section 10. Farmer Restoration Program Fund.

18 (a) The Farmer Restoration Program Fund is created as a
19 special fund in the State treasury. Except as provided in
20 subsection (b), the moneys in the Fund, upon appropriation by
21 the General Assembly, shall be used for the purposes of the
22 program, which include grants for the purchase of agricultural
23 conservation easements, technical assistance grants, technical
24 assistance provided by the Department, and administrative
25 costs incurred by the Department in administering the program.

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

5 (c) Not more than 10% of available funds under this Act may
6 be used for technical assistance purposes and administration.
7 Not less than 90% of funds available for grants under this Act
8 shall be expended for the acquisition of agricultural
9 conservation easements. Moneys in the Fund shall also be
10 available for the following purposes:

11 (1) To provide technical assistance grants to
12 qualified entities in support of socially disadvantaged
13 farmers who are seeking access to farmland. As used in
14 this Section, "technical assistance" includes, but is not
15 limited to, organizing, advising, counseling, educating,
16 planning, drafting, translating, interpreting, and
17 consulting with socially disadvantaged farmers for the
18 purpose of preparing them for favorable financing for land
19 acquisition or negotiating leasing arrangements.

20 (2) To provide grants for the purchase of agricultural
21 conservation easements to qualified easement holders.
22 Moneys from the Fund shall be available in each fiscal
23 year to any qualified easement holder having made an
24 application that has been approved by the Department.
25 Award grants may include:

26 (A) payment to qualified easement holders for the

1 purchase of agricultural conservation easements on
2 qualified farmland; or

3 (B) payment of the costs of acquisition related to
4 the purchase of agricultural conservation easements
5 approved by the program.

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

8 (1) adopt a scoring process to be used in evaluating
9 applications for agricultural conservation easement grants
10 that prioritizes applications benefiting:

11 (A) socially disadvantaged farmers;

12 (B) limited resource farmers;

13 (C) eligible individuals with a history of land
14 dispossession; and

15 (D) new and beginning farmers;

16 (2) include, as ranking criteria in the scoring
17 process, projects that:

18 (A) leverage local, federal, or private funding,
19 including a match requirement;

20 (B) support transition of farmland to next
21 generation owner-operators; and

22 (C) support conservation priorities, including
23 protection of habitat, water quality, watershed
24 conservation, climate resilience, and local
25 conservation plans; and

- 1 (3) include, as eligibility criteria, projects that:
- 2 (A) protect farmland that is under threat of
- 3 conversion; and
- 4 (B) demonstrate that the parcel proposed for
- 5 conservation is expected to continue to be used for
- 6 agricultural production if conserved.

7 Section 20. Farm Conservation Corps.

8 (a) Subject to appropriation and in partnership with the

9 University of Illinois Extension, the Department shall

10 establish the Farm Conservation Corps to provide residents

11 between the ages of 18 and 29 from socially disadvantaged

12 groups the academic, vocational, and social skills necessary

13 to pursue long-term and productive careers in agriculture.

14 (b) The members of the Farm Conservation Corps shall serve

15 as on-farm apprentices, at no cost, to farms that have been

16 protected with an agricultural conservation easement under

17 this Act or with an annual gross farm income of less than

18 \$250,000 operated by:

- 19 (1) socially disadvantaged farmers; or
- 20 (2) beginning farmers.

21 Section 25. Data collection and reporting.

22 (a) Subject to appropriation, the Director shall make

23 publicly available annual reports describing data on the

24 recipients of the Department programs, including assistance

1 from farm subsidy programs, and the amounts of the assistance,
2 delineated by the race, ethnicity, and gender of the
3 recipients.

4 (b) Subject to appropriation, the Department shall conduct
5 research on the status of socially disadvantaged farmers,
6 including, but not limited to:

7 (1) the share of land ownership of those socially
8 disadvantaged farmers as compared to all farmers,
9 delineated by the race, ethnicity, and gender of the
10 landowners;

11 (2) the share of the amount of assistance those
12 socially disadvantaged farmers receive from the Department
13 as compared to all farmers, delineated by the race,
14 ethnicity, and gender of the recipients;

15 (3) the share, status, and receipt of loans by
16 socially disadvantaged farmers as compared to all farmers,
17 delineated by the race, ethnicity, and gender of the
18 recipients; and

19 (4) an assessment of the reasons for disparities in
20 land ownership, assistance from the Department, and loans
21 for socially disadvantaged farmers compared to all
22 farmers.

23 (c) Subject to appropriation, the Department shall conduct
24 research on the demographics and status of farmworkers,
25 including, but not limited to:

26 (1) the races, ethnicities, ages, localities, wages

1 and benefits, and working conditions of farmworkers;

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

4 (3) the satisfaction of farmworkers with their
5 employment.

6 (d) The Department shall:

7 (1) investigate historical changes in reporting
8 methodology and misreporting of socially disadvantaged
9 farmers in the census of agriculture;

10 (2) develop procedures to ensure that census of
11 agriculture surveys accurately capture the status of
12 socially disadvantaged farmers engaged in urban
13 agriculture; and

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

16 (A) the outreach and methodologies used in
17 conducting the census of agriculture; and

18 (B) how such outreach and methodologies have
19 affected the counting of socially disadvantaged
20 farmers.

21 (e) Subject to appropriation, the Department shall
22 annually conduct and annually make publicly available reports
23 describing in-depth research and analysis of corporate
24 (domestic and foreign) land investment and ownership in this
25 State with specific attention given to the impact of corporate
26 land investment and ownership on:

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

3 (2) challenges and opportunities for new and beginning
4 farmers accessing land for farming;

5 (3) challenges and opportunities for members of
6 socially disadvantaged groups accessing land for farming;
7 and

8 (4) crop selection and production trends.

9 Section 35. Rulemaking. The Department shall adopt rules
10 to carry out the provisions of this Act, including the
11 adoption of rules that establish a process for submitting and
12 processing of applications for grants no later than December
13 31, 2023. Rules shall align with existing federal and local
14 programs to maximize potential for matching funds.

15 Section 90. The State Finance Act is amended by adding
16 Section 5.990 as follows:

17 (30 ILCS 105/5.990 new)

18 Sec. 5.990. The Farmer Restoration Program Fund.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.