



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2573

Introduced 2/15/2023, by Rep. Lance Yednock

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Agricultural and Natural Resources Legacy Act. Creates the Agricultural and Natural Resources Legacy Fund as a separate fund in the State treasury to be managed by the Department of Agriculture. Provides that from the Fund, moneys shall be made available in each fiscal year for grants to qualified easement holdings having an application which has been reviewed by the Department of Agriculture and approved by the Agricultural Legacy Council. Creates the Agricultural Legacy Council to annually review and approve award grants recommended by the Department of Agriculture, review and approve rules adopted by the Department of Agriculture for administration of the program, and review outcomes of the program and advise the Department of Agriculture of changes in the program or rules to ensure success of the program in achieving the intent of the Act.

LRB103 27253 RLC 53624 b

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  
5 Agricultural and Natural Resources Legacy Act.

6 Section 5. Legislative findings and intent. The General  
7 Assembly finds all of the following:

8 (1) That the preservation of farmland is important for  
9 current and future agricultural production in this State,  
10 including the production of food and other products needed  
11 to sustain the life, health, and welfare of the people of  
12 this State.

13 (2) That the preservation of farmland is important for  
14 the current and future State economy and for the current  
15 and future environment of this State.

16 (3) That establishment of agricultural conservation  
17 easements, as provided in this Act, serve important public  
18 purposes of statewide significance.

19 (4) The Agricultural Areas Conservation and Protection  
20 Act provides that it is the policy of the State to  
21 conserve, protect, and to encourage the development and  
22 improvement of its agricultural lands for the production  
23 of food and other agricultural products and to conserve

1 and protect agricultural lands as valued natural and  
2 ecological resources that provide needed open spaces for  
3 clean air sheds as well as aesthetic purposes.

4 (5) The Illinois Farmland Preservation Act provides  
5 that conversion and loss of agricultural land has  
6 diminished Illinois cropland base and affects  
7 environmental quality. The supply of land most suitable  
8 for farming is finite. Conversion of this land to urban  
9 development and other non-farm uses reduces future food  
10 production capability and may ultimately undermine  
11 agriculture as a major economic activity in Illinois.

12 (6) The intent of this Act is to ensure permanent  
13 conservation of farmland in order to protect Illinois's  
14 agricultural economy, the ecological benefits and  
15 associated natural habitat provided by agricultural lands  
16 and activities, and community character enhanced by  
17 agricultural and natural landscapes by:

18 (A) incentivizing farmland owners to voluntarily  
19 protect their farms;

20 (B) facilitating the transition of farms under  
21 development pressure to next generation farmers;

22 (C) increasing the supply of locally grown food in  
23 the State of Illinois; and

24 (D) facilitating utilization of federal and local  
25 funds to benefit Illinois's farmland and natural  
26 resources.

1 Section 10. Definitions. In this Act:

2 "Agricultural conservation easement" means a nonpossessory  
3 interest of a holder in real property within Illinois imposing  
4 limitations or affirmative obligations, the purposes of which  
5 include retaining or protecting agricultural production  
6 capability and natural, scenic, habitat, or open-space values  
7 of real property.

8 "Application" means any application seeking moneys from  
9 the Agricultural and Natural Resources Fund.

10 "Cost of acquisition" means all out-of-pocket direct costs  
11 of activities incurred in connection with the acquisition,  
12 processing, recording, and documentation of an agricultural  
13 conservation easement, such as appraisals, land surveys, title  
14 verification, and closing, which may be required by applicable  
15 State laws and local ordinances, or otherwise, in order to  
16 establish a conservation easement on real property; however,  
17 such costs shall not include any costs incurred by a holder for  
18 staffing, overhead, or operations.

19 "Qualified easement holder" means a State agency, federal  
20 agency, county, municipality, or a 501(c)(3) nonprofit  
21 organization with experience acquiring, whether through  
22 purchase, donation or transfer, an agricultural or other  
23 conservation easement.

24 "Qualified farmland" means agricultural land in an  
25 undeveloped state or that has been developed only to the

1 extent consistent with agricultural production, including row  
2 crops, livestock, nurseries, orchards, or pastures.

3 Section 15. Establishment of the Agricultural and Natural  
4 Resources Legacy Fund. The Agricultural and Natural Resources  
5 Legacy Fund shall be established as a separate fund in the  
6 State treasury to be managed by the Department of Agriculture,  
7 separate and distinct from the General Revenue Fund. Interest  
8 earned by the Agricultural and Natural Resources Fund shall be  
9 credited to the fund. Such funds shall not lapse to the General  
10 Revenue Fund. Such funds shall be used to support the  
11 protection and conservation of agricultural land and shall be  
12 used to supplement, not supplant, Department of Agriculture  
13 resources.

14 The Agricultural and Natural Resources Fund consists of:

15 (1) annual appropriations by the General Assembly to  
16 the fund;

17 (2) public or private grants, gifts, donations, or  
18 contributions dedicated to the fund for farmland  
19 conservation;

20 (3) funds from any other source, including proceeds  
21 from the sale of bonds, State, federal, or private  
22 mitigation funds, or funds from any other local, State, or  
23 federal program that may be dedicated to the fund for  
24 farmland conservation; and

25 (4) revenue derived from the sale of land or other

1 assets donated or bequeathed to the fund.

2 Section 20. Grants; conditions of eligibility; permissible  
3 use of funds. From within the Agricultural and Natural  
4 Resources Legacy Fund, moneys shall be made available in each  
5 fiscal year for grants to any qualified easement holder having  
6 an application that has been reviewed by the Department of  
7 Agriculture and approved by the Agricultural Legacy Council,  
8 as provided in this Section.

9 As a condition of eligibility for any such grant, an  
10 application shall have as its primary purpose advancing  
11 farmland conservation and supporting active farming and food  
12 production in Illinois. Award grants may include the  
13 following:

14 (1) Payment to qualified easement holders for the  
15 purchase of agricultural conservation easements on  
16 qualified farmland.

17 (2) Payment for the costs of acquisition related to  
18 the purchase of agricultural conservation easements  
19 approved by the program.

20 The Agricultural and Natural Resources Heritage Fund shall  
21 be used to pay administrative costs of this program by the  
22 Department of Agriculture, annually not to exceed 5% of the  
23 annual allocation of moneys to the Fund.

24 Section 25. Administration; prioritization of farmland.

1 The Department of Agriculture shall have primary  
2 responsibility for administration of the Agricultural and  
3 Natural Resources Fund program, under the direction and advice  
4 of the Agricultural Legacy Council, as provided in this Act.  
5 The Department shall:

6 (1) give priority to applications that protect  
7 agricultural lands that are susceptible to development,  
8 including subdivision and fragmentation;

9 (2) adopt a scoring process to be used in evaluating  
10 applications that considers the following for  
11 prioritization of projects:

12 (A) protecting farmland in active or planned  
13 cultivation;

14 (B) preventing development or fragmentation that  
15 would result in farmland loss by conversion;

16 (C) supporting transition of farmland to next  
17 generation farmer owner-operators;

18 (D) leveraging local, federal, or private funding,  
19 including a match requirement;

20 (E) supporting conservation priorities including  
21 protection of habitat, water quality, watershed  
22 conservation, climate resiliency, local conservation  
23 plans, and public viewshed;

24 (F) preserving or Enhancing Soil Quality.

25 (3) ensure the following easement terms are met to be  
26 eligible for funds:

1           (A) An agricultural conservation easement shall be  
2 perpetual.

3           (B) Agricultural conservation easement terms shall  
4 align with existing federal and local programs to  
5 maximize potential for matching funds.

6           Section 30. Authority to adopt rules. The Department of  
7 Agriculture shall adopt rules as necessary to implement the  
8 provisions of this Act on or before December 31, 2023,  
9 including the adoption of rules that establish a process for  
10 submitting and processing applications for grants. The  
11 Department, after consultation with the Illinois Agricultural  
12 Legacy Council, shall solicit applications. The Department  
13 shall issue each solicitation in writing and shall publish a  
14 notice announcing the solicitation.

15           Section 35. Establishment of the Illinois Agricultural  
16 Legacy Council; membership; role and duties of the Council.  
17 There is established the Illinois Agricultural Legacy Council  
18 to advise and assist the Department of Agriculture with  
19 administration and implementation of the program utilizing the  
20 criteria proposed by the Department and adopted by the  
21 Council. The Advisory Council shall consist of 9 members, as  
22 follows:

23           (1) the Director of the Department of Agriculture;

24           (2) the Director of the Department of Natural



1 Resources;

2 (3) other members appointed by the Governor as  
3 follows:

4 (A) one member who operates a family farm in this  
5 State;

6 (B) one member who is the designated  
7 representative of a banking or lending organization  
8 and who has significant experience in agricultural  
9 lending;

10 (C) one member who is the designated  
11 representative of a statewide agricultural  
12 organization;

13 (D) one member who is a designated representative  
14 of a land trust or statewide nonprofit conservation  
15 organization operating in this State;

16 (E) one member who is a designated representative  
17 of an educational institution with an agricultural  
18 program;

19 (F) one member who is the designated  
20 representative of Soil and Water Conservation  
21 Districts, Illinois Extension, or the United States  
22 Department of Agriculture Natural Resources  
23 Conservation Services; and

24 (G) one member representing the planning  
25 profession.

26 Appointed members of the council serve staggered terms of

1 3 years, with 4 of the members' terms expiring on December 31  
2 of each odd-numbered year.

3 Appointments to and removal from the council shall be made  
4 by the Governor and the Director of Agriculture without regard  
5 to the race, color, disability, sex, religion, age, or  
6 national origin of the appointees.

7 The Council shall meet at least quarterly each year for  
8 the transaction of its business. Three-fifths of the members  
9 of the Council present at any board meeting shall constitute a  
10 quorum in order to conduct business; however, in the absence  
11 of a quorum, a majority of the members present may adjourn the  
12 meeting from time to time until a quorum shall attend. Any  
13 Council action or recommendation must be approved by a simple  
14 majority of the members of the entire Council then in office,  
15 unless specified otherwise in this Act.

16 The Council shall:

17 (1) annually review and approve award grants  
18 recommended by the Department of Agriculture;

19 (2) review and approve rules adopted by the Department  
20 of Agriculture for administration of the program; and

21 (3) review outcomes of the program and advise  
22 Department of Agriculture on changes in the program or  
23 rules to ensure success of the program in achieving the  
24 intent of this Act.