



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4155

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

Creates the Agricultural Drought and Climate Resilience Office Act. Establishes the Agricultural Drought and Climate Resilience Office. Provides that the Office may provide voluntary technical assistance, nonregulatory programs, and incentives, including grants, that increase the ability to anticipate, prepare for, mitigate, adapt to, and respond to hazardous events, trends, or disturbances related to drought or the climate. Provides that the Director of Agriculture may promulgate rules necessary for the administration of the Office's assistance, programs, and incentives, including grants. Requires the Director or the Director's designee to conduct a study to examine greenhouse gas reduction and carbon sequestration opportunities in the agricultural sector and in agricultural land management in the State. Includes provisions regarding Office assistance, programs, and incentives; grants; a greenhouse gas offset program; rules; and other Office studies. Defines terms. Effective immediately.

LRB103 33835 MXP 63650 b

1 AN ACT concerning State government.

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 Drought and Climate Resilience Office Act.

6 Section 5. Findings. The General Assembly finds that
7 creating a Agricultural Drought and Climate Resilience Office
8 can best address and mitigate agricultural climate-related
9 issues on a wide scale by providing support to and assisting
10 bona fide agricultural producers in implementing practices
11 that minimize the impacts of climate change.

12 Section 10. Definitions. As used in this Act:

13 "Agrivoltaics" means one or more solar energy generation
14 facility directly integrated with agricultural activities,
15 including crop production, grazing, animal husbandry,
16 apiaries, cover cropping, or production of agricultural
17 commodities for sale in the retail or wholesale market.

18 "Anaerobic digester" means a sealed, oxygen-free tank into
19 which feedstock, such as food waste, animal manure, or
20 wastewater sludge, is placed for anaerobic digestion by
21 microorganisms.

22 "Bona fide agricultural producer" means an agricultural

1 producer that receives a majority of the producer's annual
2 income from agriculture, an agricultural producer that spends
3 more than 1,040 hours per year engaged in agricultural
4 production, or an Illinois business that processes
5 agricultural products and solutions from the solar energy
6 development industry on providing feasible solutions for
7 producing electricity on agricultural lands while contributing
8 ecological and agricultural benefits.

9 "Department" means the Department of Agriculture.

10 "Disproportionately impacted area" means a census tract or
11 comparable geographic area that satisfies the following
12 criteria, as determined by the Department of Commerce and
13 Economic Opportunity that meets one or more of the following
14 criteria:

15 (1) at least 20% of households in the area fall below
16 the poverty guidelines updated periodically in the Federal
17 Register by the U.S. Department of Health and Human
18 Services under the authority of 42 U.S.C. 9902(2);

19 (2) 75% or more of the children in the area
20 participate in the National School Lunch Program according
21 to reported statistics from the State Board of Education;

22 (3) at least 20% of the households in the area receive
23 assistance under the Supplemental Nutrition Assistance
24 Program; or

25 (4) the area has an average unemployment rate, as
26 determined by the Illinois Department of Employment

1 Security, that is more than 120% of the national
2 unemployment, as determined by the United States
3 Department of Labor, for a period of at least 2
4 consecutive calendar years preceding the date of when rule
5 goes into effect.

6 "Dry digester" means an anaerobic digester that processes
7 feedstock with a low moisture content.

8 "Floatovoltaics" means one or more solar energy generation
9 facilities placed over, near, or floating on irrigation canals
10 or reservoirs.

11 "Office" means the Agricultural Drought and Climate
12 Resilience Office created in this Act.

13 "Solar energy device" means a device or a structural
14 design feature of a structure that provides for the collection
15 of sunlight and that comprises part of a system for the
16 conversion of the sun's radiant energy into thermal, chemical,
17 mechanical, or electrical energy.

18 "Solar energy facility" means a facility that uses real
19 and personal property, including, but not limited to, one or
20 more solar energy devices, agrivoltaics, float leaseholds, and
21 easements, to generate and deliver to the interconnection
22 meter any source of electrical, thermal, or mechanical energy
23 in excess of 2 megawatts by harnessing the radiant energy of
24 the sun, including any connected device for which the primary
25 purpose is to store energy, and that is not primarily designed
26 to supply electricity for consumption on site.

1 Section 15. Agricultural Drought and Climate Resilience
2 Office; creation.

3 There is created in the Department the Agricultural
4 Drought and Climate Resilience Office. The Office may provide
5 voluntary technical assistance, nonregulatory programs, and
6 incentives, including grants, that increase the ability to
7 anticipate, prepare for, mitigate, adapt to, and respond to
8 hazardous events, trends, or disturbances related to drought
9 or the climate. The Office shall advise the Director of
10 Agriculture, other State agencies, and the Governor on the
11 impact to agriculture of drought and climate policies and
12 programs. The Director shall appoint the head of the Office.

13 Section 20. Assistance, programs, and incentives; rules.

14 (a) The Department shall adopt rules for the
15 administration of the Office's assistance, programs, and
16 incentives, including grants. Before adopting the rules, the
17 Director shall convene a stakeholder group, including
18 representatives of organizations whose membership consists of
19 agricultural producers engaged in the production of the top 10
20 agricultural commodities produced in Illinois, members of the
21 Department of Natural Resources Conservation Reserve
22 Enhancement Program, and representatives of the solar energy
23 development industry. The stakeholder group shall advise the
24 Director as to the needs of the agriculture industry to

1 respond to and mitigate the impacts of climate change on
2 agricultural production.

3 (b) Except for a program, assistance, incentive, or
4 support administered by the Office to address immediate needs
5 as a result of disaster, including wildfire and drought, a
6 program, assistance, incentive, or support administered by the
7 Office must include new or ongoing demonstration or research
8 projects to demonstrate or study the use of agrivoltaics to:

9 (1) help prepare for and mitigate the impacts that
10 climate change or drought have on agriculture;

11 (2) reduce energy costs in agriculture;

12 (3) improve the economic resilience of agricultural
13 producers;

14 (4) minimize negative environmental impacts of
15 photovoltaic energy production facilities on soil health,
16 native vegetation, State and federal listed species,
17 wildlife migration corridors, and the species, habitats,
18 and ecosystems that are of the greatest conservation need;
19 and

20 (5) provide other statewide environmental benefits, as
21 identified by the Office.

22 (c) In awarding grants, the Office shall give preference
23 to grant applications that propose using grant money to
24 conduct a new or ongoing demonstration or research project as
25 a means to study the potential, benefits, and tradeoffs of
26 agrivoltaics in the State.

1 Any agrivoltaic study awarded as a grant pursuant to this
2 Section must include findings on the additional costs,
3 including the additional capital and ongoing maintenance
4 costs, for the use of agrivoltaics as compared to traditional
5 photovoltaics. The additional costs must be quantified on both
6 a dollar-per-megawatt and a dollar-per-megawatt-hour basis.

7 Grants awarded by the Office must pay for implementation
8 of practices to address and mitigate the impacts of climate
9 change or drought on agriculture or provide direct adaptation
10 support for impacted agricultural communities, including
11 mental health resources, conflict resolution assistance, and
12 risk-management guidance. A grant award may pay no more than
13 5% of administrative expenses incurred by an agricultural
14 producer to implement the practices.

15 (d) The Office shall, at least 30 days before opening the
16 grant application process, make available, on its website or
17 the Department's website, information related to the grant
18 program agricultural producers.

19 (e) A grant authorized pursuant to this Section must
20 receive final approval by the head of the Office before a final
21 award can be issued.

22 (f) The Office shall post on its website or the
23 Department's website all applications for grant awards. Within
24 15 days after awarding a grant, the Office shall post on its
25 website or the Department's website the name of the individual
26 or entity receiving a grant, the amount of the grant awarded,

1 the project or projects to be funded by the grant, and the
2 duration of the grant award.

3 Section 25. Greenhouse gas reduction and carbon
4 sequestration study; greenhouse gas offset program.

5 (a) The Director or the Director's designee shall conduct
6 a study to examine greenhouse gas reduction and carbon
7 sequestration opportunities in the agricultural sector and in
8 agricultural land management in the State, including:

9 (1) soil health management practices, including cover
10 cropping, manure management, soil amendments, rotational
11 grazing, rangeland management, low-till and no-till
12 practices, and hedge grows;

13 (2) the use of dry digesters; and

14 (3) the potential for creating and offering a
15 certified greenhouse gas offset program and credit
16 instruments to provide fungible greenhouse gas offsets for
17 agricultural producers and in agricultural land
18 management.

19 The Director or Director's designee shall conduct the
20 study in consultation with the Illinois Environmental
21 Protection Agency, the Illinois Department of Natural
22 Resources and an institution of higher education with
23 expertise in climate change mitigation, adaptation benefits,
24 and other environmental benefits related to agricultural
25 research.

1 The study must identify policy mechanisms to avoid the
2 impacts that the use of greenhouse gas offsets by regulated
3 sources could have on disproportionately impacted areas.

4 The Director or the Director's designee shall submit to
5 the General Assembly:

6 (1) a report summarizing the progress on the study on
7 or before October 1, 2024; and

8 (2) a final report on the study on or before October 1,
9 2025. The final report must include any legislative,
10 regulatory, or other recommendations for designing and
11 implementing greenhouse gas reduction and carbon
12 sequestration opportunities for the agricultural sector
13 and in agricultural land management in the State.

14 (b) After conclusion of the study under subsection (a),
15 the Office may create a certified greenhouse gas offset
16 program. Credit instruments offered under the program must
17 reflect real, additional, quantifiable, permanent, verifiable,
18 and enforceable reductions in greenhouse gas emissions that
19 are equivalent to the offsets provided and must not require
20 agricultural producers' participation.

21 Greenhouse gas offsets developed for agricultural
22 producers and in agricultural land management may be used as
23 compliance instruments with the emission reduction obligations
24 established by the Bureau of Air to ensure that the annual,
25 overall, absolute emissions from the source, sector, or group
26 of sources decline consistent with the statewide greenhouse

1 gas emission reduction goals; except that, if the source is
2 located in a disproportionately impacted area, the Department
3 shall establish by rule an annual, absolute emission reduction
4 obligation specific to the source.

5 Section 30. Post-Study Rules.

6 (a) Upon conclusion of the study conducted under Section
7 25, with regard to any recommendations in the study that do not
8 require legislative changes, the Department may adopt joint
9 rules with the Illinois Environmental Protection Agency's
10 Office of Energy and the Illinois Pollution Control Board, may
11 adopt rules to implement the recommendations. Any rules
12 adopted pursuant to this subsection may not mandate
13 participation by agricultural producers in any greenhouse gas
14 offset program or any other greenhouse gas reduction and
15 carbon sequestration programs or mechanisms developed in rule,
16 but the rules may provide incentives to agricultural producers
17 for the producer's voluntary participation in a program or
18 mechanism developed in rule pursuant to this subsection and
19 establish procedures for coordination with other states.

20 (b) Nothing in this Section requires the adoption of rules
21 for greenhouse gas emission offsets or credit mechanisms or to
22 accept any greenhouse gas emission offsets or credit
23 mechanisms as compliance instruments for emission reduction
24 compliance or verification.

1 Section 35. Other studies. The Office shall also conduct
2 the following studies:

3 (1) A study examining the effectiveness of grants
4 awarded pursuant to Section 15.

5 (2) A feasibility study that examines the use of
6 floatovoltaics in State waterways.

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