



Rep. Sonya M. Harper

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1 AMENDMENT TO HOUSE BILL 56

2 AMENDMENT NO. _____. Amend House Bill 56 by replacing
3 everything after the enacting clause with the following:

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

1 recording, and documentation of an agricultural conservation
2 easement, such as appraisals, land surveys, title
3 verification, and closing. "Costs of acquisition" do not
4 include any costs incurred by a qualified easement holder for
5 staffing, overhead, or operations.

6 "Director" means the Director of Agriculture.

7 "Department" means the Department of Agriculture.

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

9 (1) was born in this State;

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

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

12 "Limited resource farmer" means a farmer with direct or
13 indirect gross farm sales not more than the current indexed
14 value in each of the previous 2 years, and who has a total
15 household income at or below the national poverty level for a
16 family of 4, or less than 50% of county median household income
17 in each of the previous 2 years.

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

20 "Qualified entity" means an organization:

21 (1) that is a nonprofit corporation under Section
22 501(c)(3) of the Internal Revenue Code of 1986 or an
23 organization which has a fiscal sponsor who is exempt from
24 taxation under Section 501(c)(3) of the Internal Revenue
25 Code of 1986; and

26 (2) that has a minimum of 3 years of experience

1 providing agricultural services, business assistance,
2 legal assistance, or advocacy services to socially
3 disadvantaged farmers.

4 "Qualified easement holder" means a State agency, federal
5 agency, county, municipality, or nonprofit organization under
6 Section 501(c)(3) of the Internal Revenue Code of 1986 with
7 experience acquiring, whether through purchase, donation, or
8 transfer, an agricultural or other conservation easement.

9 "Qualified farmland" means land that is in agricultural
10 production or available for agricultural production, including
11 row crops, livestock, nurseries, orchards, or pastures, and
12 incidental land that is associated with an active agricultural
13 operation.

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

16 "Socially disadvantaged group" means a group whose members
17 have been subjected to racial, ethnic, or gender prejudice
18 because of their identity as members of a group without regard
19 to their individual qualities. These groups include all of the
20 following:

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

25 (2) Asian (a person having origins in any of the
26 original peoples of the Far East, Southeast Asia, or the

1 Indian subcontinent, including, but not limited to,
2 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
3 the Philippine Islands, Thailand, and Vietnam).

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

6 (4) Hispanic or Latino (a person of Cuban, Mexican,
7 Puerto Rican, South or Central American, or other Spanish
8 culture or origin, regardless of race).

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

12 "Training" means a program of training approved by the
13 Director that:

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

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

20 (3) focuses on low capital-intensive techniques and
21 technologies; and

22 (4) studies local and regional food systems and the
23 market opportunities those systems present.

24 Section 10. Farmer Restoration Program Fund.

25 (a) The Farmer Restoration Program Fund is created as a

1 special fund in the State treasury. Except as provided in
2 subsection (b), the moneys in the Fund, upon appropriation by
3 the General Assembly, shall be used for the purposes of the
4 program, which include grants for the purchase of agricultural
5 conservation easements, technical assistance grants, technical
6 assistance provided by the Department, and administrative
7 costs incurred by the Department in administering the program.

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

12 (c) Not more than 10% of available funds under this Act may
13 be used for technical assistance purposes and administration.
14 Not less than 90% of funds available for grants under this Act
15 shall be expended for the acquisition of agricultural
16 conservation easements. Moneys in the Fund shall also be
17 available for the following purposes:

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

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

7 (A) payment to qualified easement holders for the
8 purchase of agricultural conservation easements on
9 qualified farmland; or

10 (B) payment of the costs of acquisition related to
11 the purchase of agricultural conservation easements
12 approved by the program.

13 Section 15. Department responsibilities. Subject to
14 appropriation, the Department shall:

15 (1) adopt a scoring process to be used in evaluating
16 applications for agricultural conservation easement grants
17 that prioritizes applications benefiting:

18 (A) socially disadvantaged farmers;

19 (B) limited resource farmers;

20 (C) eligible individuals with a history of land
21 dispossession; and

22 (D) new and beginning farmers;

23 (2) include, as ranking criteria in the scoring
24 process, projects that:

25 (A) leverage local, federal, or private funding,

1 including a match requirement;

2 (B) support transition of farmland to next
3 generation owner-operators; and

4 (C) support conservation priorities, including
5 protection of habitat, water quality, watershed
6 conservation, climate resilience, and local
7 conservation plans; and

8 (3) include, as eligibility criteria, projects that:

9 (A) protect farmland that is under threat of
10 conversion; and

11 (B) demonstrate that the parcel proposed for
12 conservation is expected to continue to be used for
13 agricultural production if conserved.

14 Section 20. Farm Conservation Corps.

15 (a) Subject to appropriation and in partnership with the
16 University of Illinois Extension, the Department shall
17 establish the Farm Conservation Corps to provide residents
18 between the ages of 18 and 29 from socially disadvantaged
19 groups the academic, vocational, and social skills necessary
20 to pursue long-term and productive careers in agriculture.

21 (b) The members of the Farm Conservation Corps shall serve
22 as on-farm apprentices, at no cost, to farms that have been
23 protected with an agricultural conservation easement under
24 this Act or with an annual gross farm income of less than
25 \$250,000 operated by:

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

3 Section 25. Data collection and reporting.

4 (a) Subject to appropriation, the Director shall make
5 publicly available annual reports describing data on the
6 recipients of the Department programs, including assistance
7 from farm subsidy programs, and the amounts of the assistance,
8 delineated by the race, ethnicity, and gender of the
9 recipients.

10 (b) Subject to appropriation, the Department shall conduct
11 research on the status of socially disadvantaged farmers,
12 including, but not limited to:

13 (1) the share of land ownership of those socially
14 disadvantaged farmers as compared to all farmers,
15 delineated by the race, ethnicity, and gender of the
16 landowners;

17 (2) the share of the amount of assistance those
18 socially disadvantaged farmers receive from the Department
19 as compared to all farmers, delineated by the race,
20 ethnicity, and gender of the recipients;

21 (3) the share, status, and receipt of loans by
22 socially disadvantaged farmers as compared to all farmers,
23 delineated by the race, ethnicity, and gender of the
24 recipients; and

25 (4) an assessment of the reasons for disparities in

1 land ownership, assistance from the Department, and loans
2 for socially disadvantaged farmers compared to all
3 farmers.

4 (c) Subject to appropriation, the Department shall conduct
5 research on the demographics and status of farmworkers,
6 including, but not limited to:

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

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

11 (3) the satisfaction of farmworkers with their
12 employment.

13 (d) The Department shall:

14 (1) investigate historical changes in reporting
15 methodology and misreporting of socially disadvantaged
16 farmers in the census of agriculture;

17 (2) develop procedures to ensure that census of
18 agriculture surveys accurately capture the status of
19 socially disadvantaged farmers engaged in urban
20 agriculture; and

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

23 (A) the outreach and methodologies used in
24 conducting the census of agriculture; and

25 (B) how such outreach and methodologies have
26 affected the counting of socially disadvantaged

1 farmers.

2 (e) Subject to appropriation, the Department shall
3 annually conduct and annually make publicly available reports
4 describing in-depth research and analysis of corporate
5 (domestic and foreign) land investment and ownership in this
6 State with specific attention given to the impact of corporate
7 land investment and ownership on:

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

10 (2) challenges and opportunities for new and beginning
11 farmers accessing land for farming;

12 (3) challenges and opportunities for members of
13 socially disadvantaged groups accessing land for farming;
14 and

15 (4) crop selection and production trends.

16 Section 35. Rulemaking. The Department shall adopt rules
17 to carry out the provisions of this Act, including the
18 adoption of rules that establish a process for submitting and
19 processing of applications for grants no later than December
20 31, 2023. Rules shall align with existing federal and local
21 programs to maximize potential for matching funds.

22 Section 90. The State Finance Act is amended by adding
23 Section 5.990 as follows:

1 (30 ILCS 105/5.990 new)

2 Sec. 5.990. The Farmer Restoration Program Fund.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".