



Sen. Doris Turner

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1 AMENDMENT TO HOUSE BILL 3556

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3556 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 Equity and Opportunity 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;

11 (3) has previously identified as Black or African  
12 American; and

13 (4) has at least one parent of African ancestry.

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

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

22 "Qualified entity" means an organization:

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

1 Code of 1986; and

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

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

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

16 "Socially disadvantaged farmer" means a farmer who is a  
17 member of a socially disadvantaged group.

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

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

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

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

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

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

14           "Training" means a program of training approved by the  
15 Director that:

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

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

22           (3) focuses on low capital-intensive techniques and  
23 technologies; and

24           (4) studies local and regional food systems and the  
25 market opportunities those systems present.

1 Section 10. Farmer Equity and Opportunity Fund.

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

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

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

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

1 purpose of preparing them for favorable financing for land  
2 acquisition or negotiating leasing arrangements.

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

10 (A) payment to qualified easement holders for the  
11 purchase of agricultural conservation easements on  
12 qualified farmland; or

13 (B) payment of the costs of acquisition related to  
14 the purchase of agricultural conservation easements  
15 approved by the program.

16 Section 15. Department responsibilities. Subject to  
17 appropriation, the Department shall:

18 (1) Adopt a scoring process to be used in evaluating  
19 applications for agricultural conservation easement grants  
20 that prioritizes applications benefiting:

21 (A) Socially disadvantaged farmers.

22 (B) Limited resource farmers.

23 (C) Eligible individuals with a history of land  
24 dispossession.

25 (D) Veterans.

1 (E) New and beginning farmers.

2 (2) Include, as ranking criteria in the scoring  
3 process, projects that:

4 (A) Leverage local, federal, or private funding,  
5 including a match requirement.

6 (B) Support transition of farmland to next  
7 generation owner-operators.

8 (C) Support conservation priorities, including  
9 protection of habitat, water quality, watershed  
10 conservation, climate resilience, and local  
11 conservation plans.

12 (3) Include, as eligibility criteria, projects that:

13 (A) Protect farmland that is under threat of  
14 conversion.

15 (B) Demonstrate that the parcel proposed for  
16 conservation is expected to continue to be used for  
17 agricultural production if conserved.

18 Section 20. Farm Conservation Corps.

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

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

1 as on-farm apprentices, at no cost, to farms that have been  
2 protected with an agricultural conservation easement under  
3 this Act or with an annual gross farm income of less than  
4 \$250,000 operated by:

5 (1) socially disadvantaged farmers;

6 (2) beginning farmers; or

7 (3) farmers operating certified organic farms.

8 Section 25. Data collection and reporting.

9 (a) Subject to appropriation, the Director shall make  
10 publicly available annual reports describing data on the  
11 recipients of the Department programs, including assistance  
12 from farm subsidy programs, and the amounts of the assistance,  
13 delineated by the race, ethnicity, and gender of the  
14 recipients.

15 (b) Subject to appropriation, the Department shall conduct  
16 research on the status of socially disadvantaged farmers,  
17 including, but not limited to:

18 (1) the share of land ownership of those socially  
19 disadvantaged farmers as compared to all farmers,  
20 delineated by the race, ethnicity, and gender of the  
21 landowners;

22 (2) the share of the amount of assistance those  
23 socially disadvantaged farmers receive from the Department  
24 as compared to all farmers, delineated by the race,  
25 ethnicity, and gender of the recipients;



1           (3) the share, status, and receipt of loans by  
2 socially disadvantaged farmers as compared to all farmers,  
3 delineated by the race, ethnicity, and gender of the  
4 recipients; and

5           (4) an assessment of the reasons for disparities in  
6 land ownership, assistance from the Department, and loans  
7 for socially disadvantaged farmers compared to all  
8 farmers.

9           (c) Subject to appropriation, the Department shall conduct  
10 research on the demographics and status of farmworkers,  
11 including, but not limited to:

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

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

16           (3) the satisfaction of farmworkers with their  
17 employment.

18           (d) The Department shall:

19           (1) investigate historical changes in reporting  
20 methodology and misreporting of socially disadvantaged  
21 farmers in the census of agriculture;

22           (2) develop procedures to ensure that census of  
23 agriculture surveys accurately capture the status of  
24 socially disadvantaged farmers engaged in urban  
25 agriculture; and

26           (3) conduct, concurrently with each census of

1 agriculture, a review to assess:

2 (A) the outreach and methodologies used in  
3 conducting the census of agriculture; and

4 (B) how such outreach and methodologies have  
5 affected the counting of socially disadvantaged  
6 farmers.

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

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

15 (2) challenges and opportunities for new and beginning  
16 farmers accessing land for farming;

17 (3) challenges and opportunities for members of  
18 socially disadvantaged groups accessing land for farming;  
19 and

20 (4) crop selection and production trends.

21 Section 35. Rulemaking. The Department shall adopt rules  
22 to carry out the provisions of this Act, including the  
23 adoption of rules that establish a process for submitting and  
24 processing of applications for grants no later than December  
25 31, 2023. Rules shall align with existing federal and local

1 programs to maximize potential for matching funds.

2 Section 40. Farmer Equity and Opportunity Council.

3 (a) There is hereby established the Farmer Equity and  
4 Opportunity Council to advise and assist the Department with  
5 administration and implementation of the program utilizing the  
6 criteria proposed by the Department and adopted by the  
7 Council.

8 (b) The Council shall consist of the following members:

9 (1) the Director of Agriculture or his or her  
10 designee;

11 (2) the Director of Natural Resources or his or her  
12 designee; and

13 (3) the following members appointed by the Governor:

14 (A) one member who is the designated  
15 representative of a qualified entity;

16 (B) one member who is a designated representative  
17 of a qualified easement holder;

18 (C) one member who is the designated  
19 representative of a statewide agricultural  
20 organization;

21 (D) one member who operates a family farm in this  
22 State;

23 (E) one member who operates a farm in this State  
24 and who qualifies as socially disadvantaged;

25 (F) one member who is the designated

1 representative of a banking or lending organization  
2 and who has experience in agricultural lending to  
3 socially disadvantaged, limited resource, veteran, or  
4 new and beginning farmers;

5 (G) one member who is a designated representative  
6 of an agricultural educational or training program;

7 (H) one member who is the designated  
8 representative of a natural resource planning entity;  
9 and

10 (I) one member representing local food systems.

11 (c) Appointed members of the Council shall serve staggered  
12 terms of 3 years, with 4 of the members' terms expiring on  
13 December 31 of each odd-numbered year.

14 (d) Appointments to and removal from the Council shall be  
15 made by the Governor and the Director of Agriculture without  
16 regard to the race, color, disability, sex, religion, age, or  
17 national origin of the appointees.

18 (e) The Council shall meet at least quarterly each year  
19 for the transaction of its business. Three-fifths of the  
20 members of the Council present at any board meeting shall  
21 constitute a quorum in order to conduct business; however, in  
22 the absence of a quorum, a majority of the members present may  
23 adjourn the meeting from time to time until a quorum shall  
24 attend. Any Council action or recommendation must be approved  
25 by a simple majority of the members of the entire Council then  
26 in office, unless otherwise specified in this Act.

1 (f) The Council shall:

2 (1) annually review and approve award grants  
3 recommended by the Department;

4 (2) review and approve rules to be adopted by  
5 Department for administration of the program; and

6 (3) review outcomes of the program and advise the  
7 Department of changes in the program or rules to ensure  
8 success of the program in achieving the intent of this  
9 Act, including changes informed by the data collection and  
10 reporting under Section 25.

11 Section 90. The State Finance Act is amended by adding  
12 Section 5.990 as follows:

13 (30 ILCS 105/5.990 new)

14 Sec. 5.990. The Farmer Equity and Opportunity Fund.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."