



Rep. Sonya M. Harper

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1 AMENDMENT TO HOUSE BILL 4155

2 AMENDMENT NO. _____. Amend House Bill 4155 by replacing
3 everything after the enacting clause with the following:

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 an Agricultural Drought and Climate Resilience Office
8 can best address and mitigate agricultural climate-related
9 issues on a wide scale by providing support and assistance to
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 facilities directly integrated with agricultural activities,
15 including crop production, grazing, animal husbandry,

1 apiaries, cover cropping, or production of agricultural
2 commodities for sale in the retail or wholesale market.

3 "Anaerobic digester" means a sealed, oxygen-free tank into
4 which feedstock, such as food waste, animal manure, or
5 wastewater sludge, is placed for anaerobic digestion by
6 microorganisms.

7 "Bona fide agricultural producer" means an agricultural
8 producer that receives a majority of the producer's annual
9 income from agriculture, an agricultural producer that spends
10 more than 1,040 hours per year engaged in agricultural
11 production, or an Illinois business that processes
12 agricultural products.

13 "Department" means the Department of Agriculture.

14 "Director" means the Director of Agriculture.

15 "Disproportionately impacted area" means a census tract or
16 comparable geographic area that the Department of Commerce and
17 Economic Opportunity has determined meets one or more of the
18 following criteria:

19 (1) at least 20% of households in the census tract or
20 comparable area fall below the poverty guidelines updated
21 periodically in the Federal Register by the U.S.
22 Department of Health and Human Services under the
23 authority of 42 U.S.C. 9902(2);

24 (2) 75% or more of the children in the census tract or
25 comparable area participate in the National School Lunch
26 Program according to reported statistics from the State

1 Board of Education;

2 (3) at least 20% of the households in the census tract
3 or comparable area receive assistance under the
4 Supplemental Nutrition Assistance Program; or

5 (4) the census tract or comparable area has an average
6 unemployment rate, as determined by the Department of
7 Employment Security, that is more than 120% of the
8 national unemployment rate, as determined by the United
9 States Department of Labor, for a period of at least 2
10 consecutive calendar years.

11 "Dry digester" means an anaerobic digester that processes
12 feedstock with a low moisture content.

13 "Floatovoltaics" means one or more solar energy generation
14 facilities placed over, near, or floating on irrigation canals
15 or reservoirs.

16 "Office" means the Agricultural Drought and Climate
17 Resilience Office created in this Act.

18 "Solar energy device" means a device or a design feature
19 of a structure that provides for the collection of sunlight
20 and that comprises part of a system for the conversion of the
21 sun's radiant energy into thermal, chemical, mechanical, or
22 electrical energy.

23 "Solar energy facility" means a facility that uses real
24 and personal property, including, but not limited to, one or
25 more solar energy devices, agrivoltaics, floatovoltaics,
26 leaseholds, and easements, to generate and deliver to the

1 interconnection meter any source of electrical, thermal, or
2 mechanical energy in excess of 2 megawatts by harnessing the
3 radiant energy of the sun, including any connected device for
4 which the primary purpose is to store energy, and that is not
5 primarily designed to supply electricity for consumption on
6 site.

7 Section 15. Agricultural Drought and Climate Resilience
8 Office; creation. The Agricultural Drought and Climate
9 Resilience Office is hereby created within the Department. The
10 Office may provide voluntary technical assistance,
11 nonregulatory programs, and incentives, including grants, that
12 increase the ability to anticipate, prepare for, mitigate,
13 adapt to, and respond to hazardous events, trends, or
14 disturbances related to drought or the climate. The Office
15 shall advise the Director, other State agencies, and the
16 Governor on the impact to agriculture of drought and climate
17 policies and programs. The Director shall appoint the head of
18 the Office.

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

20 (a) The Department shall adopt rules for the
21 administration of the Office's assistance, programs, and
22 incentives, including grants. Before adopting the rules, the
23 Director shall convene a stakeholder group, including
24 representatives of organizations whose membership consists of

1 agricultural producers engaged in the production of the top 10
2 agricultural commodities produced in Illinois, members of the
3 Department of Natural Resources Conservation Reserve
4 Enhancement Program, and representatives of the solar energy
5 development industry. The stakeholder group shall advise the
6 Director on the needs of the agriculture industry to respond
7 to and mitigate the impacts of climate change on agricultural
8 production.

9 (b) Except for a program, assistance, incentive, or
10 support administered by the Office to address immediate needs
11 as a result of disaster, including wildfire and drought, a
12 program, assistance, incentive, or support administered by the
13 Office must include new or ongoing demonstration or research
14 projects to demonstrate or study the use of agrivoltaics to:

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

17 (2) reduce energy costs in agriculture;

18 (3) improve the economic resilience of agricultural
19 producers;

20 (4) minimize negative environmental impacts of
21 photovoltaic energy production facilities on soil health,
22 native vegetation, State and federal listed species,
23 wildlife migration corridors, and the species, habitats,
24 and ecosystems that are of the greatest conservation need;
25 and

26 (5) provide other statewide environmental benefits, as

1 identified by the Office.

2 (c) In awarding grants, the Office shall give preference
3 to grant applications that propose using grant money to
4 conduct a new or ongoing demonstration or research project as
5 a means to study the potential, benefits, and tradeoffs of
6 agrivoltaics in the State.

7 Any agrivoltaic study awarded as a grant under this
8 Section must include findings on the additional costs,
9 including the additional capital and ongoing maintenance
10 costs, for the use of agrivoltaics as compared to traditional
11 photovoltaics. The additional costs must be quantified on both
12 a dollar-per-megawatt and a dollar-per-megawatt-hour basis.

13 Grants awarded by the Office must pay for implementation
14 of practices to address and mitigate the impacts of climate
15 change or drought on agriculture or provide direct adaptation
16 support for impacted agricultural communities, including
17 mental health resources, conflict resolution assistance, and
18 risk-management guidance. A grant award may pay no more than
19 5% of administrative expenses incurred by an agricultural
20 producer to implement the practices.

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

25 (e) A grant authorized pursuant to this Section must
26 receive final approval by the head of the Office before a final

1 award can be issued.

2 (f) The Office shall post on its website or the
3 Department's website all applications for grant awards. Within
4 15 days after awarding a grant, the Office shall post on its
5 website or the Department's website the name of the individual
6 or entity receiving a grant, the amount of the grant awarded,
7 the project or projects to be funded by the grant, and the
8 duration of the grant award.

9 Section 25. Greenhouse gas reduction and carbon
10 sequestration study; greenhouse gas offset program.

11 (a) The Director or the Director's designee shall conduct
12 a study to examine greenhouse gas reduction and carbon
13 sequestration opportunities in the agricultural sector and in
14 agricultural land management in the State, including:

15 (1) soil health management practices, including cover
16 cropping, manure management, soil amendments, rotational
17 grazing, rangeland management, low-till and no-till
18 practices, and hedge grows;

19 (2) the use of dry digesters; and

20 (3) the potential for creating and offering a
21 certified greenhouse gas offset program and credit
22 instruments to provide fungible greenhouse gas offsets for
23 agricultural producers and in agricultural land
24 management.

25 The Director or Director's designee shall conduct the

1 study in consultation with the Environmental Protection
2 Agency, the Department of Natural Resources, and an
3 institution of higher education with expertise in climate
4 change mitigation, adaptation benefits, and other
5 environmental benefits related to agricultural research.

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

9 The Director or the Director's designee shall submit to
10 the General Assembly:

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

13 (2) a final report on the study on or before October 1,
14 2025. The final report must include any legislative,
15 regulatory, or other recommendations for designing and
16 implementing greenhouse gas reduction and carbon
17 sequestration opportunities for the agricultural sector
18 and in agricultural land management in the State.

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

26 Greenhouse gas offsets developed for agricultural

1 producers and in agricultural land management may be used as
2 compliance instruments with the emission reduction obligations
3 established by the Environmental Protection Agency's Bureau of
4 Air to ensure that the annual, overall, absolute emissions
5 from the source, sector, or group of sources decline
6 consistent with the statewide greenhouse gas emission
7 reduction goals; except that, if the source is located in a
8 disproportionately impacted area, the Department shall
9 establish by rule an annual, absolute emission reduction
10 obligation specific to the source.

11 Section 30. Post-study rules.

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

1 (b) Nothing in this Section requires the adoption of rules
2 for greenhouse gas emission offsets or credit mechanisms or
3 the acceptance of any greenhouse gas emission offsets or
4 credit mechanisms as compliance instruments for emission
5 reduction compliance or verification.

6 Section 35. Other studies. The Office shall also conduct
7 the following studies:

8 (1) a study examining the effectiveness of grants
9 awarded pursuant to Section 15; and

10 (2) a feasibility study that examines the use of
11 floatovoltaics in State waterways.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".