



Rep. Sonya M. Harper

Filed: 2/28/2022

10200HB3089ham001

LRB102 10183 RJF 36840 a

1 AMENDMENT TO HOUSE BILL 3089

2 AMENDMENT NO. _____. Amend House Bill 3089 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Local Food, Farms, and Jobs Act is amended
5 by changing Sections 5, 10, 15, 20, and 25 and by adding
6 Section 13 as follows:

7 (30 ILCS 595/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Food desert" means an area lacking fresh fruit,
10 vegetables, and other healthful whole foods, due to a lack of
11 grocery stores, farmers' markets, or healthy food providers.

12 "Local farm fresh produce or food products" are products:
13 (1) grown in Illinois; or (2) processed and packaged in
14 Illinois, using at least one ingredient grown in Illinois.

15 "Socially disadvantaged farmers" means farmers located in
16 Illinois who have been subjected to racial or ethnic

1 prejudices or who have been placed at a disadvantage because
2 of their identity as a member of a racial or ethnic group
3 without regard to their individual qualities. "Socially
4 disadvantaged farmers" includes farmers who identify as a
5 "minority person", as defined under Section 2 of the Business
6 Enterprise for Minorities, Women, and Persons with
7 Disabilities Act, and who have been certified as a
8 minority-owned business by the Business Enterprise Program.

9 (Source: P.A. 101-258, eff. 1-1-20.)

10 (30 ILCS 595/10)

11 Sec. 10. Procurement goals for local farm fresh produce or
12 food products.

13 (a) In order to create, strengthen, and expand local farm
14 and food economies throughout Illinois, it shall be the goal
15 of this State that 20% of all food and food products purchased
16 by State agencies and State-owned facilities, including,
17 without limitation, facilities for persons with mental health
18 and developmental disabilities, correctional facilities, and
19 public universities, shall, by 2020, be local farm fresh
20 produce or food products.

21 (b) The ~~State Local Food, Farms, and Jobs Council~~
22 ~~established under this Act~~ shall support and encourage that
23 10% of food and food products purchased by entities funded in
24 part or in whole by State dollars, which spend more than
25 \$25,000 per year on food or food products for its students,

1 residents, or clients, including, without limitation, public
2 schools, child care facilities, after-school programs, and
3 hospitals, shall, by 2020, be local farm fresh produce or food
4 products.

5 (c) To meet the goals set forth in this Section, when a
6 State contract for purchase of food or food products is to be
7 awarded to the lowest responsible bidder, an otherwise
8 qualified bidder who will fulfill the contract through the use
9 of local farm fresh produce or food products may be given
10 preference over other bidders, provided that the cost included
11 in the bid of local farm fresh produce or food products is not
12 more than 10% greater than the cost included in a bid that is
13 not for local farm fresh produce or food products.

14 (d) All State agencies ~~and State owned facilities~~ that
15 purchase food and food products for use at State-owned
16 facilities shall, ~~with the assistance of the Local Food,~~
17 ~~Farms, and Jobs Council,~~ develop a system for (i) identifying
18 the percentage of local farm fresh produce or food products
19 purchased for fiscal year 2011 as the baseline; and (ii)
20 tracking and reporting local farm fresh produce or food
21 products purchases on an annual basis.

22 (Source: P.A. 96-579, eff. 8-18-09.)

23 (30 ILCS 595/13 new)

24 Sec. 13. Socially disadvantaged farmers.

25 (a) To create, strengthen, and expand local farm and food

1 economies throughout Illinois, and to create equity in those
2 economies, it is the aspirational goal of this State for at
3 least 10% of all of the food and food products purchased by
4 State agencies to be local farm fresh produce or food products
5 produced by socially disadvantaged farmers.

6 (b) It is also the aspirational goal of the State for at
7 least 10% of the food and food products purchased by entities
8 that are funded in part or in whole by State dollars and that
9 spend more than \$25,000 per year on food or food products to be
10 local farm fresh produce or food products produced by socially
11 disadvantaged farmers.

12 (c) To meet the goals set forth in this Section, when a
13 State contract for the purchase of food or food products is to
14 be awarded to the lowest responsive and responsible bidder, an
15 otherwise qualified bidder who is a socially disadvantaged
16 farmer that will fulfill the contract through the use of local
17 farm fresh produce or food products may be given preference
18 over other bidders, provided that the cost included in the bid
19 of local farm fresh produce or food products is not more than
20 10% greater than the cost included in a bid that is not for
21 local farm fresh produce or food products. A State agency
22 purchasing fresh produce may request any information necessary
23 to determine whether a bidder will fulfill the contract
24 through the use of local farm fresh produce or food products.

25 (d) All State agencies that purchase food and food
26 products for use at State-owned facilities shall develop a

1 system for: (i) identifying the percentage of local farm fresh
2 produce or food products produced by socially disadvantaged
3 farmers and purchased for fiscal year 2020 as the baseline;
4 and (ii) tracking and reporting local farm fresh produce or
5 food products produced by socially disadvantaged farmers and
6 purchased on an annual basis.

7 (30 ILCS 595/15)

8 Sec. 15. Creation of the Local Food, Farms, and Jobs
9 Council.

10 (a) The General Assembly authorizes the Department of
11 Agriculture, in accordance with Section 10 of the State Agency
12 Entity Creation Act, to create the Local Food, Farms, and Jobs
13 Council.

14 (b) The purpose of the Local Food, Farms, and Jobs Council
15 shall be to facilitate the growth of an Illinois-based local
16 farm and food product economy that revitalizes rural and urban
17 communities, promotes healthy eating with access to fresh
18 foods, creates jobs, ensures a readily available supply of
19 safe food in an emergency event, and supports economic growth
20 through making local farm fresh produce or food products
21 available to all Illinois citizens.

22 (Source: P.A. 96-579, eff. 8-18-09.)

23 (30 ILCS 595/20)

24 Sec. 20. Responsibilities of the Local Food, Farms, and

1 Jobs Council. The responsibilities of the Local Food, Farms,
2 and Jobs Council include, but are not limited to, the
3 following:

4 (a) To assist State agencies, State-owned facilities,
5 and other entities with the purchase of local farm fresh
6 produce or food products and with tracking and reporting
7 of such purchases in order to meet the goals established
8 in Section 10 of this Act.

9 (a-5) To assist State agencies, State-owned
10 facilities, and other entities with the purchase of local
11 farm fresh produce or food products produced by socially
12 disadvantaged farmers and with tracking and reporting of
13 such purchases to meet the goals established in Section 13
14 of this Act.

15 (b) To assist local farm and food entrepreneurs,
16 including socially disadvantaged farmers, to identify and
17 secure necessary resources and equipment to begin,
18 maintain, and expand projects and networks necessary for
19 the development of local farm fresh produce or food
20 products; provided, however, that it is the intent of this
21 Act that the Local Food, Farms, and Jobs Council will
22 facilitate program start-ups and then relinquish rights,
23 benefits, and control within a reasonably short duration
24 of time.

25 (c) To facilitate the building of infrastructure,
26 including aggregation, processing, storage, packaging, and

1 distribution facilities necessary to move local farm fresh
2 produce or food products to local and other markets.

3 (d) To support and expand programs that recruit,
4 train, and provide technical assistance to Illinois
5 farmers, including socially disadvantaged farmers, and
6 residents in order to encourage the production of local
7 farm fresh produce or food products.

8 (e) To coordinate interagency policies, initiatives,
9 and procedures promoting local farm and food products in
10 Illinois communities, by working with and involving State,
11 federal, and local agencies, as well as community based
12 organizations, educational institutions, and trade
13 organizations in executing the purposes of this Act.

14 (f) To facilitate the elimination of social, racial,
15 and legal barriers hindering the development of a local
16 farm and food economy by working with federal, State, and
17 local public health agencies, other agencies and
18 applicable entities, and the Illinois Attorney General to
19 create consistent and compatible regulations for the
20 production, storage, distribution, and marketing of local
21 farm fresh produce or food products.

22 (g) To facilitate the use of public lands for growing
23 local farm fresh produce or food products by working with
24 governmental entities at the local, State, and federal
25 levels.

26 (h) To set annual goals for all purchases of local

1 farm fresh produce or food products by Illinois residents
2 and to monitor the development and expansion of a local
3 farm and food economy through data collection, tracking,
4 measurement, analysis, and reporting on progress made in
5 an annual report to the Illinois General Assembly.

6 (i) (Blank).

7 (j) To initiate and facilitate public awareness
8 campaigns about the economic benefits of a local farm and
9 food economy.

10 (k) To facilitate and bolster access to more readily
11 available healthy food options in areas considered to be a
12 food desert, including support and expansion of programs
13 utilizing local farm fresh produce or food products to
14 provide increased food options in such areas.

15 (Source: P.A. 99-653, eff. 1-1-17.)

16 (30 ILCS 595/25)

17 Sec. 25. Governance of the Local Food, Farms, and Jobs
18 Council.

19 (a) The Local Food, Farms, and Jobs Council shall be
20 governed by a 20-member board of directors, which shall be
21 comprised of the following:

22 (1) one representative each from the Department of
23 Agriculture; the Department of Public Health; the Illinois
24 Finance Authority; the Office of the State Treasurer; an
25 agency tasked with responsibilities over economic or

1 workforce development;

2 (2) one agricultural specialist from the University of
3 Illinois Extension;

4 (3) one representative of the State's largest general
5 farm organization;

6 (4) thirteen representatives, each of whom shall
7 represent at least one of the following interests, and
8 each interest shall be represented by at least one
9 representative:

10 (A) local farm fresh produce or food product
11 farmers representing different sectors, including, but
12 not limited to, dairy, meat, vegetable, and grain;

13 (B) local farm fresh produce or food product
14 producers representing different flower, fruit,
15 viticulture, aquaculture, forestry, seeds, fiber,
16 ornamental, or other specialty crop sectors;

17 (C) local farm fresh produce or food product
18 processors or distributors, preferentially those
19 operating cooperatively or under local ownership;

20 (D) not-for-profit educational organizations that
21 specialize in supporting and expanding local farm
22 fresh produce or food product networks;

23 (E) local farm fresh produce or food product
24 retailers;

25 (F) municipalities in the State actively engaged
26 in the development of local farm fresh produce or food

1 products;

2 (G) banking, investment, or philanthropic
3 communities with expertise in financing or supporting
4 local foods production and infrastructure;

5 (H) community-based organizations focusing on
6 access to local farm fresh produce or food products;

7 (I) restaurants or food service businesses,
8 schools, or institutions that use or seek to increase
9 and promote use of local foods; and

10 (J) employees working for businesses in the food
11 system.

12 (b) The 15 non-state governmental board members shall be
13 appointed by the Governor to 3-year staggered terms as
14 determined by the Governor. Persons may be nominated by
15 organizations representing the sectors outlined in subsection
16 (a) of this Section. Vacancies shall be filled by the
17 Governor.

18 (c) The Local Food, Farms, and Jobs Council may apply for
19 and establish a not for profit corporation under the General
20 Not For Profit Corporation Act of 1986.

21 (d) The board of directors shall have all the rights,
22 titles, powers, privileges, and obligations provided for in
23 the General Not For Profit Corporation Act of 1986. It shall
24 elect its presiding officers from among its members and may
25 elect or appoint an executive committee, other committees, and
26 subcommittees to conduct the business of the organization.

1 (e) The Local Food, Farms, and Jobs Council may solicit
2 grants, loans, and contributions from public or private
3 sources and may enter into any contracts, grants, loans, or
4 agreements with respect to the use of such funds to execute the
5 purposes of this Act. No debt or obligation of the Local Food,
6 Farms, and Jobs Council shall become the debt or obligation of
7 the State.

8 (f) The Local Food, Farms, and Jobs Council shall not be
9 considered a State Agency, and its funds shall be considered
10 private funds and held in an appropriate account outside of
11 the State Treasury. Private funds collected by the Local Food,
12 Farms, and Jobs Council are not subject to the Public Funds
13 Investment Act. Local Food, Farms, and Jobs Council
14 procurement is exempt from the Illinois Procurement Code. The
15 treasurer of Local Food, Farms, and Jobs Council funds shall
16 be custodian of all Local Food, Farms, and Jobs Council funds.
17 The Local Food, Farms, and Jobs Council and its officers shall
18 be responsible for the approval of recording of receipts,
19 approval of payments, and the proper filing of required
20 reports. The Local Food, Farms, and Jobs Council's records
21 shall be audited annually by an independent auditor who is a
22 certified public accountant and has been selected by the
23 Board. An annual report shall also be compiled by the Board.
24 Both the annual report and the annual audit shall be filed with
25 any public agency providing funds to the Local Food, Farms,
26 and Jobs Council and be made available to the public.

1 (g) Subject to the availability of public or private
2 funds, the board of directors may employ an executive
3 director, treasurer, other staff, or independent contractors
4 necessary to execute the purposes of this Act, and it may fix
5 the compensation, benefits, terms, and conditions of those
6 persons' employment.

7 (h) The State Governmental agencies represented on the
8 board of directors may re-direct existing staff, as
9 appropriations permit; assist in executing the purposes of
10 this Act; and provide office space, meeting space, and other
11 research and communication services as appropriate.

12 (i) The Local Food, Farms, and Jobs Council may be
13 assisted in carrying out its functions by personnel of the
14 Department of Agriculture. The Department shall provide
15 reasonable assistance to the Local Food, Farms, and Jobs
16 Council to help it achieve its purposes.

17 (Source: P.A. 99-653, eff. 1-1-17.)"