



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3556

Introduced 2/17/2023, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.990 new

Creates the Black Farmer Restoration Program Act. Creates the Black Farmer Restoration Program within the Illinois Department of Agriculture to support current Black farmers and to encourage the growth of Black farmers into the field of agriculture. Creates the Black Farmer Restoration Fund as a special fund in the State treasury. Provides that the Fund shall consist of gifts, grants, donations, and appropriations which must be made to support the Program. Provides that expenditures from the Fund must be used exclusively to pay costs, fees, and expenses necessary to administer the Program. Establishes requirements and limitations for the Program. Establishes the Farm Conservation Corps to provide training in an on-field environment for socially disadvantaged residents. Provides that the Director shall make publicly available annual reports describing data on the recipients of the Department programs, including assistance from farm subsidy programs, and the amounts of the assistance, delineated by the race, ethnicity, and gender of the recipients. Defines terms. Effective immediately.

LRB103 30147 RLC 56571 b

1 AN ACT concerning agriculture.

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 Black  
5 Farmer Restoration Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Agricultural easement" means a nonpossessory interest of  
8 a holder in real property imposing limitations on the use of  
9 the property strictly to agricultural purposes. An  
10 agricultural easement does not prevent a property owner from  
11 constructing, improving, or maintaining a primary residence or  
12 housing for farmworkers on the land.

13 "Director" means the Director of Agriculture.

14 "Department" means the Illinois Department of Agriculture.

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

16 (1) was born in this State;

17 (2) is at least 21 years of age;

18 (3) has previously identified as Black or African  
19 American; and

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

21 "Qualified entity" means an organization:

22 (1) that has a fiscal sponsor who is exempt from  
23 taxation pursuant to Section 501(c)(3) of the Internal

1 Revenue Code of 1986;

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; and

6 (3) in which at least one-half of the members of the  
7 organization's board of directors are Black.

8 "Socially disadvantaged farmer" means a farmer who is a  
9 member of a socially disadvantaged group.

10 "Socially disadvantaged group" means a group of people  
11 whose members have been subject to racial or ethnic prejudice  
12 because of their identity as a member of a group without regard  
13 to their individual qualities.

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. Black Farmer Restoration Program. The Black  
2 Farmer Restoration Program is created within the Illinois  
3 Department of Agriculture to support current Black farmers and  
4 to encourage the growth of Black farmers into the field of  
5 agriculture. The Black Farmer Restoration Fund is created as a  
6 special fund in the State treasury. The Fund shall consist of  
7 gifts, grants and donations, and appropriations which must be  
8 made to support the Program. Expenditures from the Fund must  
9 be used exclusively to pay costs, fees, and expenses necessary  
10 to administer the Program.

11           Section 15. Department and Director responsibilities.

12           (a) The Department shall:

13                 (1) purchase, from willing sellers, available  
14 agricultural land within this State at a price no greater  
15 than fair market value; and

16                 (2) convey grants of the purchased land to eligible  
17 individuals at no cost to the eligible individual.

18           (b) A land grant to an eligible individual may not exceed  
19 one hundred acres.

20           (c) Eligible individuals:

21                 (1) An eligible individual seeking a land grant shall  
22 submit an application on a form and in a manner approved by  
23 the Director that must include a legal description of the  
24 eligible agricultural land.

25                 (2) The Director shall give priority to applications

1 to:

2 (A) socially disadvantaged farmers;

3 (B) eligible individuals with a family history of  
4 land dispossession;

5 (C) eligible individuals with experience in  
6 agriculture, including experience obtained through the  
7 provisions of this article; and

8 (D) eligible individuals who are veterans.

9 (3) The Director may grant an application submitted by  
10 a qualified entity on behalf of one or more eligible  
11 individuals seeking a land grant. An application submitted  
12 by a qualified entity for more than one hundred acres must  
13 include a proposal for how the land will be subdivided and  
14 separately conveyed to multiple eligible individuals.

15 (d) Granted land.

16 (1) The Director shall attach an agricultural easement  
17 to the land before it may be conveyed to the eligible  
18 individual or qualified entity.

19 (2) The recipient of the land grant may sell the land,  
20 but the Department has the right of first refusal to  
21 purchase the land at the appraised value of the land to  
22 convey to another eligible individual pursuant to the  
23 provisions of this article.

24 Section 20. Farm Conservation Corps.

25 (a) The Department shall establish the Farm Conservation

1 Corps to provide residents between the ages of 18 and 29 from  
2 socially disadvantaged groups the academic, vocational, and  
3 social skills necessary to pursue long-term and productive  
4 careers in agriculture.

5 (b) The members of the Farm Conservation Corps shall serve  
6 as on-farm apprentices, at no cost, to farms with an annual  
7 gross farm income of less than \$250,000 operated by:

8 (1) socially disadvantaged farmers;

9 (2) beginning farmers; or

10 (3) farmers operating certified organic farms.

11 Section 25. Data collection and reporting.

12 (a) Generally. The Director shall make publicly available  
13 annual reports describing data on the recipients of the  
14 Department programs, including assistance from farm subsidy  
15 programs, and the amounts of the assistance, delineated by the  
16 race, ethnicity, and gender of the recipients.

17 (b) Research of socially disadvantaged farmers and  
18 ranchers. The Department shall conduct research on the status  
19 of socially disadvantaged farmers and ranchers, including, but  
20 not limited to:

21 (1) the share of land ownership of those socially  
22 disadvantaged farmers and ranchers as compared to all  
23 farmers and ranchers, delineated by the race, ethnicity,  
24 and gender of the landowners;

25 (2) the share of the amount of assistance those

1 socially disadvantaged farmers and ranchers receive from  
2 the Department as compared to all farmers and ranchers,  
3 delineated by the race, ethnicity, and gender of the  
4 recipients;

5 (3) the share, status, and receipt of loans by  
6 socially disadvantaged farmers and ranchers as compared to  
7 all farmers and ranchers, delineated by the race,  
8 ethnicity, and gender of the recipients; and

9 (4) an assessment of the reasons for disparities in  
10 land ownership, assistance from the Department, and loans  
11 for socially disadvantaged farmers and ranchers compared  
12 to all farmers and ranchers.

13 (c) Research of farmworkers. The Department shall conduct  
14 research on the demographics and status of farmworkers,  
15 including, but not limited to:

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

18 (2) the economic contributions of farmworkers to the  
19 Illinois economy; and

20 (3) satisfaction of farmworkers with their employment.

21 (d) Census of agriculture. The Department shall:

22 (1) investigate historical changes in reporting  
23 methodology and misreporting of Black farmers and ranchers  
24 in the census of agriculture;

25 (2) develop procedures to ensure that census of  
26 agriculture surveys accurately capture the status of

1 socially disadvantaged farmers and ranchers engaged in  
2 urban agriculture; and

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

5 (A) the outreach and methodologies used in  
6 conducting the census of agriculture; and

7 (B) how such outreach and methodologies have  
8 affected the counting of socially disadvantaged  
9 farmers and ranchers.

10 (e) Corporate ownership of farmland. The Department shall  
11 annually conduct, and annually make publicly available reports  
12 describing, in-depth research and analysis of corporate  
13 (domestic and foreign) land investment and ownership in  
14 Illinois, with specific attention given to the impact of  
15 corporate land investment and ownership on:

16 (1) land consolidation trends in Illinois and in the  
17 United States;

18 (2) challenges and opportunities for new and beginning  
19 farmers and ranchers accessing land for farming or  
20 ranching;

21 (3) challenges and opportunities for members of  
22 socially disadvantaged groups accessing land for farming  
23 or ranching; and

24 (4) crop selection and production trends.

25 Section 35. Rulemaking. The Department shall adopt rules



1 to carry out the provisions of this Act.

2 Section 90. The State Finance Act is amended by adding  
3 Section 5.990 as follows:

4 (30 ILCS 105/5.990 new)

5 Sec. 5.990. The Black Farmer Restoration Fund.

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