



Rep. Sonya M. Harper

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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 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;

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

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

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

5 "Limited resource farmer" means a farmer with direct or  
6 indirect gross farm sales not more than the current indexed  
7 value in each of the previous 2 years, and who has a total  
8 household income at or below the national poverty level for a  
9 family of 4, or less than 50% of county median household income  
10 in each of the previous 2 years.

11 "Qualified entity" means an organization:

12 (1) that has a fiscal sponsor who is exempt from  
13 taxation pursuant to Section 501(c)(3) of the Internal  
14 Revenue Code of 1986;

15 (2) that has a minimum of 3 years of experience  
16 providing agricultural services, business assistance,  
17 legal assistance, or advocacy services to socially  
18 disadvantaged farmers; and

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

21 "Socially disadvantaged farmer" means a farmer who is a  
22 member of a socially disadvantaged group.

23 "Socially disadvantaged group" means a group of people  
24 whose members have been subject to racial or ethnic prejudice  
25 because of their identity as a member of a group without regard  
26 to their individual qualities.

1 "Training" means a program of training approved by the  
2 Director that:

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

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

9 (3) focuses on low capital-intensive techniques and  
10 technologies; and

11 (4) studies local and regional food systems and the  
12 market opportunities those systems present.

13 Section 10. Black Farmer Restoration Program Fund.

14 (a) The Black Farmer Restoration Program Fund is created  
15 as a special fund in the State treasury. Except as provided in  
16 subsection (b), the moneys in the fund, upon appropriation by  
17 the General Assembly, shall be used for the purposes of the  
18 program, which include the purchase of agricultural  
19 conservation easements, fee title acquisition grants to  
20 private landowners, socially disadvantaged farmers, and  
21 limited resource farmers, land improvement and planning  
22 grants, technical assistance grants, technical assistance  
23 provided by the Department, technology transfer activities of  
24 the Department, and administrative costs incurred by the  
25 Department in administering the program.

1           (b) Notwithstanding subsection (a), moneys may be  
2 deposited into the fund from federal grants, and gifts and  
3 donations that are designated and required by the donor to be  
4 used exclusively for the purposes of the program.

5           (c) Not to exceed 10% of all grants made by the Department  
6 under this Act may be made for land improvement purposes,  
7 technical assistance purposes, and policy planning purposes.  
8 Not less than 90% of funds available for grants under this Act  
9 shall be expended for the acquisition of interests in land.  
10 For purposes of this Act, the expenditures specified in this  
11 subsection shall be deemed expenditures for the acquisition of  
12 interests in land. Not less than 75% of funds shall be provided  
13 to applicants that lease or sell to socially disadvantaged  
14 farmers. Moneys in the fund shall also be available for the  
15 following purposes:

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

26           (2) To provide acquisition assistance grants to

1 eligible assistance entities for the sole purpose of  
2 reducing barriers to land access for socially  
3 disadvantaged farmers, including, but not limited to, down  
4 payment assistance, interest rate assistance, direct costs  
5 incidental to acquisition, and infrastructure for land  
6 improvement.

7 (3) To provide technical assistance grants to eligible  
8 assistance entities in support of socially disadvantaged  
9 farmers who are seeking financing for land acquisition or  
10 leasing. For purposes of this paragraph (3), technical  
11 assistance includes, but is not limited to, organizing,  
12 advising, counseling, educating, planning, drafting,  
13 translating, interpreting, and consulting with socially  
14 disadvantaged farmers for the purpose of preparing them  
15 for favorable financing for land acquisition or  
16 negotiating leasing arrangements.

17 (4) To provide acquisition assistance grants to  
18 eligible assistance entities for the sole purpose of  
19 reducing barriers to land access for socially  
20 disadvantaged farmers, including, but not limited to, down  
21 payment assistance, interest rate assistance, direct costs  
22 incidental to acquisition, and infrastructure for land  
23 improvement.

24 Section 15. Department and Director responsibilities.

25 (a) Subject to appropriation, the Department shall:

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

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

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

8           (c) Eligible individuals:

9           (1) An eligible individual seeking a land grant shall  
10 submit an application on a form and in a manner approved by  
11 the Director that must include a legal description of the  
12 eligible agricultural land.

13           (2) The Director shall give priority to applications  
14 to:

15                   (A) socially disadvantaged farmers;

16                   (B) eligible individuals with a family history of  
17 land dispossession;

18                   (C) eligible individuals with experience in  
19 agriculture, including experience obtained through the  
20 provisions of this article; and

21                   (D) eligible individuals who are veterans.

22           (3) The Director may grant an application submitted by  
23 a qualified entity on behalf of one or more eligible  
24 individuals seeking a land grant. An application submitted  
25 by a qualified entity for more than one hundred acres must  
26 include a proposal for how the land will be subdivided and

1 separately conveyed to multiple eligible individuals.

2 (d) Granted land.

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

6 (2) The recipient of the land grant may sell the land,  
7 but the Department has the right of first refusal to  
8 purchase the land at the appraised value of the land to  
9 convey to another eligible individual pursuant to the  
10 provisions of this article.

11 Section 20. Farm Conservation Corps.

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

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

21 (1) socially disadvantaged farmers;

22 (2) beginning farmers; or

23 (3) farmers operating certified organic farms.

24 Section 25. Data collection and reporting.

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

7 (b) Research of socially disadvantaged farmers. Subject to  
8 appropriation, the Department shall conduct research on the  
9 status of socially disadvantaged farmers, including, but not  
10 limited to:

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

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

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

23 (4) an assessment of the reasons for disparities in  
24 land ownership, assistance from the Department, and loans  
25 for socially disadvantaged farmers compared to all  
26 farmers.

1 (c) Research of farmworkers. Subject to appropriation, the  
2 Department shall conduct research on the demographics and  
3 status of farmworkers, including, but not limited to:

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

6 (2) the economic contributions of farmworkers to the  
7 Illinois economy; and

8 (3) satisfaction of farmworkers with their employment.

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

10 (1) investigate historical changes in reporting  
11 methodology and misreporting of socially disadvantaged  
12 farmers in the census of agriculture;

13 (2) develop procedures to ensure that census of  
14 agriculture surveys accurately capture the status of  
15 socially disadvantaged farmers engaged in urban  
16 agriculture; and

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

19 (A) the outreach and methodologies used in  
20 conducting the census of agriculture; and

21 (B) how such outreach and methodologies have  
22 affected the counting of socially disadvantaged  
23 farmers.

24 (e) Corporate ownership of farmland. Subject to  
25 appropriation, the Department shall annually conduct, and  
26 annually make publicly available reports describing, in-depth

1 research and analysis of corporate (domestic and foreign) land  
2 investment and ownership in Illinois, with specific attention  
3 given to the impact of corporate land investment and ownership  
4 on:

5 (1) land consolidation trends in Illinois and in the  
6 United States;

7 (2) challenges and opportunities for new and beginning  
8 farmers accessing land for farming;

9 (3) challenges and opportunities for members of  
10 socially disadvantaged groups accessing land for farming;  
11 and

12 (4) crop selection and production trends.

13 Section 35. Rulemaking. The Department shall adopt rules  
14 to carry out the provisions of this Act.

15 Section 90. The State Finance Act is amended by adding  
16 Section 5.990 as follows:

17 (30 ILCS 105/5.990 new)

18 Sec. 5.990. The Black Farmer Restoration Program Fund.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."