

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 "Limited resource farmer" means a farmer with direct or  
22 indirect gross farm sales not more than the current indexed  
23 value in each of the previous 2 years, and who has a total

1 household income at or below the national poverty level for a  
2 family of 4, or less than 50% of county median household income  
3 in each of the previous 2 years.

4 "Qualified entity" means an organization:

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

8 (2) that has a minimum of 3 years of experience  
9 providing agricultural services, business assistance,  
10 legal assistance, or advocacy services to socially  
11 disadvantaged farmers; and

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

14 "Socially disadvantaged farmer" means a farmer who is a  
15 member of a socially disadvantaged group.

16 "Socially disadvantaged group" means a group of people  
17 whose members have been subject to racial or ethnic prejudice  
18 because of their identity as a member of a group without regard  
19 to their individual qualities.

20 "Training" means a program of training approved by the  
21 Director that:

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

25 (2) provides a course of study that is equivalent to  
26 no less than 30 academic credit hours of study, which may

1 be provided as direct in-field instruction;

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

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

6 Section 10. Black Farmer Restoration Program Fund.

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

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

23 (c) Not to exceed 10% of all grants made by the Department  
24 under this Act may be made for land improvement purposes,  
25 technical assistance purposes, and policy planning purposes.

1 Not less than 90% of funds available for grants under this Act  
2 shall be expended for the acquisition of interests in land.  
3 For purposes of this Act, the expenditures specified in this  
4 subsection shall be deemed expenditures for the acquisition of  
5 interests in land. Not less than 75% of funds shall be provided  
6 to applicants that lease or sell to socially disadvantaged  
7 farmers. Moneys in the fund shall also be available for the  
8 following purposes:

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

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

26 (3) To provide technical assistance grants to eligible

1 assistance entities in support of socially disadvantaged  
2 farmers who are seeking financing for land acquisition or  
3 leasing. For purposes of this paragraph (3), technical  
4 assistance includes, but is not limited to, organizing,  
5 advising, counseling, educating, planning, drafting,  
6 translating, interpreting, and consulting with socially  
7 disadvantaged farmers for the purpose of preparing them  
8 for favorable financing for land acquisition or  
9 negotiating leasing arrangements.

10 (4) To provide acquisition assistance grants to  
11 eligible assistance entities for the sole purpose of  
12 reducing barriers to land access for socially  
13 disadvantaged farmers, including, but not limited to, down  
14 payment assistance, interest rate assistance, direct costs  
15 incidental to acquisition, and infrastructure for land  
16 improvement.

17 Section 15. Department and Director responsibilities.

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

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

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

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

1 (c) Eligible individuals:

2 (1) An eligible individual seeking a land grant shall  
3 submit an application on a form and in a manner approved by  
4 the Director that must include a legal description of the  
5 eligible agricultural land.

6 (2) The Director shall give priority to applications  
7 to:

8 (A) socially disadvantaged farmers;

9 (B) eligible individuals with a family history of  
10 land dispossession;

11 (C) eligible individuals with experience in  
12 agriculture, including experience obtained through the  
13 provisions of this article; and

14 (D) eligible individuals who are veterans.

15 (3) The Director may grant an application submitted by  
16 a qualified entity on behalf of one or more eligible  
17 individuals seeking a land grant. An application submitted  
18 by a qualified entity for more than one hundred acres must  
19 include a proposal for how the land will be subdivided and  
20 separately conveyed to multiple eligible individuals.

21 (d) Granted land.

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

25 (2) The recipient of the land grant may sell the land,  
26 but the Department has the right of first refusal to

1 purchase the land at the appraised value of the land to  
2 convey to another eligible individual pursuant to the  
3 provisions of this article.

4 Section 20. Farm Conservation Corps.

5 (a) Subject to appropriation and in partnership with the  
6 University of Illinois Extension, the Department shall  
7 establish the Farm Conservation Corps to provide residents  
8 between the ages of 18 and 29 from socially disadvantaged  
9 groups the academic, vocational, and social skills necessary  
10 to pursue long-term and productive careers in agriculture.

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

- 14 (1) socially disadvantaged farmers;  
15 (2) beginning farmers; or  
16 (3) farmers operating certified organic farms.

17 Section 25. Data collection and reporting.

18 (a) Generally. Subject to appropriation, the Director  
19 shall make publicly available annual reports describing data  
20 on the recipients of the Department programs, including  
21 assistance from farm subsidy programs, and the amounts of the  
22 assistance, delineated by the race, ethnicity, and gender of  
23 the recipients.

24 (b) Research of socially disadvantaged farmers. Subject to

1 appropriation, the Department shall conduct research on the  
2 status of socially disadvantaged farmers, including, but not  
3 limited to:

4 (1) the share of land ownership of those socially  
5 disadvantaged farmers as compared to all farmers,  
6 delineated by the race, ethnicity, and gender of the  
7 landowners;

8 (2) the share of the amount of assistance those  
9 socially disadvantaged farmers receive from the Department  
10 as compared to all farmers, delineated by the race,  
11 ethnicity, and gender of the recipients;

12 (3) the share, status, and receipt of loans by  
13 socially disadvantaged farmers as compared to all farmers,  
14 delineated by the race, ethnicity, and gender of the  
15 recipients; and

16 (4) an assessment of the reasons for disparities in  
17 land ownership, assistance from the Department, and loans  
18 for socially disadvantaged farmers compared to all  
19 farmers.

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

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

25 (2) the economic contributions of farmworkers to the  
26 Illinois economy; and



1 (3) satisfaction of farmworkers with their employment.

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

3 (1) investigate historical changes in reporting  
4 methodology and misreporting of socially disadvantaged  
5 farmers in the census of agriculture;

6 (2) develop procedures to ensure that census of  
7 agriculture surveys accurately capture the status of  
8 socially disadvantaged farmers engaged in urban  
9 agriculture; and

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

12 (A) the outreach and methodologies used in  
13 conducting the census of agriculture; and

14 (B) how such outreach and methodologies have  
15 affected the counting of socially disadvantaged  
16 farmers.

17 (e) Corporate ownership of farmland. Subject to  
18 appropriation, the Department shall annually conduct, and  
19 annually make publicly available reports describing, in-depth  
20 research and analysis of corporate (domestic and foreign) land  
21 investment and ownership in Illinois, with specific attention  
22 given to the impact of corporate land investment and ownership  
23 on:

24 (1) land consolidation trends in Illinois and in the  
25 United States;

26 (2) challenges and opportunities for new and beginning

1 farmers accessing land for farming;  
2 (3) challenges and opportunities for members of  
3 socially disadvantaged groups accessing land for farming;  
4 and  
5 (4) crop selection and production trends.

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

8 Section 90. The State Finance Act is amended by adding  
9 Section 5.990 as follows:

10 (30 ILCS 105/5.990 new)

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

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