



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2011

Introduced 2/9/2023, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

New Act

Creates the Agricultural and Natural Resources Legacy Act. Creates the Agricultural and Natural Resources Legacy Fund as a separate fund in the State treasury to be managed by the Department of Agriculture. Provides that from the Fund, moneys shall be made available in each fiscal year for grants to qualified easement holdings having an application which has been reviewed by the Department of Agriculture and approved by the Agricultural Legacy Council. Creates the Agricultural Legacy Council to annually review and approve award grants recommended by the Department of Agriculture, review and approve rules adopted by the Department of Agriculture for administration of the program, and review outcomes of the program and advise the Department of Agriculture of changes in the program or rules to ensure success of the program in achieving the intent of the Act.

LRB103 27250 RLC 53621 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
5 Agricultural and Natural Resources Legacy Act.

6 Section 5. Legislative findings and intent. The General
7 Assembly finds all of the following:

8 (1) That the preservation of farmland is important for
9 current and future agricultural production in this State,
10 including the production of food and other products needed
11 to sustain the life, health, and welfare of the people of
12 this State.

13 (2) That the preservation of farmland is important for
14 the current and future State economy and for the current
15 and future environment of this State.

16 (3) That establishment of agricultural conservation
17 easements, as provided in this Act, serve important public
18 purposes of statewide significance.

19 (4) The Agricultural Areas Conservation and Protection
20 Act provides that it is the policy of the State to
21 conserve, protect, and to encourage the development and
22 improvement of its agricultural lands for the production
23 of food and other agricultural products and to conserve

1 and protect agricultural lands as valued natural and
2 ecological resources that provide needed open spaces for
3 clean air sheds as well as aesthetic purposes.

4 (5) The Illinois Farmland Preservation Act provides
5 that conversion and loss of agricultural land has
6 diminished Illinois cropland base and affects
7 environmental quality. The supply of land most suitable
8 for farming is finite. Conversion of this land to urban
9 development and other non-farm uses reduces future food
10 production capability and may ultimately undermine
11 agriculture as a major economic activity in Illinois.

12 (6) The intent of this Act is to ensure permanent
13 conservation of farmland in order to protect Illinois's
14 agricultural economy, the ecological benefits and
15 associated natural habitat provided by agricultural lands
16 and activities, and community character enhanced by
17 agricultural and natural landscapes by:

18 (A) incentivizing farmland owners to voluntarily
19 protect their farms;

20 (B) facilitating the transition of farms under
21 development pressure to next generation farmers;

22 (C) increasing the supply of locally grown food in
23 the State of Illinois; and

24 (D) facilitating utilization of federal and local
25 funds to benefit Illinois's farmland and natural
26 resources.

1 Section 10. Definitions. In this Act:

2 "Agricultural conservation easement" means a nonpossessory
3 interest of a holder in real property within Illinois imposing
4 limitations or affirmative obligations, the purposes of which
5 include retaining or protecting agricultural production
6 capability and natural, scenic, habitat, or open-space values
7 of real property.

8 "Application" means any application seeking moneys from
9 the Agricultural and Natural Resources Fund.

10 "Cost of acquisition" means all out-of-pocket direct costs
11 of activities incurred in connection with the acquisition,
12 processing, recording, and documentation of an agricultural
13 conservation easement, such as appraisals, land surveys, title
14 verification, and closing, which may be required by applicable
15 State laws and local ordinances, or otherwise, in order to
16 establish a conservation easement on real property; however,
17 such costs shall not include any costs incurred by a holder for
18 staffing, overhead, or operations.

19 "Qualified easement holder" means a State agency, federal
20 agency, county, municipality, or a 501(c)(3) nonprofit
21 organization with experience acquiring, whether through
22 purchase, donation or transfer, an agricultural or other
23 conservation easement.

24 "Qualified farmland" means agricultural land in an
25 undeveloped state or that has been developed only to the

1 extent consistent with agricultural production, including row
2 crops, livestock, nurseries, orchards, or pastures.

3 Section 15. Establishment of the Agricultural and Natural
4 Resources Legacy Fund. The Agricultural and Natural Resources
5 Legacy Fund shall be established as a separate fund in the
6 State treasury to be managed by the Department of Agriculture,
7 separate and distinct from the General Revenue Fund. Interest
8 earned by the Agricultural and Natural Resources Fund shall be
9 credited to the fund. Such funds shall not lapse to the General
10 Revenue Fund. Such funds shall be used to support the
11 protection and conservation of agricultural land and shall be
12 used to supplement, not supplant, Department of Agriculture
13 resources.

14 The Agricultural and Natural Resources Fund consists of:

15 (1) annual appropriations by the General Assembly to
16 the fund;

17 (2) public or private grants, gifts, donations, or
18 contributions dedicated to the fund for farmland
19 conservation;

20 (3) funds from any other source, including proceeds
21 from the sale of bonds, State, federal, or private
22 mitigation funds, or funds from any other local, State, or
23 federal program that may be dedicated to the fund for
24 farmland conservation; and

25 (4) revenue derived from the sale of land or other

1 assets donated or bequeathed to the fund.

2 Section 20. Grants; conditions of eligibility; permissible
3 use of funds. From within the Agricultural and Natural
4 Resources Legacy Fund, moneys shall be made available in each
5 fiscal year for grants to any qualified easement holder having
6 an application that has been reviewed by the Department of
7 Agriculture and approved by the Agricultural Legacy Council,
8 as provided in this Section.

9 As a condition of eligibility for any such grant, an
10 application shall have as its primary purpose advancing
11 farmland conservation and supporting active farming and food
12 production in Illinois. Award grants may include the
13 following:

14 (1) Payment to qualified easement holders for the
15 purchase of agricultural conservation easements on
16 qualified farmland.

17 (2) Payment for the costs of acquisition related to
18 the purchase of agricultural conservation easements
19 approved by the program.

20 The Agricultural and Natural Resources Heritage Fund shall
21 be used to pay administrative costs of this program by the
22 Department of Agriculture, annually not to exceed 5% of the
23 annual allocation of moneys to the Fund.

24 Section 25. Administration; prioritization of farmland.

1 The Department of Agriculture shall have primary
2 responsibility for administration of the Agricultural and
3 Natural Resources Fund program, under the direction and advice
4 of the Agricultural Legacy Council, as provided in this Act.
5 The Department shall:

6 (1) give priority to applications that protect
7 agricultural lands that are susceptible to development,
8 including subdivision and fragmentation;

9 (2) adopt a scoring process to be used in evaluating
10 applications that considers the following for
11 prioritization of projects:

12 (A) protecting farmland in active or planned
13 cultivation;

14 (B) preventing development or fragmentation that
15 would result in farmland loss by conversion;

16 (C) supporting transition of farmland to next
17 generation farmer owner-operators;

18 (D) leveraging local, federal, or private funding,
19 including a match requirement;

20 (E) supporting conservation priorities including
21 protection of habitat, water quality, watershed
22 conservation, climate resiliency, local conservation
23 plans, and public viewshed;

24 (F) preserving or Enhancing Soil Quality.

25 (3) ensure the following easement terms are met to be
26 eligible for funds:

1 (A) An agricultural conservation easement shall be
2 perpetual.

3 (B) Agricultural conservation easement terms shall
4 align with existing federal and local programs to
5 maximize potential for matching funds.

6 Section 30. Authority to adopt rules. The Department of
7 Agriculture shall adopt rules as necessary to implement the
8 provisions of this Act on or before December 31, 2023,
9 including the adoption of rules that establish a process for
10 submitting and processing applications for grants. The
11 Department, after consultation with the Illinois Agricultural
12 Legacy Council, shall solicit applications. The Department
13 shall issue each solicitation in writing and shall publish a
14 notice announcing the solicitation.

15 Section 35. Establishment of the Illinois Agricultural
16 Legacy Council; membership; role and duties of the Council.
17 There is established the Illinois Agricultural Legacy Council
18 to advise and assist the Department of Agriculture with
19 administration and implementation of the program utilizing the
20 criteria proposed by the Department and adopted by the
21 Council. The Advisory Council shall consist of 9 members, as
22 follows:

23 (1) the Director of the Department of Agriculture;

24 (2) the Director of the Department of Natural

1 Resources;

2 (3) other members appointed by the Governor as
3 follows:

4 (A) one member who operates a family farm in this
5 State;

6 (B) one member who is the designated
7 representative of a banking or lending organization
8 and who has significant experience in agricultural
9 lending;

10 (C) one member who is the designated
11 representative of a statewide agricultural
12 organization;

13 (D) one member who is a designated representative
14 of a land trust or statewide nonprofit conservation
15 organization operating in this State;

16 (E) one member who is a designated representative
17 of an educational institution with an agricultural
18 program;

19 (F) one member who is the designated
20 representative of Soil and Water Conservation
21 Districts, Illinois Extension, or the United States
22 Department of Agriculture Natural Resources
23 Conservation Services; and

24 (G) one member representing the planning
25 profession.

26 Appointed members of the council serve staggered terms of

1 3 years, with 4 of the members' terms expiring on December 31
2 of each odd-numbered year.

3 Appointments to and removal from the council shall be made
4 by the Governor and the Director of Agriculture without regard
5 to the race, color, disability, sex, religion, age, or
6 national origin of the appointees.

7 The Council shall meet at least quarterly each year for
8 the transaction of its business. Three-fifths of the members
9 of the Council present at any board meeting shall constitute a
10 quorum in order to conduct business; however, in the absence
11 of a quorum, a majority of the members present may adjourn the
12 meeting from time to time until a quorum shall attend. Any
13 Council action or recommendation must be approved by a simple
14 majority of the members of the entire Council then in office,
15 unless specified otherwise in this Act.

16 The Council shall:

17 (1) annually review and approve award grants
18 recommended by the Department of Agriculture;

19 (2) review and approve rules adopted by the Department
20 of Agriculture for administration of the program; and

21 (3) review outcomes of the program and advise
22 Department of Agriculture on changes in the program or
23 rules to ensure success of the program in achieving the
24 intent of this Act.