

1 AN ACT concerning local farm and food products.

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 "Local
5 Food, Farms, and Jobs Act".

6 Section 5. Definitions.

7 "Local farm or food products" are products grown,
8 processed, packaged, and distributed by Illinois citizens or
9 businesses located wholly within the borders of Illinois.

10 Section 10. Procurement goals for local farm or food
11 products.

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

20 (b) The Local Food, Farms, and Jobs Council established
21 under this Act shall support and encourage that 10% of food and
22 food products purchased by entities funded in part or in whole

1 by State dollars, which spend more than \$25,000 per year on
2 food or food products for its students, residents, or clients,
3 including, without limitation, public schools, child care
4 facilities, after-school programs, and hospitals, shall, by
5 2020, be local farm or food products.

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

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

22 Section 15. Creation of the Local Food, Farms, and Jobs
23 Council.

24 (a) The General Assembly authorizes the Department of
25 Agriculture, in accordance with Section 10 of the State Agency

1 Entity Creation Act, to create the Local Food, Farms, and Jobs
2 Council.

3 (b) The purpose of the Local Food, Farms, and Jobs Council
4 shall be to facilitate the growth of an Illinois-based local
5 farm and food product economy that revitalizes rural and urban
6 communities, promotes healthy eating with access to fresh
7 foods, creates jobs, ensures a readily available supply of safe
8 food in an emergency event, and supports economic growth
9 through making local farm or food products available to all
10 Illinois citizens.

11 Section 20. Responsibilities of the Local Food, Farms, and
12 Jobs Council. The responsibilities of the Local Food, Farms,
13 and Jobs Council include, but are not limited to, the
14 following:

15 (a) To assist State agencies, State-owned facilities, and
16 other entities with the purchase of local farm or food products
17 and with tracking and reporting of such purchases in order to
18 meet the goals established in Section 10 of this Act.

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

1 short duration of time.

2 (c) To facilitate the building of infrastructure,
3 including aggregation, processing, storage, packaging, and
4 distribution facilities necessary to move local farm or food
5 products to local and other markets.

6 (d) To support and expand programs that recruit, train, and
7 provide technical assistance to Illinois farmers and residents
8 in order to encourage the production of local farm or food
9 products.

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

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

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

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

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

6 (i) To develop, in collaboration with the Department of
7 Agriculture, a label and certification program different than
8 the "Illinois Product" label program, whereby a label with a
9 specific name and unique design or logo may be placed on local
10 farm and food products.

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

13 Section 25. Governance of the Local Food, Farms, and Jobs
14 Council.

15 (a) The Local Food, Farms, and Jobs Council shall be
16 governed by a 35-member board of directors, which shall be
17 comprised of the following:

18 (1) one representative each from the Department of
19 Agriculture; the Department of Commerce and Economic
20 Opportunity; the Department of Public Health; the
21 Department of Human Services, Office of Health and
22 Prevention; the Department of Human Services, Office of
23 Security and Emergency Preparedness;

24 (2) the Director of the Lieutenant Governor's Rural
25 Affairs Council;

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

3 (4) four local farm or food product farmers
4 representing different agribusiness sectors, including,
5 but not limited to, the dairy, meat, vegetable, and grain
6 sectors;

7 (5) four local farm or food product producers
8 representing different flower, fruit, viticulture,
9 aquaculture, forestry, seeds, fiber, vegetable,
10 ornamental, or other specialty crop sectors;

11 (6) two local farm or food product processors;

12 (7) two local farm or food product distributors;

13 (8) three representatives of not-for-profit
14 educational organizations that specialize in supporting
15 and expanding local farm or food product networks;

16 (9) one certifier of specialty local farm or food
17 products, such as an organic, naturally grown, biodynamic,
18 Halal, or Kosher certifier;

19 (10) one local farm or food product consumer
20 representative;

21 (11) two representatives of farm organizations;

22 (12) one representative from a philanthropic
23 organization supporting the development of local farm or
24 food products;

25 (13) one local farm or food product retailer;

26 (14) two municipal representatives from different

1 communities in the State actively engaged in the
2 development of local farm or food products;

3 (15) four representatives from community-based
4 organizations focusing on access to local farm or food
5 products, including at least 3 minority members; and

6 (16) one chef specializing in the preparation of
7 locally grown foods.

8 (b) The 29 non-state governmental board members shall be
9 appointed by the Governor to 3-year staggered terms as
10 determined by the Governor. Persons may be nominated by
11 organizations representing the sectors outlined in subsection
12 (a) of this Section. Vacancies shall be filled by the Governor.

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

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

22 (e) The Local Food, Farms, and Jobs Council may solicit
23 grants, loans, and contributions from public or private sources
24 and may enter into any contracts, grants, loans, or agreements
25 with respect to the use of such funds to execute the purposes
26 of this Act. No debt or obligation of the Local Food, Farms,

1 and Jobs Council shall become the debt or obligation of the
2 State.

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

22 (g) Subject to the availability of public or private funds,
23 the board of directors may employ an executive director,
24 treasurer, other staff, or independent contractors necessary
25 to execute the purposes of this Act, and it may fix the
26 compensation, benefits, terms, and conditions of those

1 persons' employment.

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

7 (i) The Local Food, Farms, and Jobs Council may be assisted
8 in carrying out its functions by personnel of the Department of
9 Agriculture. The Department shall provide reasonable
10 assistance to the Local Food, Farms, and Jobs Council to help
11 it achieve its purposes.

12 Section 80. The Department of Agriculture Law of the Civil
13 Administrative Code of Illinois is amended by changing Section
14 205-45 and adding Section 205-46 as follows:

15 (20 ILCS 205/205-45) (was 20 ILCS 205/40.36)

16 Sec. 205-45. "Illinois Product" label program. The
17 Department has the power to administer the "Illinois Product"
18 label program, whereby a label with the words "Illinois
19 Product" on it may be placed on food and agribusiness
20 commodities produced, processed, or packaged in Illinois. The
21 definition of "Illinois Product" does not imply that the
22 product meets the definition of "local farm or food products"
23 as defined in the Local Food, Farms, and Jobs Act.

24 (Source: P.A. 90-385, eff. 8-15-97; 90-403, eff. 8-15-97;

1 91-239, eff. 1-1-00.)

2 (20 ILCS 205/205-46 new)

3 Sec. 205-46. Local Food, Farms, and Jobs Act labeling and
4 certification program. The Department may administer a label
5 and certification program, different than the "Illinois
6 Product" label program, whereby a label with a specific name
7 and unique design or logo may be placed on local farm and food
8 products that are grown, processed, packaged, and distributed
9 by Illinois citizens or businesses located wholly within the
10 borders of Illinois. The label and certification program will
11 be developed jointly with the Local Food, Farms, and Jobs
12 Council. The Department shall adopt rules necessary to
13 implement this Section.

14 Section 97. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.