



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO HOUSE BILL 3990

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3990 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 "Local 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

1 limitation, facilities for persons with mental health and  
2 developmental disabilities, correctional facilities, and  
3 public universities, shall, by 2020, be local farm or food  
4 products.

5 (b) The Local Food, Farms, and Jobs Council established  
6 under this Act shall support and encourage that 10% of food and  
7 food products purchased by entities funded in part or in whole  
8 by State dollars, which spend more than \$25,000 per year on  
9 food or food products for its students, residents, or clients,  
10 including, without limitation, public schools, child care  
11 facilities, after-school programs, and hospitals, shall, by  
12 2020, be local farm or food products.

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

22 (d) All State agencies and State-owned facilities that  
23 purchase food and food products shall, with the assistance of  
24 the Local Food, Farms, and Jobs Council, develop a system for  
25 (i) identifying the percentage of local farm or food products  
26 purchased for fiscal year 2011 as the baseline; and (ii)

1 tracking and reporting local farm or food products purchases on  
2 an annual basis.

3 Section 15. Creation of the Local Food, Farms, and Jobs  
4 Council.

5 (a) The General Assembly authorizes the Department of  
6 Agriculture, in accordance with Section 10 of the State Agency  
7 Entity Creation Act, to create the Local Food, Farms, and Jobs  
8 Council.

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

17 Section 20. Responsibilities of the Local Food, Farms, and  
18 Jobs Council. The responsibilities of the Local Food, Farms,  
19 and Jobs Council include, but are not limited to, the  
20 following:

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

1           (b) To assist local farm and food entrepreneurs to identify  
2           and secure necessary resources and equipment to begin,  
3           maintain, and expand projects and networks necessary for the  
4           development of local farm or food products; provided, however,  
5           that it is the intent of this Act that the Local Food, Farms,  
6           and Jobs Council will facilitate program start-ups and then  
7           relinquish rights, benefits, and control within a reasonably  
8           short duration of time.

9           (c) To facilitate the building of infrastructure,  
10          including aggregation, processing, storage, packaging, and  
11          distribution facilities necessary to move local farm or food  
12          products to local and other markets.

13          (d) To support and expand programs that recruit, train, and  
14          provide technical assistance to Illinois farmers and residents  
15          in order to encourage the production of local farm or food  
16          products.

17          (e) To coordinate interagency policies, initiatives, and  
18          procedures promoting local farm and food products in Illinois  
19          communities, by working with and involving State, federal, and  
20          local agencies, as well as community based organizations,  
21          educational institutions, and trade organizations in executing  
22          the purposes of this Act.

23          (f) To facilitate the elimination of legal barriers  
24          hindering the development of a local farm and food economy by  
25          working with federal, State, and local public health agencies,  
26          other agencies and applicable entities, and the Illinois

1 Attorney General to create consistent and compatible  
2 regulations for the production, storage, distribution, and  
3 marketing of local farm or food products.

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

7 (h) To set annual goals for all purchases of local farm or  
8 food products by Illinois residents and to monitor the  
9 development and expansion of a local farm and food economy  
10 through data collection, tracking, measurement, analysis, and  
11 reporting on progress made in an annual report to the Illinois  
12 General Assembly.

13 (i) To develop, in collaboration with the Department of  
14 Agriculture, a label and certification program different than  
15 the "Illinois Product" label program, whereby a label with a  
16 specific name and unique design or logo may be placed on local  
17 farm and food products.

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

20 Section 25. Governance of the Local Food, Farms, and Jobs  
21 Council.

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

25 (1) one representative each from the Department of

1 Agriculture; the Department of Commerce and Economic  
2 Opportunity; the Department of Public Health; the  
3 Department of Human Services, Office of Health and  
4 Prevention; the Department of Human Services, Office of  
5 Security and Emergency Preparedness;

6 (2) the Director of the Lieutenant Governor's Rural  
7 Affairs Council;

8 (3) one agricultural specialist from the University of  
9 Illinois Extension;

10 (4) four local farm or food product farmers  
11 representing different agribusiness sectors, including,  
12 but not limited to, the dairy, meat, vegetable, and grain  
13 sectors;

14 (5) four local farm or food product producers  
15 representing different flower, fruit, viticulture,  
16 aquaculture, forestry, seeds, fiber, vegetable,  
17 ornamental, or other specialty crop sectors;

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

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

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

23 (9) one certifier of specialty local farm or food  
24 products, such as an organic, naturally grown, biodynamic,  
25 Halal, or Kosher certifier;

26 (10) one local farm or food product consumer

1 representative;

2 (11) two representatives of farm organizations;

3 (12) one representative from a philanthropic  
4 organization supporting the development of local farm or  
5 food products;

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

7 (14) two municipal representatives from different  
8 communities in the State actively engaged in the  
9 development of local farm or food products;

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

13 (16) one chef specializing in the preparation of  
14 locally grown foods.

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

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

23 (d) The board of directors shall have all the rights,  
24 titles, powers, privileges, and obligations provided for in the  
25 General Not For Profit Corporation Act of 1986. It shall elect  
26 its presiding officers from among its members and may elect or

1 appoint an executive committee, other committees, and  
2 subcommittees to conduct the business of the organization.

3 (e) The Local Food, Farms, and Jobs Council may solicit  
4 grants, loans, and contributions from public or private sources  
5 and may enter into any contracts, grants, loans, or agreements  
6 with respect to the use of such funds to execute the purposes  
7 of this Act. No debt or obligation of the Local Food, Farms,  
8 and Jobs Council shall become the debt or obligation of the  
9 State.

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



1 providing funds to the Local Food, Farms, and Jobs Council and  
2 be made available to the public.

3 (g) Subject to the availability of public or private funds,  
4 the board of directors may employ an executive director,  
5 treasurer, other staff, or independent contractors necessary  
6 to execute the purposes of this Act, and it may fix the  
7 compensation, benefits, terms, and conditions of those  
8 persons' employment.

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

14 (i) The Local Food, Farms, and Jobs Council may be assisted  
15 in carrying out its functions by personnel of the Department of  
16 Agriculture. The Department shall provide reasonable  
17 assistance to the Local Food, Farms, and Jobs Council to help  
18 it achieve its purposes.

19 Section 80. The Department of Agriculture Law of the Civil  
20 Administrative Code of Illinois is amended by changing Section  
21 205-45 and adding Section 205-46 as follows:

22 (20 ILCS 205/205-45) (was 20 ILCS 205/40.36)

23 Sec. 205-45. "Illinois Product" label program. The  
24 Department has the power to administer the "Illinois Product"

1 label program, whereby a label with the words "Illinois  
2 Product" on it may be placed on food and agribusiness  
3 commodities produced, processed, or packaged in Illinois. The  
4 definition of "Illinois Product" does not imply that the  
5 product meets the definition of "local farm or food products"  
6 as defined in the Local Food, Farms, and Jobs Act.

7 (Source: P.A. 90-385, eff. 8-15-97; 90-403, eff. 8-15-97;  
8 91-239, eff. 1-1-00.)

9 (20 ILCS 205/205-46 new)

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

21 Section 97. Severability. The provisions of this Act are  
22 severable under Section 1.31 of the Statute on Statutes."

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.".