



Rep. Sonya M. Harper

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10400HB4922ham002

LRB104 17466 TRT 36485 a

1 AMENDMENT TO HOUSE BILL 4922

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4922 by replacing  
3 everything after the enacting clause with the following:

4 "Section 3. Findings. The General Assembly finds that:

5 (1) Beginning in Fiscal Year 2021, the State of  
6 Illinois appropriated funds to support socially  
7 disadvantaged farmers, recognizing persistent barriers to  
8 land access, capital, infrastructure, and market  
9 participation.

10 (2) A portion of those appropriations has remained  
11 unexpended across multiple fiscal years, limiting the  
12 intended impact of those funds.

13 (3) Emerging and socially disadvantaged farmers  
14 continue to face systemic and structural barriers that  
15 constrain agricultural production, business viability, and  
16 participation in local and regional food systems. Yet  
17 these farmers are often at the front lines of serving

1 communities facing food insecurity, diet-related disease,  
2 and economic hardship.

3 (4) Targeted investment in these farmers will increase  
4 food security and rebuild local economies in communities  
5 where it is needed most.

6 (5) Deploying previously unexpended funds through a  
7 flexible, accessible grant program administered under this  
8 Act will strengthen Illinois' agricultural economy and  
9 improve public health outcomes across urban, suburban, and  
10 rural communities.

11 Section 5. The Department of Commerce and Economic  
12 Opportunity Law of the Civil Administrative Code of Illinois  
13 is amended by adding Section 605-1106 as follows:

14 (20 ILCS 605/605-1106 new)

15 Sec. 605-1106. Emerging and Socially Disadvantaged Farmers  
16 Infrastructure and Market Access Grant Program.

17 (a) In this Section:

18 "Department" means the Department of Commerce and Economic  
19 Opportunity.

20 "Emerging farmer" means a farmer or aspiring farmer who is  
21 a member of or represents one or more of the following groups:  
22 women; veterans; persons with disabilities; American Indian or  
23 Alaska Native persons; members of communities of color;  
24 farmers under 40 years of age; lesbian, gay, bisexual,

1 transgender, queer, intersex, or asexual (LGBTQIA+) persons;  
2 urban farmers; or other emerging farmers as the Director of  
3 Commerce and Economic Opportunity determines are consistent  
4 with the purposes of this Section.

5 "Food desert" has the meaning given in Section 5 of the  
6 Grocery Initiative Act.

7 "Fund" means the Emerging and Socially Disadvantaged  
8 Farmers Infrastructure and Market Access Grant Fund.

9 "Heirs' property operator" means a person farming real  
10 property held as heirs' property, including land to which  
11 title is held by multiple heirs without a formal partition or  
12 probate.

13 "Infrastructure" means facilities, improvements, and  
14 systems necessary for agricultural production and market  
15 access, including land preparation; on-farm utilities;  
16 post-harvest handling; processing; storage; aggregation; and  
17 distribution.

18 "Social disadvantage" means diminished opportunity and  
19 disproportionate barriers to entering, operating, sustaining,  
20 or expanding a farm business that are reasonably linked to  
21 discrimination and not solely attributable to individual  
22 business decisions.

23 "Socially disadvantaged farmer" means an individual farmer  
24 or aspiring farmer who has experienced, or whose farming  
25 operation has experienced, social disadvantage as a result of  
26 systemic or chronic discrimination or bias in access to land,

1 credit, capital, insurance, technical assistance, education,  
2 training, markets, or participation in public or private  
3 agricultural programs, on the basis of one or more actual or  
4 perceived characteristics, including race, color, ethnicity,  
5 national origin, ancestry, sex, pregnancy or  
6 childbirth-related status, sexual orientation, gender identity  
7 or expression, religion, age, disability, marital or familial  
8 status, or immigration or citizenship status.

9 "Underserved community" means a census tract,  
10 municipality, or geographic area in which at least 20% of  
11 residents live below the federal poverty guidelines published  
12 by the U.S. Department of Health and Human Services or that  
13 meets criteria for disproportionate economic hardship, limited  
14 access to essential services, or historic disinvestment,  
15 including barriers related to income, race or ethnicity,  
16 disability, age, language access, or educational attainment.

17 (b) The Emerging and Socially Disadvantaged Farmers  
18 Infrastructure and Market Access Grant Fund is created as a  
19 special fund in the State treasury. Subject to appropriation,  
20 the Department must use moneys in the Fund to make grants under  
21 this Section and to pay necessary administrative costs of the  
22 Department. The Department may prioritize using amounts  
23 equivalent to prior appropriations for disadvantaged and urban  
24 farmers that were not expended in Fiscal Years 2021, 2022,  
25 2023, 2024, and 2025. Administrative costs paid from the Fund  
26 may not exceed 10% of amounts appropriated to the Fund in a

1 fiscal year.

2 (c) The Department shall establish the Emerging and  
3 Socially Disadvantaged Farmers Infrastructure and Market  
4 Access Grant Program to provide grants to eligible applicants  
5 for:

6 (1) improving access to local food in communities  
7 experiencing food insecurity;

8 (2) strengthening local and regional food systems;

9 (3) increasing farm productivity and resilience among  
10 emerging and socially disadvantaged farmers; and

11 (4) ensuring equitable deployment of previously  
12 unspent State funds intended to support socially  
13 disadvantaged farmers.

14 (d) The Department shall:

15 (1) develop an annual plan outlining anticipated  
16 needs, goals, potential challenges, technical assistance  
17 plans, and material changes from the prior year;

18 (2) develop a marketing and promotion plan to promote  
19 the grant to eligible entities;

20 (3) distribute grant funding consistent with this  
21 Section;

22 (4) provide technical assistance to program applicants  
23 and awardees, including translation and accessibility  
24 support; training on application completion and  
25 compliance; and assistance with project planning and  
26 implementation to ensure projects meet program

1 requirements; and

2 (5) issue annually to the Governor and the General  
3 Assembly and publish on the Department's website a report  
4 that details grant awards, expenditures, and program  
5 outcomes and includes:

6 (A) a list of all applications received in the  
7 previous calendar year;

8 (B) a list of all recipients and the nature and  
9 amount of each award;

10 (C) a summary of recipient types as defined by  
11 eligibility and preference criteria, reported in  
12 aggregate without personally identifying information;

13 (D) a summary of the geographic distribution of  
14 awards by county or region; and

15 (E) a statement of the economic impact of grants  
16 made in the previous calendar year.

17 (e) Eligible applicants include Illinois-resident farmers,  
18 not-for-profit farms based in Illinois, and farmer collectives  
19 or cooperatives with fewer than 25 members headquartered in  
20 Illinois. Each applicant must have operated a farm for less  
21 than 10 years immediately before applying and must meet at  
22 least one of the following criteria:

23 (1) the farm is located within a food desert;

24 (2) the farm is located within an underserved  
25 community;

26 (3) the farm earns less than \$350,000 in gross income

1       annually; or

2               (4) the farm has less than 5 acres.

3       In awarding grants, priority shall be given to: (i)  
4 socially disadvantaged farmers; (ii) emerging farmers; (iii)  
5 heirs' property operators; and (iv) cooperatives or  
6 collectives controlled or governed by one or more emerging or  
7 socially disadvantaged farmers.

8       At least 80% of awarded grants must go to priority  
9 applicants. Awards to not-for-profit entities may not exceed  
10 50% of total grants awarded. The Department may give  
11 additional preference to applicants that have not previously  
12 received a State grant from the Department of Commerce and  
13 Economic Opportunity or a federal Value-Added Producer Grant.

14       (f) (1) Grant awards for micro-infrastructure grants shall  
15 be available in amounts ranging from \$10,000 to \$25,000, and  
16 the total allocation for micro-infrastructure grants shall be  
17 30% of available funding.

18       (2) Grant awards for farm infrastructure and equipment  
19 grants shall be available in amounts ranging from \$25,000 to  
20 \$75,000, and the total allocation for farm infrastructure and  
21 equipment grants shall be 50% of available funding.

22       (3) Grant awards for market access and value chain grants  
23 shall be available in amounts ranging from \$25,000 to  
24 \$100,000, and the total allocation for market access grants  
25 and value chain grants shall be 20% of available funding.

26       No matching funds are required. Grant awards may be

1 disbursed as advance payments when necessary to ensure  
2 participation by limited-resource farmers.

3 (g) Grant funds may be used for:

4 (1) capital and infrastructure, including greenhouses,  
5 high and low tunnels, hoop houses, cold storage,  
6 refrigeration, freezers, wash-pack stations, processing  
7 equipment, irrigation systems, fencing, on-farm utilities,  
8 soil remediation, land purchase, and land preparation;

9 (2) equipment and supplies, including tractors,  
10 implements, hand tools, harvest and post-harvest  
11 equipment, and food safety and quality control equipment;

12 (3) operations and working capital, including seeds,  
13 livestock, feed, fertilizer, soil testing and soil inputs,  
14 labor, payroll, payroll taxes, stipends, employee  
15 benefits, workforce training, apprenticeships, seasonal  
16 staffing, insurance, certifications (including Good  
17 Agricultural Practices (GAP), organic, or Certified  
18 Naturally Grown), licensing, fuel, utilities, and  
19 operating supplies; and

20 (4) market access and distribution, including vehicles  
21 and refrigerated vehicles, aggregation and food hub  
22 participation costs, branding, packaging, labeling, market  
23 fees, and e-commerce or direct-to-consumer infrastructure.

24 (h) The Department shall report annually on the  
25 implementation of the grant program to the Agriculture Equity  
26 Commission. The report shall include, at minimum:

1           (1) the numbers of grants awarded;

2           (2) the amount of funds distributed;

3           (3) the types of projects funded;

4           (4) the geographic distribution of grants; and

5           (5) the participation by emerging farmers and socially  
6           disadvantaged farmers.

7           (i) The Director of Commerce and Economic Opportunity and  
8           the Department employees are not personally liable for actions  
9           taken in good faith within the scope of their official duties  
10           under this Section.

11           (j)(1) If a recipient violates the terms of a grant  
12           agreement, the Department shall notify the recipient in  
13           writing of the default and afford an opportunity to cure.

14           (2) If the violation is not cured within 30 days after  
15           receipt of the notice, the Department may:

16           (A) declare due and payable the remaining unpaid grant  
17           amount and cease further payments; or

18           (B) take other appropriate action to protect the  
19           interests of the program.

20           (3) The Department may determine that a recipient has  
21           failed to perform the scope of work when:

22           (A) the Department has notified the recipient in  
23           writing of misapplication of grant funds, evidence of  
24           fraud or abuse, repeated failure to meet performance  
25           timelines or standards, or failure to resolve negotiated  
26           points of the agreement; and

1           (B) the recipient fails to develop and implement a  
2           corrective action plan within 30 days after the  
3           Department's notice.

4           (4) (A) If there is no appropriation to the Fund for a  
5           fiscal year, grants for that year are terminated. If an  
6           appropriation is insufficient for a fiscal year, the  
7           Department may proportionately reduce awards.

8           (B) If the Department determines that a recipient has  
9           failed to comply with the terms and conditions of the grant  
10           agreement, the Department may terminate the grant in whole or  
11           in part before the completion date.

12           (C) If the Department determines that continuing the  
13           project would not produce results commensurate with further  
14           expenditure, the Department may terminate the grant in whole  
15           or in part before the completion date.

16           (D) If a recipient elects not to complete the grant  
17           agreement, the recipient shall notify the Department within 10  
18           days after performance ceases. Upon receipt of the  
19           notification, the grant may be declared terminated, and the  
20           Department may declare due and payable the remaining unpaid  
21           grant amount and cease further payments.

22           (5) Any money recovered from default or termination shall  
23           be deposited into the Fund and used for the purposes of this  
24           Section.

25           (k) The Department shall adopt rules to implement this  
26           Section and may allow eligibility verification through

1 self-attestation or other reasonable methods.

2 Section 10. The State Finance Act is amended by adding  
3 Section 5.1038 as follows:

4 (30 ILCS 105/5.1038 new)

5 Sec. 5.1038. The Emerging and Socially Disadvantaged  
6 Farmers Infrastructure and Market Access Grant Fund.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law."