



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1879

Introduced 2/5/2025, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 3988/Act rep.
30 ILCS 105/5.1030 new

Creates the Natural Resources and Agricultural Legacy Act. Establishes the Illinois Natural Resources and Agricultural Legacy Fund as a special fund in the State treasury to be managed by the Department of Natural Resources for the purpose of making grants to qualified easement holders for (1) the purchase of conservation easements on qualified land; (2) the costs of acquisition related to the purchase of conservation easements approved by the program; and (3) the costs of ecological management and maintenance activities. Requires the Department to adopt rules to implement the Act. Establishes the Legacy Act Technical Advisory Committee in the Department. Contains legislative findings. Defines terms. Repeals the Local Legacy Act. Amends the State Finance Act. Creates the Illinois Natural Resources and Agricultural Legacy Fund as a special fund in the State treasury.

LRB104 08067 BDA 18113 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 Natural Resources and Agricultural Legacy Act.

6 Section 5. Findings and intent. The General Assembly finds
7 that:

8 (1) The preservation of open space and farmland is
9 important for current and future environmental quality,
10 economic vitality, scenic beauty, ecological health, and
11 agricultural production in the State of Illinois,
12 including the production of food and fiber and the
13 preservation of a healthy environment that will sustain
14 the life, health, and welfare of the people of the State of
15 Illinois.

16 (2) Establishment of conservation easements protecting
17 open space and farmland, as provided in this Act, serves
18 important public purposes for the people of the State of
19 Illinois.

20 (3) This Act is consistent with and advances existing
21 State priorities identified in State law, including, but
22 not limited to, the Agricultural Areas Conservation and
23 Protection Act, the Illinois Natural Areas Preservation

1 Act, the Real Property Conservation Rights Act, and the
2 Farmland Preservation Act.

3 (4) The intent of this Act is to provide an incentive
4 for private property owners in Illinois to voluntarily
5 conserve open space and farmland that is at risk of
6 conversion to development, while enhancing the use of
7 federal, local, and private funds to benefit Illinois'
8 farmland and open space.

9 Section 10. Definitions. In this Act:

10 "Application" means any application seeking moneys from
11 the Illinois Natural Resources and Agricultural Legacy Fund.

12 "Bargain sale" means the sale of a conservation easement
13 from a property owner to a qualified easement holder for a
14 price that is less than the appraised fair market value of the
15 conservation easement as determined by an independent,
16 third-party appraisal.

17 "Committee" means the Legacy Act Technical Advisory
18 Committee established under Section 35.

19 "Conservation easement" has the same meaning given in the
20 Illinois Conservation Enhancement Act.

21 "Cost of acquisition" means all out-of-pocket direct costs
22 of activities incurred in connection with the acquisition,
23 processing, recording, and documentation of a conservation
24 easement, such as appraisals, land surveys, title
25 verification, closing costs, and stewardship endowments, which

1 may be required by applicable State laws and local ordinances
2 or otherwise, to establish a conservation easement on real
3 property. "Cost of acquisition" does not include any costs
4 incurred by a holder for staffing, overhead, or operations.

5 "Department" means the Department of Natural Resources
6 unless otherwise specified.

7 "Ecological management and maintenance activities" means
8 actions that are designed to maintain, preserve, or improve
9 the condition of native natural communities, the diversity of
10 species, and ecological processes. "Ecological management and
11 maintenance activities" includes prescribed burns, control of
12 exotic and invasive species, fencing, and other similar
13 practices identified as ecological management and maintenance
14 activities by administrative rule of the Department.

15 "Farmland" means (i) land devoted to agricultural,
16 floricultural, horticultural, or silvicultural uses for the
17 production of fiber, flowers, forest products, or food,
18 including grains, fruits, vegetables, meat, dairy products,
19 and mushrooms; (ii) land devoted to the raising or grazing of
20 farm animals, including livestock, sheep, swine, horses,
21 ponies, poultry, bees, or fish; and (iii) incidental land,
22 such as farmstead areas, areas with agricultural buildings and
23 infrastructure, and areas that are necessary for the efficient
24 administration of an agricultural operation or that
25 significantly augment the protection of associated farmland.

26 "Historically underserved person" means a new and

1 beginning farmer, socially disadvantaged farmer, veteran
2 farmer, or low-income farmer, as those terms are defined by
3 regulations and policies of the U.S. Department of
4 Agriculture, Natural Resources Conservation Service
5 (USDA-NRCS).

6 "Legacy Fund" means the Illinois Natural Resources and
7 Agricultural Legacy Fund.

8 "Open space" means those undeveloped or minimally
9 developed lands that conserve and protect valuable natural
10 features or processes.

11 "Qualified easement holder" means (i) the Department or
12 any other State agency; (ii) a federal agency; (iii) a unit of
13 local government; (iv) a federally recognized Indian tribe; or
14 (v) a 501(c)(3) nonprofit organization that is found by the
15 Department to have the necessary experience to acquire
16 conservation real estate, whether through purchase, donation,
17 or transfer; the expertise and capacity to monitor and manage
18 a conservation easement; and the ability to meet any
19 additional criteria adopted by the Department by
20 administrative rule.

21 "Qualified land" means land that a landowner voluntarily
22 seeks to be protected with a conservation easement, that shall
23 include either open space, farmland, or a combination of open
24 space and farmland, and that meets the qualifications set out
25 in administrative rule by the Department.

1 Section 15. Establishment of the Illinois Natural
2 Resources and Agricultural Legacy Fund; source of funding.

3 (a) The Illinois Natural Resources and Agricultural Legacy
4 Fund is established as a special fund in the State treasury to
5 be managed by the Department. Interest earned by the Legacy
6 Fund shall be credited to the Legacy Fund. Moneys from the fund
7 shall be used as indicated in this Act, to support the
8 protection and conservation of land, and to supplement the
9 Department's resources.

10 (b) The Illinois Natural Resources and Agricultural Legacy
11 Fund shall consist of:

12 (1) moneys appropriated to the Legacy Fund;

13 (2) moneys from any other source, including proceeds
14 from the sale of bonds or moneys from any other local,
15 State, or federal program that is dedicated to the Legacy
16 Fund; and

17 (3) revenue derived from the sale of land or other
18 assets donated or bequeathed to the Legacy Fund.

19 (c) Moneys deposited into the Illinois Natural Resources
20 and Agricultural Legacy Fund shall be used for the purposes
21 described in this Act.

22 Section 20. Grants; conditions of eligibility; permissible
23 use of funds.

24 (a) Moneys in the Legacy Fund shall be made available each
25 fiscal year for the making of grants to qualified easement

1 holders whose applications for grant funding under this Act
2 have been approved by the Department. The Department shall
3 establish, by rule, the qualifications an applicant must meet
4 to be awarded a grant under this Act.

5 (b) Grants may be awarded from the Legacy Fund to
6 qualified easement holders for any one or more of the
7 following:

8 (1) the purchase of conservation easements on
9 qualified land;

10 (2) the costs of acquisition related to the purchase
11 of conservation easements approved by the program; and

12 (3) the costs of ecological management and maintenance
13 activities.

14 (c) Through State fiscal year 2030, no more than 25% of the
15 grant funds that are awarded under this Act in a fiscal year
16 may be awarded to a qualified easement holder for the costs of
17 ecological management and maintenance activities under
18 paragraph (3).

19 (d) Moneys in the Legacy Fund may also be used by the
20 Department to pay allowable administrative costs of the
21 Department. However, no more than 10% of the annual
22 appropriation of moneys to the Legacy Fund shall be used to pay
23 allowable administrative costs of the Department. As used in
24 this subsection (d), "allowable administrative costs of the
25 Department" includes costs for staffing to administer the
26 program, whether at the Department or through consultants and

1 partners, such as Soil and Water Conservation Districts, and
2 any related expenses and administrative support.

3 (e) Not more than 40% of the total amount of awarded grant
4 dollars in any one year shall be allocated to projects where
5 the Department is the qualified easement holder.

6 (f) The Legacy Fund amounts awarded for conservation
7 easement purchases shall not exceed the fair market value of
8 2,500 acres of conservation easements per year, using the
9 average per-acre appraised value of all approved applications.

10 Section 25. Administration; prioritization.

11 (a) The Department shall establish and administer the
12 Illinois Natural Resources and Agricultural Legacy Fund
13 program. The Department shall develop, by rule, a scoring
14 process for awarding grants. Grants for the purchase of
15 conservation easements on qualified land shall be prioritized
16 to:

17 (1) prevent the fragmentation of farmland and the loss
18 of open space to conversion; and

19 (2) leverage local, federal, or private funding,
20 including, but not limited to, leveraging through bargain
21 sales.

22 (b) Grants for the purchase of conservation easements of
23 farmland shall additionally be prioritized to:

24 (1) support farmland ownership by historically
25 underserved farmers;

1 (2) increase the supply of locally produced food in
2 the State;

3 (3) implement the recommendations of a U.S. Department
4 of Agriculture Natural Resources Conservation Service
5 (USDA-NRCS) Conservation Plan or similar management plan
6 on farmland, thereby ensuring the protection of soils and
7 water quality and implementation of conservation practices
8 and regenerative farming principles; and

9 (4) protect open space associated with farmland, such
10 as edge of field practices, like riparian buffers.

11 (c) Grants for the purchase of conservation easements of
12 open space shall additionally be prioritized to:

13 (1) support conservation priorities, including
14 Illinois Natural Area Inventory (INAI) sites; and

15 (2) protect biodiversity and wildlife habitat, aquatic
16 and terrestrial habitat connectivity, water quality,
17 watershed conservation, soil health, climate resilience
18 (both adaptation and mitigation), local conservation
19 plans, archeological sites, and public viewshed.

20 (d) The scoring process established under this Section
21 shall be unbiased as between conservation easements grants for
22 farmland and for open space.

23 Section 30. Authority to adopt rules. The Department shall
24 adopt rules necessary to implement the provisions of this Act,
25 including, but not limited to, rules that establish a process

1 for submitting and processing applications for grants and the
2 criteria that an applicant must meet to be awarded a grant.

3 Section 35. Establishment of the Legacy Act Technical
4 Advisory Committee; membership; roles and duties.

5 (a) The Legacy Act Technical Advisory Committee is
6 established in the Department to provide technical
7 recommendations related to the development of the grant
8 program under this Act, its scoring criteria, and ongoing
9 program administration. The membership of the Committee shall
10 be as follows:

11 (1) the Director of Agriculture or the Director's
12 designee, who shall serve as chairperson;

13 (2) a member who operates a family farm in this State,
14 appointed by the Director of Natural Resources;

15 (3) a member who has expertise in natural resources
16 planning, appointed by the Director of Natural Resources;

17 (4) a member who is the designated representative of a
18 statewide agricultural organization, appointed by the
19 Director of Natural Resources;

20 (5) a member who is a designated representative of a
21 land trust or statewide nonprofit conservation
22 organization operating in this State, appointed by the
23 Director of Natural Resources;

24 (6) a member who is a designated representative of an
25 educational institution, appointed by the Director of

1 Natural Resources;

2 (7) a member who is the designated representative of
3 soil and water conservation districts, the University of
4 Illinois Extension, or the U.S. Department of Agriculture
5 Natural Resources Conservation Service (USDA-NRCS),
6 appointed by the Director of Natural Resources; and

7 (8) a member representing the land use planning
8 profession, appointed by the Director of Natural
9 Resources.

10 (b) The Committee shall convene and meet at the call of the
11 chairperson or the Director of Natural Resources.

12 (c) The Department shall provide administrative and other
13 support to the Committee.

14 (d) The members of the Committee shall serve without
15 compensation but shall be reimbursed for their reasonable and
16 necessary expenses by the Department.

17 (20 ILCS 3988/Act rep.)

18 Section 40. The Local Legacy Act is repealed.

19 Section 45. The State Finance Act is amended by adding
20 Section 5.1030 as follows:

21 (30 ILCS 105/5.1030 new)

22 Sec. 5.1030. The Illinois Natural Resources and
23 Agricultural Legacy Fund.