



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3501

Introduced 2/22/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

Creates the Black Farmer Restoration Program Act. Creates the Black Farmer Restoration Program. Provides that the Department of Agriculture shall establish the Black Farmer Restoration Fund to purchase farmland on the open market and grant it to eligible individuals. Establishes requirements and limitations for the Program. Establishes the Farm Conservation Corps to provide training in an on-field environment for socially disadvantaged residents. Establishes the Equity Commission to study historical and continuing discrimination by the Department against Black farmers and ranchers that is fostered or perpetuated by the laws, rules, policies, or practices of the Department and to recommend actions to end the systematic disparities in treatment of Black farmers and ranchers, particularly by the Department. Provides for the collection and reporting of specified data regarding the Program and related conditions. Defines terms. Effective immediately.

LRB102 15209 KMF 22444 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 Black
5 Farmer Restoration Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Agricultural easement" means a nonpossessory interest of
8 a holder in real property imposing limitations on the use of
9 the property strictly to agricultural purposes. An
10 agricultural easement does not prevent a property owner from
11 constructing, improving, or maintaining a primary residence or
12 housing for farmworkers on the land.

13 "Director" means the Director of Agriculture.

14 "Department" means the Illinois Department of Agriculture.

15 "Eligible individual" means a resident of this State who:

16 was born in this State;

17 is at least twenty-one years of age; has previously
18 identified as Black or African American; and

19 has at least one parent of African ancestry.

20 "Qualified entity" means an organization: that has a
21 fiscal sponsor who is exempt from taxation pursuant to Section
22 501(c)(3) of the Internal Revenue Code of 1986;

23 that has a minimum of three years of experience

1 providing agricultural services, business assistance,
2 legal assistance, or advocacy services to socially
3 disadvantaged farmers; and

4 in which at least half of the members of the
5 organization's board of directors are Black.

6 "Socially disadvantaged farmer" means a farmer who is a
7 member of a socially disadvantaged group.

8 "Socially disadvantaged group" means a group of people
9 whose members have been subject to racial or ethnic prejudice
10 because of their identity as a member of a group without regard
11 to their individual qualities.

12 "Training" means a program of training approved by the
13 Director that:

14 provides an eligible individual with the basic skills
15 to operate a farm profitably with a primary focus on
16 regenerating the soil, ecosystem, and local community;

17 provides a course of study that is equivalent to no
18 less than thirty academic credit hours of study, which may
19 be provided as direct in-field instruction;

20 focuses on low capital-intensive techniques and
21 technologies; and

22 studies local and regional food systems and the market
23 opportunities those systems present.

24 Section 10. Black Farmer Restoration Program. There is
25 hereby created the Black Farmer Restoration Program within the

1 Illinois Department of Agriculture to support current Black
2 farmers and to encourage the growth of Black farmers into the
3 field of agriculture. There is established in the State
4 treasury a separate and distinct fund known as the Black
5 Farmer Restoration Fund. The Fund shall consist of gifts,
6 grants and donations, and appropriations which must be made to
7 support the Program. Expenditures from the Fund must be used
8 exclusively to pay costs, fees, and expenses necessary to
9 administer the Program.

10 Section 15. Department and Director responsibilities.

11 (a) The Department shall:

12 (1) purchase, from willing sellers, available
13 agricultural land within this State at a price no greater
14 than fair market value; and

15 (2) convey grants of the purchased land to eligible
16 individuals at no cost to the eligible individual.

17 (b) A land grant to an eligible individual may not exceed
18 one hundred acres.

19 (c) Eligible individuals:

20 (1) An eligible individual seeking a land grant shall
21 submit an application on a form and in a manner approved by
22 the Director that must include a legal description of the
23 eligible agricultural land.

24 (2) The Director shall give priority to applications
25 to:

- 1 (A) socially disadvantaged farmers;
- 2 (B) eligible individuals with a family history of
3 land dispossession;
- 4 (C) eligible individuals with experience in
5 agriculture, including experience obtained through the
6 provisions of this article; and
- 7 (D) eligible individuals who are veterans.

8 (3) The Director may grant an application submitted by
9 a qualified entity on behalf of one or more eligible
10 individuals seeking a land grant. An application submitted
11 by a qualified entity for more than one hundred acres must
12 include a proposal for how the land will be subdivided and
13 separately conveyed to multiple eligible individuals.

14 (d) Granted land.

15 (1) The Director shall attach an agricultural easement
16 to the land before it may be conveyed to the eligible
17 individual or qualified entity.

18 (2) The recipient of the land grant may sell the land
19 but the Department has the right of first refusal to
20 purchase the land at the appraised value of the land to
21 convey to another eligible individual pursuant to the
22 provisions of this article.

23 Section 20. Farm Conservation Corps.

24 (a) The Department shall establish the Farm Conservation
25 Corps to provide residents between the ages of eighteen and

1 twenty-nine from socially disadvantaged groups the academic,
2 vocational, and social skills necessary to pursue long-term
3 and productive careers in agriculture.

4 (b) The members of the Farm Conservation Corps shall serve
5 as on-farm apprentices, at no cost, to farms with an annual
6 gross farm income of less than two hundred and fifty thousand
7 dollars operated by:

8 (1) socially disadvantaged farmers;

9 (2) beginning farmers; or

10 (3) farmers operating certified organic farms.

11 Section 25. Equity Commission.

12 (a) Establishment.

13 (1) Generally. There is established in the Department
14 of Agriculture the Equity Commission, the purposes of
15 which are:

16 (A) to study historical and continuing
17 discrimination by the Department against Black farmers
18 and ranchers that is fostered or perpetuated by the
19 laws, rules, policies, or practices of the Department;
20 and

21 (B) to recommend actions to end the systematic
22 disparities in treatment of Black farmers and
23 ranchers, particularly by the Department.

24 (2) Membership.

25 (A) Composition. The Commission shall be composed

1 of 9 members, to be appointed by the Director, of whom:

2 (i) three shall be Black farmers or ranchers
3 with not less than 10 years of experience in
4 farming or ranching;

5 (ii) three shall be employees or board members
6 of nonprofit organizations that have not less than
7 7 years of experience providing meaningful
8 agricultural, business assistance, legal
9 assistance, or advocacy services to Black farmers
10 or ranchers; and

11 (iii) three shall be faculty or staff from
12 Chicago State University, the University of
13 Illinois at Urbana-Champaign, or Southern Illinois
14 University.

15 (B) Date. The appointments of the members of the
16 Commission shall be made not later than 90 days after
17 the effective date of this Act.

18 (3) Term; vacancies.

19 (A) Generally. A member of the Commission shall be
20 appointed for the life of the Commission.

21 (B) Vacancies. A vacancy in the Commission: (i)
22 shall not affect the powers of the Commission; and
23 (ii) shall be filled in the same manner as the original
24 appointment.

25 (4) Meetings.

26 (A) Initial meeting. Not later than 30 days after

1 the date on which all members of the Commission have
2 been appointed, the Commission shall hold the first
3 meeting of the Commission.

4 (B) Frequency. The Commission shall meet at the
5 call of the Chairperson.

6 (C) Quorum. A majority of the members of the
7 Commission shall constitute a quorum, but a lesser
8 number of members may hold hearings.

9 (5) Chairperson and Vice Chairperson. The Commission
10 shall select a Chairperson and Vice Chairperson from among
11 the members of the Commission.

12 (b) Duties.

13 (1) Study. The Commission shall study discrimination
14 against Black farmers and ranchers by the Department,
15 including by conducting investigations of the prevalence
16 of discrimination against Black farmers and ranchers in
17 Department offices and programs.

18 (2) Recommendations. The Commission shall develop
19 recommendations for ending the systematic disparities in
20 treatment of Black farmers and ranchers, particularly by
21 the Department.

22 (3) Outreach. In studying the matters under paragraph
23 (1) and developing recommendations under paragraph (2),
24 the Commission shall:

25 (A) consult with the Socially Disadvantaged
26 Farmers and Ranchers Policy Research Center; and

1 (B) hold town hall meetings with socially
2 disadvantaged farmers and ranchers, researchers, and
3 civil rights advocates.

4 (4) Report. On or before January 1, 2024, the
5 Commission shall provide to the Governor and the General
6 Assembly a detailed report that describes:

7 (A) the findings of the study under paragraph (1);
8 and

9 (B) the recommendations developed under paragraph
10 (2).

11 (c) Powers of Commission.

12 (1) Hearings. The Commission shall hold open,
13 televised, and public hearings, during which the
14 Commission may sit and act at such times and places, take
15 such testimony, and receive such evidence as the
16 Commission considers advisable to carry out this section.

17 (2) Information from State agencies.

18 (A) Generally. The Commission may secure directly
19 from a State agency such information as the Commission
20 considers necessary to carry out this Section.

21 (B) Furnishing information. On request of the
22 Chairperson of the Commission, the head of any State
23 agency shall furnish the information to the
24 Commission.

25 (3) Gifts. The Commission may accept, use, and
26 dispose of gifts or donations of services or property.

1 (d) Compensation and expenses; support.

2 (1) Compensation and expenses. Members shall serve
3 without compensation but may be reimbursed for reasonable
4 expenses incurred in the performance of their duties from
5 funds appropriated for that purpose.

6 (2) Support. The Department house the Commission and
7 shall provide suitable meeting facilities to the
8 Commission, together with such personnel and
9 administrative assistance as the Commission may require.

10 (e) Repeal. This Section is repealed January 1, 2025.

11 Section 30. Data collection and reporting.

12 (a) Generally. The Director shall make publicly available
13 annual reports describing data on the recipients of
14 Department, including assistance from farm subsidy programs,
15 and the amounts of the assistance, delineated by the race,
16 ethnicity, and gender of the recipients.

17 (b) Research of socially disadvantaged farmers and
18 ranchers. The Department shall conduct research on the status
19 of socially disadvantaged farmers and ranchers, including, but
20 not limited to:

21 (1) the share of land ownership of those socially
22 disadvantaged farmers and ranchers as compared to all
23 farmers and ranchers, delineated by the race, ethnicity,
24 and gender of the landowners;

25 (2) the share of the amount of assistance those

1 socially disadvantaged farmers and ranchers receive from
2 the Department as compared to all farmers and ranchers,
3 delineated by the race, ethnicity, and gender of the
4 recipients;

5 (3) the share, status, and receipt of loans by
6 socially disadvantaged farmers and ranchers as compared to
7 all farmers and ranchers, delineated by the race,
8 ethnicity, and gender of the recipients; and

9 (4) an assessment of the reasons for disparities in
10 land ownership, assistance from the Department, and loans
11 for socially disadvantaged farmers and ranchers compared
12 to all farmers and ranchers.

13 (c) Research of farmworkers. The Department shall conduct
14 research on the demographics and status of farmworkers,
15 including, but not limited to:

16 (1) the races, ethnicities, ages, localities, wages
17 and benefits, and working conditions of farmworkers;

18 (2) the economic contributions of farmworkers to the
19 Illinois economy; and

20 (3) satisfaction of farmworkers with their employment.

21 (d) Census of agriculture. The Department shall:

22 (1) investigate historical changes in reporting
23 methodology and misreporting of Black farmers and ranchers
24 in the census of agriculture;

25 (2) develop procedures to ensure that census of
26 agriculture surveys accurately capture the status of

1 socially disadvantaged farmers and ranchers engaged in
2 urban agriculture; and

3 (3) conduct, concurrently with each census of
4 agriculture, a review to assess:

5 (A) the outreach and methodologies used in
6 conducting the census of agriculture; and

7 (B) how such outreach and methodologies have
8 affected the counting of socially disadvantaged
9 farmers and ranchers.

10 (e) Corporate ownership of farmland. The Department shall
11 annually conduct, and annually make publicly available reports
12 describing, in-depth research and analysis of corporate
13 (domestic and foreign) land investment and ownership in
14 Illinois, with specific attention given to the impact of
15 corporate land investment and ownership on:

16 (1) land consolidation trends in Illinois and in the
17 United States;

18 (2) challenges and opportunities for new and beginning
19 farmers and ranchers accessing land for farming or
20 ranching;

21 (3) challenges and opportunities for members of
22 socially disadvantaged groups accessing land for farming
23 or ranching; and

24 (4) crop selection and production trends.

25 Section 35. Rulemaking. The Department shall adopt rules

1 to carry out the provisions of this Act.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.