

**96TH GENERAL ASSEMBLY
State of Illinois
2009 and 2010**

HB3990: Local Food, Farms, and Jobs Act

Legislative History

Introduced by Rep. Julie Hamos February 26, 2009

House Agriculture and Conservation Committee

House Committee Amendment No. 1 introduced March 11, 2009

Passed 13-0-0 March 11, 2009

House Passed 115-1-0 March 18, 2009

Senate Agriculture and Conservation Committee

Senate Amendment No. 1 Filed by Sen. Jacqueline Y. Collins April 24, 2009

Passed 8-1-1 April 28, 2009

Senate Passed 57-1-0 May 19, 2009

House (Concurrence) Passed 117-0-0 May 30, 2009

Signed into law by Gov. Quinn August 18, 2009

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Synopsis

Creates the Local Food, Farms, and Jobs Act. Sets forth procurement goals for local farm or food products. Creates the Local Food, Farms, and Jobs Council ("Local Food Council"), a not-for-profit corporation tasked with facilitating the growth of an Illinois-based

local farm and food product economy. Sets forth the responsibilities of the Local Food Council. Provides for the composition and governance of the Local Food Council.

In a Section concerning the creation of the Local Food, Farms, and Jobs Council, specifies that the Council shall be created by the Department of Agriculture in accordance with Section 10 of the State Agency Entity Creation Act and removes a provision requiring the Department of Agriculture to serve as the Council's fiscal agent. In a Section concerning the governance of the Council, inserts provisions authorizing the Council to apply for and establish a not-for-profit corporation; specifying that the Council is not a State Agency and that its funds shall be considered private funds and held in an appropriate account outside of the State Treasury; exempting the Council from the Public Funds Investment Act and Illinois Procurement Code; providing that the Council may be assisted in carrying out its functions by personnel of the Department of Agriculture; and authorizing the development of a labeling and certification program different than the "Illinois Product" labeling program. Inserts a severability clause. Makes other technical changes. Amends the Department of Agriculture Law of the Civil Administrative Code of Illinois. Provides that the definition of "Illinois Product" does not imply that the product meets the definition of "local farm or food products" as defined in the Local Food, Farms, and Jobs Act. Authorizes the Department to administer a label and certification program, different than the "Illinois Product" label program, whereby a label with a specific name and unique design or logo may be placed on local farm and food products that are grown, processed, packaged, and distributed by Illinois citizens or businesses located wholly within the borders of Illinois. Requires the label and certification program to be developed jointly with the Local Food, Farms, and Jobs Council. Requires the Department to adopt rules necessary to implement the labeling program. Effective immediately.

Illinois Local Food, Farms, and Jobs Act of 2009

AN ACT concerning local farm and food products.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the "Local Food, Farms, and Jobs Act".

Section 5. Definitions.

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

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

(a) In order to create, strengthen, and expand local farm and food economies throughout Illinois, it shall be the goal of this State that 20% of all food and food products purchased by

State agencies and State-owned facilities, including, without limitation, facilities for persons with mental health and developmental disabilities, correctional facilities, and public universities, shall, by 2020, be local farm or food products.

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

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

(d) All State agencies and State-owned facilities that purchase food and food products shall, with the assistance of the Local Food, Farms, and Jobs Council, develop a system for

(i) identifying the percentage of local farm or food products purchased for fiscal year 2011 as the baseline; and (ii) tracking and reporting local farm or food products purchases on an annual basis.

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

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

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

Section 20. Responsibilities of the Local Food, Farms, and Jobs Council.

The responsibilities of the Local Food, Farms, and Jobs Council include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

1. one representative each from the Department of Agriculture; the Department of Commerce and Economic Opportunity; the Department of Public Health; the

Department of Human Services, Office of Health and Prevention; the Department of Human Services, Office of Security and Emergency Preparedness;

2. the Director of the Lieutenant Governor's Rural Affairs Council;
3. one agricultural specialist from the University of Illinois Extension;
4. four local farm or food product farmers representing different agribusiness sectors, including, but not limited to, the dairy, meat, vegetable, and grain sectors;
5. four local farm or food product producers representing different flower, fruit, viticulture, aquaculture, forestry, seeds, fiber, vegetable, ornamental, or other specialty crop sectors;
6. two local farm or food product processors;
7. two local farm or food product distributors;
8. three representatives of not-for-profit educational organizations that specialize in supporting and expanding local farm or food product networks;
9. one certifier of specialty local farm or food products, such as an organic, naturally grown, biodynamic, Halal, or Kosher certifier;
10. one local farm or food product consumer representative;
11. two representatives of farm organizations;
12. one representative from a philanthropic organization supporting the development of local farm or food products;
13. one local farm or food product retailer;
14. two municipal representatives from different communities in the State actively engaged in the development of local farm or food products;
15. four representatives from community-based organizations focusing on access to local farm or food products, including at least 3 minority members; and
16. one chef specializing in the preparation of locally grown foods.

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

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

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

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

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

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

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

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

Section 80. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by changing Section 205-45 and adding Section 205-46 as follows: (20 ILCS 205/205-45) (was 20 ILCS 205/40.36)

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

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

(20 ILCS 205/205-46 new)

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

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

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