



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1837

Introduced 2/5/2025, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

225 ILCS 735/9a	from Ch. 111, par. 709a
225 ILCS 735/11	from Ch. 111, par. 711
525 ILCS 15/5	from Ch. 96 1/2, par. 9105
525 ILCS 15/7	from Ch. 96 1/2, par. 9107

Amends the Timber Buyers Licensing Act. Removes language that requires a person buying timber from a timber grower to deduct from the payment to the timber grower an amount which equals 4% of the purchase price or 4% of the minimum fair market value and forward such amount to the Department of Natural Resources. Removes language that requires a timber grower who utilizes timber produced on land the timber grower owns or operates for sawing into lumber, processing, or resale to pay to the Department an amount equal to 4% of the minimum fair market value of the timber utilized during a period. Makes conforming changes.

LRB104 04665 AAS 14692 b

1 AN ACT concerning regulation.

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

4 Section 1. Legislative intent. The General Assembly finds
5 the 4% timber buyer harvest fee is not being fully utilized for
6 its original intended purpose of assisting timber growers in
7 replacing timber being harvested, thus the General Assembly
8 finds the assessment and collection of the 4% timber buyer
9 harvest fee should be eliminated.

10 Section 5. The Timber Buyers Licensing Act is amended by
11 changing Sections 9a and 11 as follows:

12 (225 ILCS 735/9a) (from Ch. 111, par. 709a)

13 Sec. 9a. Reporting a harvest fee.

14 (a) When a timber buyer buys timber in this State, the
15 timber buyer and timber grower shall determine the amount to
16 be paid for such timber, or the value of items to be bartered
17 for such timber, ~~and the timber buyer shall deduct from the~~
18 ~~payment to the timber grower an amount which equals 4% of the~~
19 ~~purchase price or 4% of the minimum fair market value, as~~
20 ~~determined pursuant to administrative rule, when purchase~~
21 ~~price cannot otherwise be determined and shall forward such~~
22 ~~amount to the Department of Natural Resources.~~

1 (b) When a timber buyer buys timber in this State, the
2 timber buyer shall file a report to the Department on a report
3 form provided by the Department. The information provided on
4 the report form shall include the amount paid for the timber to
5 each timber grower ~~and the 4% that is due to the Department for~~
6 ~~each sale,~~ and any other information that is required by the
7 Department pursuant to administrative rule. A timber buyer
8 shall provide the timber grower a written or electronic
9 payment receipt for each transaction of timber bought from the
10 timber grower and keep a duplicate or copy of the payment
11 receipt in the timber buyer's records. All timber buyers shall
12 provide a written receipt upon request of the Department.

13 (c) (Blank). ~~Every timber grower who utilizes timber~~
14 ~~produced on land the timber grower owns or operates for sawing~~
15 ~~into lumber, for processing, or for resale, shall pay to the~~
16 ~~Department, when the periodic report is submitted, an amount~~
17 ~~equal to 4% of the minimum fair market value of the timber~~
18 ~~utilized during the period. The value of such timber shall be~~
19 ~~determined pursuant to rule of the Department.~~

20 (d) Every timber grower who utilizes timber produced on
21 land the timber grower owns or operates for sawing into lumber
22 for processing or for resale, shall report periodically, as
23 required by this Act or administrative rule of the Department,
24 the quantity, value, and species of timber produced and
25 utilized by the owner or operator during the reporting period.

26 (e) Subsection ~~Subsections (c) and (d)~~ shall not apply to

1 a person who uses the person's own timber for sawing or
2 processing for personal use and not for resale.

3 (f) (Blank). ~~The fees required by this Section shall be~~
4 ~~deposited in the Illinois Forestry Development Fund, a special~~
5 ~~fund in the State treasury, for the purposes of the Illinois~~
6 ~~Forestry Development Act.~~

7 (Source: P.A. 103-218, eff. 1-1-24.)

8 (225 ILCS 735/11) (from Ch. 111, par. 711)

9 Sec. 11. Penalties and fines. All fines and penalties
10 associated with violations of this Act or administrative rules
11 thereunder, except as otherwise provided in this Act, are
12 payable 50% to the Department's Conservation Police Operations
13 Assistance Fund and 50% to the Department's Illinois Forestry
14 Development Fund.

15 (a) Except as otherwise provided in this Act any person in
16 violation of any of the provisions of this Act, or
17 administrative rules thereunder, shall be guilty of a Class A
18 misdemeanor.

19 (a-5) Any person convicted of violating Section 3 of this
20 Act shall be guilty of a Class A misdemeanor and fined at least
21 \$500 for a first offense and guilty of a Class 4 felony and
22 fined at least \$1,000 for a second or subsequent offense.

23 (a-10) Any person convicted of violating subsection (a) of
24 Section 5 is guilty of a Class A misdemeanor if the aggregate
25 value of the timber cut, caused to be cut, or appropriated is

1 equal to or less than \$500.

2 (a-15) (Blank). ~~Any person convicted of violating~~
3 ~~subsection (a) or (c) of Section 9a is guilty of a Class A~~
4 ~~misdemeanor if the aggregate value of the amount due to the~~
5 ~~Department is equal to or less than \$500.~~

6 (b) Any person convicted of violating subsection (a) of
7 Section 5 of this Act is guilty of a Class 4 felony if the
8 aggregate value of the timber cut, caused to be cut or
9 appropriated is over \$500 but not more than \$2,500.

10 (b-2) (Blank). ~~Any person convicted of violating~~
11 ~~subsection (a) or (c) of Section 9a is guilty of a Class 4~~
12 ~~felony if the aggregate value of the amount due to the~~
13 ~~Department is over \$500 but not more than \$2,500.~~

14 (b-5) Any person convicted of violating subsection (a) of
15 Section 5 of this Act is guilty of a Class 3 felony if the
16 aggregate value of the timber cut, caused to be cut, or
17 appropriated is over \$2,500 but not more than \$10,000.

18 (b-7) (Blank). ~~Any person convicted of violating~~
19 ~~subsection (a) or (c) of Section 9a is guilty of a Class 3~~
20 ~~felony if the aggregate value of the amount due to the~~
21 ~~Department is over \$2,500 but not more than \$10,000.~~

22 (b-10) Any person convicted of violating subsection (a) of
23 Section 5 of this Act is guilty of a Class 2 felony if the
24 aggregate value of the timber cut, caused to be cut, or
25 appropriated is over \$10,000.

26 (b-12) (Blank). ~~Any person convicted of violating~~

1 ~~subsection (a) or (c) of Section 9a is guilty of a Class 2~~
2 ~~felony if the aggregate value of the amount due to the~~
3 ~~Department is over \$10,000.~~

4 (b-15) The aggregate value of the timber cut, caused to be
5 cut, or appropriated shall be determined as provided by
6 administrative rule.

7 (c) A person convicted of violating subsection (b) of
8 Section 5 of this Act is guilty of a Class A misdemeanor. A
9 person convicted of a second or subsequent violation is guilty
10 of a Class 4 felony.

11 (c-5) A person convicted of violating subsection (c) of
12 Section 5 is guilty of a Class A misdemeanor.

13 (c-10) A person convicted of violating subsection (d) of
14 Section 5 is guilty of a Class A misdemeanor and shall be
15 assessed a fine of not less than \$1,000. A person convicted of
16 a second or subsequent violation is guilty of a Class 4 felony
17 and shall be assessed a fine of not less than \$2,000.

18 (c-15) A person convicted of violating subsection (f) of
19 Section 5 is guilty of a Class B misdemeanor.

20 (c-20) A person convicted of violating subsection (g) of
21 Section 5 is guilty of a Class C misdemeanor.

22 (d) All penalties issued pursuant to subsections (e) and
23 (f) shall be deposited in the Illinois Forestry Development
24 Fund for the purposes of the Illinois Forestry Development
25 Act.

26 (e) (Blank). ~~Failure to pay any purchase harvest fee~~

1 ~~required under Section 9a of this Act on the date as required~~
2 ~~by regulation of the Department, there shall be added as a~~
3 ~~penalty an amount equal to 7.5% of the harvest fee due the~~
4 ~~Department for each month or fraction thereof during which~~
5 ~~such failure continues, not to exceed 37.5% in the aggregate.~~
6 ~~This penalty shall be in addition to any other penalty~~
7 ~~determined under this Act or by the circuit court.~~

8 (f) A person convicted of violating subsection (b) or (d)
9 of Section 9a shall be guilty of a Class C misdemeanor and
10 shall be assessed a penalty in the amount of \$25, ~~which shall~~
11 ~~be added to the amount due the Department for each individual~~
12 ~~report.~~ A second or subsequent offense within a 3-year period
13 after the date of the first offense is a Class A misdemeanor.

14 (g) All fines required in this Section shall be in
15 addition to any other penalty authorized under this Act, the
16 Unified Code of Corrections, or imposed by the circuit court.

17 (h) Any person who knowingly or intentionally violates any
18 of the provisions of this Act, or administrative rules
19 thereunder, when the person's license has been revoked or
20 denied or the person's ability to engage in the activity
21 requiring the license has been suspended under Section 13 is
22 guilty of:

23 (1) a Class 4 felony if the underlying offense that
24 was committed during a period of revocation or suspension
25 is a misdemeanor; or

26 (2) one classification higher if the underlying

1 offense that was committed during a period of revocation
2 or suspension is a felony.

3 (Source: P.A. 103-218, eff. 1-1-24.)

4 Section 10. The Illinois Forestry Development Act is
5 amended by changing Sections 5 and 7 as follows:

6 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

7 Sec. 5. A forest development cost share program is created
8 and shall be administered by the Department of Natural
9 Resources.

10 A timber grower who desires to participate in the cost
11 share program shall devise a forest management plan. To be
12 eligible to submit a proposed forest management plan, a timber
13 grower must own or operate at least 10 contiguous acres of land
14 in this State on which timber is produced, except that, no acre
15 on which a permanent building is located shall be included in
16 calculations of acreage for the purpose of determining
17 eligibility. Timber growers with Department approved forest
18 management plans covering less than 10 acres in effect on or
19 before the effective date of this amendatory Act of the 96th
20 General Assembly shall continue to be eligible under the
21 Illinois Forestry Development Act provisions. The proposed
22 forest management plan shall include a description of the land
23 to be managed under the plan, a description of the types of
24 timber to be grown, a projected harvest schedule, a

1 description of forest management practices to be applied to
2 the land, an estimation of the cost of such practices, plans
3 for afforestation, plans for regenerative harvest and
4 reforestation, and a description of soil and water
5 conservation goals and wildlife habitat enhancement which will
6 be served by implementation of the forest management plan.

7 Upon receipt from a timber grower of a draft forest
8 management plan, the Department shall review the plan and, if
9 necessary, assist the timber grower to revise the plan. The
10 Department shall officially approve acceptable plans. Forest
11 management plans shall be revised as necessary and all
12 revisions must be approved by the Department. A plan shall be
13 evaluated every 2 years for reapproval.

14 The eligible land shall be maintained in a forest
15 condition for a period of 10 years or until commercial
16 harvest, whichever last occurs, as required by the plan.

17 The Department shall enter into agreements with timber
18 growers with approved forest management plans under which the
19 Department shall agree to pay a share of the total cost of
20 acceptable forest management plans and practices implemented
21 under the plan. The cost share amount is up to 80% of the total
22 cost of the forest management practices for such practices
23 approved to be funded from monies appropriated for this
24 purpose for subsequent fiscal years. Cost share funds shall be
25 paid from monies appropriated to the Department by the General
26 Assembly for that purpose from the Illinois Forestry

1 Development Fund or any other fund in the State Treasury.

2 Starting in 2025, the Department shall file a report in
3 writing to the General Assembly on or before March 1 of each
4 year with the following information from the preceding year:
5 the total number of agreements entered into pursuant to this
6 Section, the total amount of payments made pursuant to this
7 Section from the Illinois Forestry Development Fund, and the
8 total number of acres that were affected by the payments.

9 The Department, upon recommendations made to it by the
10 Council, may provide for the categorization of forest
11 management practices and determine an appropriate cost share
12 percentage for each such category. Forest management practices
13 submitted by timber growers on whose timber sales fees of 4% of
14 the sale amount were paid as provided in Section 9a of the
15 "Timber Buyers Licensing Act before the effective date of this
16 amendatory Act of the 104th General Assembly", ~~approved~~
17 ~~September 1, 1969,~~ may be accorded a priority for approval
18 within the assigned category. Such timber growers may receive
19 a cost share amount which is increased above the amount for
20 which they would otherwise qualify by an amount equal to the
21 fees paid by the timber grower on sales occurring in the 2
22 fiscal years immediately preceding the fiscal year in which
23 the forest management practices are approved and funded;
24 provided, however, that the total cost share amount shall not
25 exceed the total cost of the approved forest management
26 practices.

1 Upon transfer of his or her right and interest in the land
2 or a change in land use, the timber grower shall forfeit all
3 rights to future payments and other benefits resulting from an
4 approved plan and shall refund to the Department all payments
5 received therefrom during the previous 10 years unless the
6 transferee of any such land agrees with the Department to
7 assume all obligations under the plan.

8 (Source: P.A. 103-795, eff. 8-9-24.)

9 (525 ILCS 15/7) (from Ch. 96 1/2, par. 9107)

10 Sec. 7. The Illinois Forestry Development Fund, a special
11 fund in the State Treasury, is hereby created. The Department
12 of Natural Resources shall pay into the Fund all fees and fines
13 collected from timber buyers and landowners and operators
14 pursuant to the "Timber Buyers Licensing Act", and the "Forest
15 Products Transportation Act", all gifts, contributions,
16 bequests, grants, donations, transfers, appropriations and all
17 other revenues and receipts resulting from forestry programs,
18 forest product sales, and operations of facilities not
19 otherwise directed by State law and shall, except for the
20 additional moneys deposited under Section 805-550 of the
21 Department of Natural Resources (Conservation) Law of the
22 Civil Administrative Code of Illinois, pay such moneys
23 appropriated from the Fund to timber growers for
24 implementation of acceptable forest management practices as
25 provided in Section 5 of this Act. Moneys may be appropriated

1 from the Fund for the expenses of the Illinois Forestry
2 Development Council. Ordinary operating expenses of the Forest
3 Resources Division of the Department, for the administration
4 and implementation of this Act, the development and
5 implementation of a wood industry marketing, development and
6 promotions program and other programs beneficial to advancing
7 forests and forestry in this State, as deemed appropriate by
8 the General Assembly, may be appropriated from this fund to
9 the extent such appropriations preserve the receipts to the
10 Fund derived from Section 9a of the "Timber Buyers Licensing
11 Act before the effective date of this amendatory Act of the
12 104th General Assembly".

13 (Source: P.A. 96-217, eff. 8-10-09; 96-545, eff. 8-17-09;
14 96-1160, eff. 1-1-11.)