



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5237

Introduced 2/9/2024, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

225 ILCS 735/11	from Ch. 111, par. 711
225 ILCS 735/9a rep.	
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. Repeals provisions that require 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. Repeals provisions that require 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.

LRB103 38625 RTM 68762 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. The Timber Buyers Licensing Act is amended by
5 changing Section 11 as follows:

6 (225 ILCS 735/11) (from Ch. 111, par. 711)

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

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

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

21 (a-10) Any person convicted of violating subsection (a) of
22 Section 5 is guilty of a Class A misdemeanor if the aggregate
23 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) (Blank). ~~A person convicted of violating subsection~~
9 ~~(b) or (d) of Section 9a shall be guilty of a Class C~~
10 ~~misdemeanor and shall be assessed a penalty in the amount of~~
11 ~~\$25, which shall be added to the amount due the Department for~~
12 ~~each individual report. A second or subsequent offense within~~
13 ~~a 3-year period after the date of the first offense is a Class~~
14 ~~A misdemeanor.~~

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

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20 thereunder, when the person's license has been revoked or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

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

1 (2) one classification higher if the underlying
2 offense that was committed during a period of revocation
3 or suspension is a felony.

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

5 (225 ILCS 735/9a rep.)

6 Section 5. The Timber Buyers Licensing Act is amended by
7 repealing Section 9a.

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

10 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

11 Sec. 5. A forest development cost share program is created
12 and shall be administered by the Department of Natural
13 Resources.

14 A timber grower who desires to participate in the cost
15 share program shall devise a forest management plan. To be
16 eligible to submit a proposed forest management plan, a timber
17 grower must own or operate at least 10 contiguous acres of land
18 in this State on which timber is produced, except that, no acre
19 on which a permanent building is located shall be included in
20 calculations of acreage for the purpose of determining
21 eligibility. Timber growers with Department approved forest
22 management plans covering less than 10 acres in effect on or
23 before the effective date of this amendatory Act of the 96th

1 General Assembly shall continue to be eligible under the
2 Illinois Forestry Development Act provisions. The proposed
3 forest management plan shall include a description of the land
4 to be managed under the plan, a description of the types of
5 timber to be grown, a projected harvest schedule, a
6 description of forest management practices to be applied to
7 the land, an estimation of the cost of such practices, plans
8 for afforestation, plans for regenerative harvest and
9 reforestation, and a description of soil and water
10 conservation goals and wildlife habitat enhancement which will
11 be served by implementation of the forest management plan.

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

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

22 The Department shall enter into agreements with timber
23 growers with approved forest management plans under which the
24 Department shall agree to pay a share of the total cost of
25 acceptable forest management plans and practices implemented
26 under the plan. The cost share amount is up to 80% of the total

1 cost of the forest management practices for such practices
2 approved to be funded from monies appropriated for this
3 purpose for subsequent fiscal years. Cost share funds shall be
4 paid from monies appropriated to the Department by the General
5 Assembly for that purpose from the Illinois Forestry
6 Development Fund or any other fund in the State Treasury.

7 The Department, upon recommendations made to it by the
8 Council, may provide for the categorization of forest
9 management practices and determine an appropriate cost share
10 percentage for each such category. Forest management practices
11 submitted by timber growers on whose timber sales fees of 4% of
12 the sale amount were paid as provided in Section 9a of the
13 "Timber Buyers Licensing Act before the effective date of this
14 amendatory Act of the 103rd General Assembly", ~~approved~~
15 ~~September 1, 1969,~~ may be accorded a priority for approval
16 within the assigned category. Such timber growers may receive
17 a cost share amount which is increased above the amount for
18 which they would otherwise qualify by an amount equal to the
19 fees paid by the timber grower on sales occurring in the 2
20 fiscal years immediately preceding the fiscal year in which
21 the forest management practices are approved and funded;
22 provided, however, that the total cost share amount shall not
23 exceed the total cost of the approved forest management
24 practices.

25 Upon transfer of his or her right and interest in the land
26 or a change in land use, the timber grower shall forfeit all

1 rights to future payments and other benefits resulting from an
2 approved plan and shall refund to the Department all payments
3 received therefrom during the previous 10 years unless the
4 transferee of any such land agrees with the Department to
5 assume all obligations under the plan.

6 (Source: P.A. 96-217, eff. 8-10-09; 96-545, eff. 8-17-09.)

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

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

1 Resources Division of the Department, for the administration
2 and implementation of this Act, the development and
3 implementation of a wood industry marketing, development and
4 promotions program and other programs beneficial to advancing
5 forests and forestry in this State, as deemed appropriate by
6 the General Assembly, may be appropriated from this fund to
7 the extent such appropriations preserve the receipts to the
8 Fund derived from Section 9a (repealed) of the "Timber Buyers
9 Licensing Act before the effective date of this amendatory Act
10 of the 103rd General Assembly".

11 (Source: P.A. 96-217, eff. 8-10-09; 96-545, eff. 8-17-09;
12 96-1160, eff. 1-1-11.)