



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3512

Introduced 2/9/2024, 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.

LRB103 38632 RTM 68769 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 The Department, upon recommendations made to it by the  
3 Council, may provide for the categorization of forest  
4 management practices and determine an appropriate cost share  
5 percentage for each such category. Forest management practices  
6 submitted by timber growers on whose timber sales fees of 4% of  
7 the sale amount were paid as provided in Section 9a of the  
8 "Timber Buyers Licensing Act before the effective date of this  
9 amendatory Act of the 103rd General Assembly", ~~approved~~  
10 ~~September 1, 1969,~~ may be accorded a priority for approval  
11 within the assigned category. Such timber growers may receive  
12 a cost share amount which is increased above the amount for  
13 which they would otherwise qualify by an amount equal to the  
14 fees paid by the timber grower on sales occurring in the 2  
15 fiscal years immediately preceding the fiscal year in which  
16 the forest management practices are approved and funded;  
17 provided, however, that the total cost share amount shall not  
18 exceed the total cost of the approved forest management  
19 practices.

20 Upon transfer of his or her right and interest in the land  
21 or a change in land use, the timber grower shall forfeit all  
22 rights to future payments and other benefits resulting from an  
23 approved plan and shall refund to the Department all payments  
24 received therefrom during the previous 10 years unless the  
25 transferee of any such land agrees with the Department to  
26 assume all obligations under the plan.

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

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

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

1 the General Assembly, may be appropriated from this fund to  
2 the extent such appropriations preserve the receipts to the  
3 Fund derived from Section 9a of the "Timber Buyers Licensing  
4 Act before the effective date of this amendatory Act of the  
5 103rd General Assembly".

6 (Source: P.A. 96-217, eff. 8-10-09; 96-545, eff. 8-17-09;  
7 96-1160, eff. 1-1-11.)