

1 AN ACT concerning conservation.

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

4 Section 5. The Illinois Forestry Development Act is amended
5 by changing Sections 2, 4, 5, 6a, and 7 as follows:

6 (525 ILCS 15/2) (from Ch. 96 1/2, par. 9102)

7 Sec. 2. The following words shall have the meanings
8 ascribed to them in this Section:

9 (a) "Acceptable forest ~~forestry~~ management practices"
10 means preparation of a forest ~~forestry~~ management plan, site
11 preparation, brush control, purchase of planting stock,
12 planting, weed and pest control, fire control, fencing, fire
13 management practices, timber stand improvement, timber harvest
14 and any other practices determined by the Department of Natural
15 Resources to be essential to responsible timber management.

16 (b) "Approved forest ~~forestry~~ management plan" means a
17 management plan approved by the Department of Natural Resources
18 pursuant to Section 5 of this Act.

19 (c) "Council" means the Illinois ~~Council on~~ Forestry
20 Development Council created by this Act.

21 (d) "Department" means the Department of Natural
22 Resources.

23 (e) "Forest product" means timber which can be used for

1 sawing or processing into lumber for building or structural
2 purposes, for pulp paper, chemicals or fuel, for the
3 manufacture of furniture, or for the manufacture of any
4 article.

5 (f) "Fund" means the Illinois Forestry Development Fund
6 created by this Act.

7 (g) "Timber" means trees, standing or felled, and parts
8 thereof, excluding Christmas trees and producers of firewood.

9 (h) "Timber buyer" means any person defined as a timber
10 buyer pursuant to Section 2 of the "Timber Buyers Licensing
11 Act", approved September 15, 1969, as amended.

12 (i) "Timber grower" means the owner, tenant or operator of
13 land in this State who has an interest in, or is entitled to
14 receive any part of the proceeds from, the sale of timber grown
15 in this State and includes persons exercising authority to sell
16 timber.

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 (525 ILCS 15/4) (from Ch. 96 1/2, par. 9104)

19 Sec. 4. The Department shall:

20 (a) Implement the forest ~~forestry~~ development cost share
21 program created by Section 5 of this Act and coordinate with
22 the United States Department of Agriculture - Natural Resource
23 Conservation Service ~~Soil Conservation Service~~ and the Farm
24 Service Agency ~~Agricultural Stabilization and Conservation~~
25 ~~Service~~ in the administration of such program.

1 (b) Approve acceptable forest ~~forestry~~ management plans as
2 required by Section 5 of this Act.

3 (c) Provide assistance to the Illinois ~~Council on~~ Forestry
4 Development Council.

5 (d) Promote the development of an active forest ~~forestry~~
6 industry in this State by providing information to timber
7 growers relating to acceptable management practices,
8 suitability of various kinds of timber to various land types,
9 marketability of various types of timber, market strategies
10 including marketing cooperatives, availability of State and
11 federal government assistance, soil and water conservation
12 benefits, and wildlife habitat enhancement opportunities.

13 (e) Provide any aid or information requested by the
14 Illinois Finance Authority in relation to forest ~~forestry~~
15 industry assistance programs implemented under the Illinois
16 Finance Authority Act.

17 (Source: P.A. 93-205, eff. 1-1-04.)

18 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

19 Sec. 5. A forest ~~forestry~~ development cost share program is
20 created and shall be administered by the Department of Natural
21 Resources.

22 A timber grower who desires to participate in the cost
23 share program shall devise a forest ~~forestry~~ management plan.
24 To be eligible to submit a proposed forest ~~forestry~~ management
25 plan, a timber grower must own or operate at least 5 contiguous

1 acres of land in this State on which timber is produced, except
2 that, no acre on which a permanent building is located shall be
3 included in calculations of acreage for the purpose of
4 determining eligibility. The proposed forest ~~forestry~~
5 management plan shall include a description of the land to be
6 managed under the plan, a description of the types of timber to
7 be grown, a projected harvest schedule, a description of forest
8 ~~forestry~~ management practices to be applied to the land, an
9 estimation of the cost of such practices, plans for
10 afforestation, plans for regenerative harvest and
11 reforestation, and a description of soil and water conservation
12 goals and wildlife habitat enhancement which will be served by
13 implementation of the forest ~~forestry~~ management plan.

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

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

24 The Department shall enter into agreements with timber
25 growers with approved forest ~~forestry~~ management plans under
26 which the Department shall agree to pay a share of the total

1 cost of acceptable forest ~~forestry~~ management plans and
2 practices implemented under the plan. The cost share amount is
3 up to 80% of the total cost of the forest ~~forestry~~ management
4 practices for such practices approved to be funded from monies
5 appropriated for this purpose for subsequent fiscal years. Cost
6 share funds shall be paid from monies appropriated to the
7 Department by the General Assembly for that purpose from the
8 Illinois Forestry Development Fund or any other fund in the
9 State Treasury.

10 The Department, upon recommendations made to it by the
11 Council, may provide for the categorization of forest ~~forestry~~
12 management practices and determine an appropriate cost share
13 percentage for each such category. Forest ~~Forestry~~ management
14 practices submitted by timber growers on whose timber sales
15 fees of 4% of the sale amount were paid as provided in Section
16 9a of the "Timber Buyers Licensing Act", approved September 1,
17 1969, may be accorded a priority for approval within the
18 assigned category. Such timber growers may receive a cost share
19 amount which is increased above the amount for which they would
20 otherwise qualify by an amount equal to ~~not to exceed 50% of~~
21 the fees paid by the timber grower on ~~his~~ sales occurring in
22 the 2 fiscal years immediately preceding the fiscal year in
23 which the forest ~~forestry~~ management practices are approved and
24 funded; provided, however, that the total cost share amount
25 shall not exceed the total cost of the approved forest ~~forestry~~
26 management practices.

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

8 (Source: P.A. 89-445, eff. 2-7-96.)

9 (525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)

10 (Section scheduled to be repealed on December 31, 2008)

11 Sec. 6a. Illinois Forestry Development Council.

12 (a) The Illinois Forestry Development Council is hereby
13 re-created by this amendatory Act of the 95th ~~91st~~ General
14 Assembly.

15 (b) The Council shall consist of 29 ~~24~~ members appointed as
16 follows:

17 (1) four members of the General Assembly, one appointed
18 by the President of the Senate, one appointed by the Senate
19 Minority Leader, one appointed by the Speaker of the House
20 of Representatives, and one appointed by the House Minority
21 Leader;

22 (2) one member appointed by the Governor to represent
23 the Governor;

24 (3) the Directors of the Departments of Natural
25 Resources, Agriculture, and Commerce and Economic

1 Opportunity, the Executive Director of the Illinois
2 Finance Authority, and the Director of the Office of Rural
3 Affairs, or their designees;

4 (4) the chair ~~chairman~~ of the Department of Forestry or
5 a forestry academician, appointed by the Dean of
6 Agricultural Sciences ~~Agriculture~~ at Southern Illinois
7 University at Carbondale;

8 (5) the head of the Department of Natural Resources and
9 Environmental Sciences or a forestry academician,
10 appointed by the Dean of Agricultural Consumer and
11 Environmental Sciences of ~~Agriculture at~~ the University of
12 Illinois at Urbana-Champaign;

13 (6) two members, appointed by the Governor, who shall
14 be private timber growers;

15 (7) one member, appointed by the president of a
16 statewide association involved in promoting wood products
17 ~~the Illinois Wood Products Association~~, who shall be
18 involved in primary forest ~~forestry~~ industry;

19 (8) one member, appointed by the president of a
20 statewide association involved in promoting wood products
21 ~~the Illinois Wood Products Association~~, who shall be
22 involved in secondary forest ~~forestry~~ industry;

23 (9) one member who is actively involved in
24 environmental issues, appointed by the Governor;

25 (10) the president of a statewide association involved
26 in promoting soil and water conservation ~~the Association of~~

1 ~~Illinois Soil and Water Conservation Districts;~~

2 (11) two persons who are actively engaged in farming,
3 appointed by the Governor;

4 (12) one member, appointed by the Governor, whose
5 primary area of expertise is urban forestry;

6 (13) one member appointed by the president of a
7 statewide organization of arborists ~~President of the~~
8 ~~Illinois Arborists Association;~~

9 (14) the Supervisor of the Shawnee National Forest and
10 the United States Department of Agriculture Natural
11 Resource Conservation Service's State Conservationist, ex
12 officio, or their designees;~~;~~

13 (15) the president of a statewide association involved
14 in promoting Illinois forestry;

15 (16) the president of a statewide association involved
16 in promoting Illinois walnut trees;

17 (17) the chair of a statewide association involved in
18 promoting Illinois tree farms;

19 (18) the president of a statewide association of
20 American foresters; and

21 (19) the president of a statewide association
22 promoting Illinois wildlife.

23 For those appointees that are currently serving on the
24 Council prior to the effective date of this amendatory Act of
25 the 95th General Assembly, their term shall expire 2 years
26 after that effective date.

1 (c) Members of the Council shall serve without compensation
2 but shall be reimbursed for actual expenses incurred in the
3 performance of their duties which are not otherwise reimbursed.

4 (d) The Council shall select from its membership a
5 chairperson and such other officers as it considers necessary.

6 (e) Other individuals, agencies and organizations may be
7 invited to participate as deemed advisable by the Council.

8 (f) The Council shall study and evaluate the forest
9 ~~forestry~~ resources and forest ~~forestry~~ industry of Illinois.

10 The Council shall:

11 (1) determine the magnitude, nature and extent of the
12 State's forest ~~forestry~~ resources;

13 (2) determine current uses and project future demand
14 for forest products, services and benefits in Illinois;

15 (3) determine and evaluate the ownership
16 characteristics of the State's forests, the motives for
17 forest ownership and the success of incentives necessary to
18 stimulate development of forest resources;

19 (4) determine the economic development and management
20 opportunities that could result from improvements in local
21 and regional forest product marketing and from the
22 establishment of new or additional wood-related businesses
23 in Illinois;

24 (5) confer with and offer assistance to the Illinois
25 Finance Authority relating to its implementation of forest
26 industry assistance programs authorized by the Illinois

1 Finance Authority Act;

2 (6) determine the opportunities for increasing
3 employment and economic growth through development of
4 forest resources;

5 (7) determine the effect of current governmental
6 policies and regulations on the management of woodlands and
7 the location of wood products markets;

8 (8) determine the staffing and funding needs for forest
9 ~~forestry~~ and other conservation programs to support and
10 enhance forest resources development;

11 (9) determine the needs of forest ~~forestry~~ education
12 programs in this State;

13 (10) confer with and offer assistance to the Department
14 of Natural Resources relating to the implementation of
15 urban forest ~~forestry~~ assistance grants pursuant to the
16 Urban and Community Forestry Assistance Act; and

17 (11) determine soil and water conservation benefits
18 and wildlife habitat enhancement opportunities that can be
19 promoted through approved forest ~~forestry~~ management
20 plans.

21 (g) The Council shall report (i) its findings and
22 recommendations for future State action and (ii) its evaluation
23 of Urban/Community Forestry Assistance Grants to the General
24 Assembly no later than July 1 of each year.

25 (h) This Section 6a is repealed December 31, 2018 ~~2008~~.

26 (i) Notwithstanding any other rulemaking authority that

1 may exist, neither the Governor nor any agency or agency head
2 under the jurisdiction of the Governor has any authority to
3 make or promulgate rules to implement or enforce the provisions
4 of this amendatory Act of the 95th General Assembly. If,
5 however, the Governor believes that rules are necessary to
6 implement or enforce the provisions of this amendatory Act of
7 the 95th General Assembly, the Governor may suggest rules to
8 the General Assembly by filing them with the Clerk of the House
9 and the Secretary of the Senate and by requesting that the
10 General Assembly authorize such rulemaking by law, enact those
11 suggested rules into law, or take any other appropriate action
12 in the General Assembly's discretion. Nothing contained in this
13 amendatory Act of the 95th General Assembly shall be
14 interpreted to grant rulemaking authority under any other
15 Illinois statute where such authority is not otherwise
16 explicitly given. For the purposes of this subsection, "rules"
17 is given the meaning contained in Section 1-70 of the Illinois
18 Administrative Procedure Act, and "agency" and "agency head"
19 are given the meanings contained in Sections 1-20 and 1-25 of
20 the Illinois Administrative Procedure Act to the extent that
21 such definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor.

23 (Source: P.A. 93-205, eff. 1-1-04; 94-793, eff. 5-19-06.)

24 (525 ILCS 15/7) (from Ch. 96 1/2, par. 9107)

25 Sec. 7. ~~The~~ Illinois Forestry Development Fund, a special

1 fund in the State Treasury, is hereby created. The Department
2 of Natural Resources shall pay into the Fund all fees and fines
3 collected from timber buyers and landowners and operators
4 pursuant to the "Timber Buyers Licensing Act", and the "Forest
5 Products Transportation Act", all gifts, contributions,
6 bequests, grants, donations, transfers, appropriations and all
7 other revenues and receipts resulting from forest ~~forestry~~
8 programs, forest product sales, and operations of facilities
9 not otherwise directed by State law and shall pay such monies
10 appropriated from the Fund to timber growers for implementation
11 of acceptable forest ~~forestry~~ management practices as provided
12 in Section 5 of this Act. Monies may be appropriated from the
13 Fund for the expenses of the Illinois Forestry Development
14 Council. Ordinary operating expenses of the Forest Resources
15 Division of the Department, for the administration and
16 implementation of this Act, the development and implementation
17 of a wood industry marketing, development and promotions
18 program and other programs beneficial to advancing forests and
19 forest ~~forestry~~ in this State, as deemed appropriate by the
20 General Assembly, may be appropriated from this fund to the
21 extent such appropriations preserve the receipts to the Fund
22 derived from Section 9a of the "Timber Buyers Licensing Act".

23 (Source: P.A. 89-445, eff. 2-7-96.)

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