



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1413

Introduced 2/11/2009, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

525 ILCS 15/2	from Ch. 96 1/2, par. 9102
525 ILCS 15/4	from Ch. 96 1/2, par. 9104
525 ILCS 15/5	from Ch. 96 1/2, par. 9105
525 ILCS 15/6b new	
525 ILCS 15/7	from Ch. 96 1/2, par. 9107

Amends the Illinois Forestry Development Act. Changes "forestry management" to "forest management". Makes other name changes and revisions. Makes changes concerning cost share amounts and eligibility. Makes other changes. Creates the Forestry Development Council. Specifies the Council's membership and duties. Effective immediately.

LRB096 09301 JDS 19455 b

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, 6b, 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 that ~~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 10 5

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

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

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

25 The Department shall enter into agreements with timber
26 growers with approved forest ~~forestry~~ management plans under

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

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

1 management practices.

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

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

10 (525 ILCS 15/6b new)

11 Sec. 6b. Illinois Forestry Development Council.

12 (a) The Illinois Forestry Development Council is created by
13 this amendatory Act of the 96th General Assembly.

14 (b) The Council shall consist of 29 members appointed as
15 follows:

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

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

23 (3) the Directors of the Departments of Natural
24 Resources, Agriculture, and Commerce and Economic
25 Opportunity, the Executive Director of the Illinois

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

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

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

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

14 (7) one member, appointed by the president of a
15 statewide association involved in promoting wood products,
16 who shall be involved in primary forest industry;

17 (8) one member, appointed by the president of a
18 statewide association involved in promoting wood products,
19 who shall be involved in secondary forest industry;

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

22 (10) the president of a statewide association involved
23 in promoting soil and water conservation;

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

26 (12) one member, appointed by the Governor, whose

1 primary area of expertise is urban forestry;

2 (13) one member appointed by the president of a
3 statewide organization of arborists;

4 (14) the Supervisor of the Shawnee National Forest and
5 the United States Department of Agriculture Natural
6 Resource Conservation Service's State Conservationist, ex
7 officio, or their designees;

8 (15) the president of a statewide association involved
9 in promoting Illinois forestry;

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

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

14 (18) the president of a statewide association of
15 American foresters; and

16 (19) the president of a statewide association
17 promoting Illinois wildlife.

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

21 (d) The Council shall select from its membership a
22 chairperson and such other officers as it considers necessary.
23 Appointees to the Council shall serve for an initial term of 2
24 years and may be reappointed for one additional term.

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

1 (f) The Council shall study and evaluate the forest
2 resources and forest industry of Illinois. The Council shall:

3 (1) determine the magnitude, nature and extent of the
4 State's forest resources;

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

7 (3) determine and evaluate the ownership
8 characteristics of the State's forests, the motives for
9 forest ownership and the success of incentives necessary to
10 stimulate development of forest resources;

11 (4) determine the economic development and management
12 opportunities that could result from improvements in local
13 and regional forest product marketing and from the
14 establishment of new or additional wood-related businesses
15 in Illinois;

16 (5) confer with and offer assistance to the Illinois
17 Finance Authority relating to its implementation of forest
18 industry assistance programs authorized by the Illinois
19 Finance Authority Act;

20 (6) determine the opportunities for increasing
21 employment and economic growth through development of
22 forest resources;

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

26 (8) determine the staffing and funding needs for forest

1 and other conservation programs to support and enhance
2 forest resources development;

3 (9) determine the needs of forest education programs in
4 this State;

5 (10) confer with and offer assistance to the Department
6 of Natural Resources relating to the implementation of
7 urban forest assistance grants pursuant to the Urban and
8 Community Forestry Assistance Act; and

9 (11) determine soil and water conservation benefits
10 and wildlife habitat enhancement opportunities that can be
11 promoted through approved forest management plans.

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

16 (525 ILCS 15/7) (from Ch. 96 1/2, par. 9107)

17 Sec. 7. The Illinois Forestry Development Fund, a special
18 fund in the State Treasury, is hereby created. The Department
19 of Natural Resources shall pay into the Fund all fees and fines
20 collected from timber buyers and landowners and operators
21 pursuant to the "Timber Buyers Licensing Act", and the "Forest
22 Products Transportation Act", all gifts, contributions,
23 bequests, grants, donations, transfers, appropriations and all
24 other revenues and receipts resulting from forest forestry
25 programs, forest product sales, and operations of facilities

1 not otherwise directed by State law and shall pay such monies
2 appropriated from the Fund to timber growers for implementation
3 of acceptable forest ~~forestry~~ management practices as provided
4 in Section 5 of this Act. Monies may be appropriated from the
5 Fund for the expenses of the Illinois Forestry Development
6 Council. Ordinary operating expenses of the Forest Resources
7 Division of the Department, for the administration and
8 implementation of this Act, the development and implementation
9 of a wood industry marketing, development and promotions
10 program and other programs beneficial to advancing forests and
11 forest ~~forestry~~ in this State, as deemed appropriate by the
12 General Assembly, may be appropriated from this fund to the
13 extent such appropriations preserve the receipts to the Fund
14 derived from Section 9a of the "Timber Buyers Licensing Act".
15 (Source: P.A. 89-445, eff. 2-7-96.)

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