

AN ACT concerning conservation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. The Department shall:

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

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

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

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

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

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

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

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

A timber grower who desires to participate in the cost share program shall devise a forest ~~forestry~~ management plan. To be eligible to submit a proposed forest ~~forestry~~ management plan, a timber grower must own or operate at least 10 ~~5~~

contiguous acres of land in this State on which timber is produced, except that, no acre on which a permanent building is located shall be included in calculations of acreage for the purpose of determining eligibility. Timber growers with Department approved forest management plans covering less than 10 acres in effect on or before the effective date of this amendatory Act of the 96th General Assembly shall continue to be eligible under the Illinois Forestry Development Act provisions. The proposed forest ~~forestry~~ management plan shall include a description of the land to be managed under the plan, a description of the types of timber to be grown, a projected harvest schedule, a description of forest ~~forestry~~ management practices to be applied to the land, an estimation of the cost of such practices, plans for afforestation, plans for regenerative harvest and reforestation, and a description of soil and water conservation goals and wildlife habitat enhancement which will be served by implementation of the forest ~~forestry~~ management plan.

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

The eligible land shall be maintained in a forest condition

for a period of 10 years or until commercial harvest, whichever last occurs, as required by the plan.

The Department shall enter into agreements with timber growers with approved forest ~~forestry~~ management plans under which the Department shall agree to pay a share of the total cost of acceptable forest ~~forestry~~ management plans and practices implemented under the plan. The cost share amount is up to 80% of the total cost of the forest ~~forestry~~ management practices for such practices approved to be funded from monies appropriated for this purpose for subsequent fiscal years. Cost share funds shall be paid from monies appropriated to the Department by the General Assembly for that purpose from the Illinois Forestry Development Fund or any other fund in the State Treasury.

The Department, upon recommendations made to it by the Council, may provide for the categorization of forest ~~forestry~~ management practices and determine an appropriate cost share percentage for each such category. Forest ~~Forestry~~ management practices submitted by timber growers on whose timber sales fees of 4% of the sale amount were paid as provided in Section 9a of the "Timber Buyers Licensing Act", approved September 1, 1969, may be accorded a priority for approval within the assigned category. Such timber growers may receive a cost share amount which is increased above the amount for which they would otherwise qualify by an amount equal to ~~not to exceed 50% of~~ the fees paid by the timber grower on ~~his~~ sales occurring in

the 2 fiscal years immediately preceding the fiscal year in which the forest ~~forestry~~ management practices are approved and funded; provided, however, that the total cost share amount shall not exceed the total cost of the approved forest ~~forestry~~ management practices.

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

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

(525 ILCS 15/6b new)

Sec. 6b. Illinois Forestry Development Council.

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

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

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

(2) one member appointed by the Governor to represent

the Governor;

(3) the Directors of the Departments of Natural Resources, Agriculture, and Commerce and Economic Opportunity, the Executive Director of the Illinois Finance Authority, and the Director of the Office of Rural Affairs, or their designees;

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

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

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

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

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

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

(10) the president of a statewide association involved

in promoting soil and water conservation;

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

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

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

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

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

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

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

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

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

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

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

Appointees to the Council shall serve for an initial term of 2 years and may be reappointed for one additional term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 7. The Illinois Forestry Development Fund, a special fund in the State Treasury, is hereby created. The Department of Natural Resources shall pay into the Fund all fees and fines collected from timber buyers and landowners and operators pursuant to the "Timber Buyers Licensing Act", and the "Forest

Products Transportation Act", all gifts, contributions, bequests, grants, donations, transfers, appropriations and all other revenues and receipts resulting from forestry programs, forest product sales, and operations of facilities not otherwise directed by State law and shall pay such monies appropriated from the Fund to timber growers for implementation of acceptable forest ~~forestry~~ management practices as provided in Section 5 of this Act. Monies may be appropriated from the Fund for the expenses of the Illinois Forestry Development Council. Ordinary operating expenses of the Forest Resources Division of the Department, for the administration and implementation of this Act, the development and implementation of a wood industry marketing, development and promotions program and other programs beneficial to advancing forests and forestry in this State, as deemed appropriate by the General Assembly, may be appropriated from this fund to the extent such appropriations preserve the receipts to the Fund derived from Section 9a of the "Timber Buyers Licensing Act".

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

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