

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 State Forest Act is amended by changing  
5 Section 6 as follows:

6 (525 ILCS 40/6) (from Ch. 96 1/2, par. 5907)

7 Sec. 6. The Department shall have the authority to take all  
8 measures necessary to secure plants and plant materials from  
9 private sources and to establish and operate nurseries to  
10 produce and distribute plants and plant materials. The  
11 Department shall develop and implement a program of securing  
12 plants and plant materials from private sources. The Department  
13 shall utilize the most modern methods and techniques to operate  
14 its nursery facilities.

15 The plants and plant materials secured or produced shall be  
16 used exclusively for conservation purposes, such as for  
17 wildlife habitat, erosion control, energy conservation,  
18 natural community restoration, general reforestation,  
19 research, commemorative plantings, and educational programs  
20 such as Arbor Day unless otherwise agreed through a memorandum  
21 of understanding with the Illinois Green Industry Association  
22 which would allow the sale of plants as liner stock. ~~Plants and~~  
23 ~~plant materials distributed by the State shall not be used for~~

1 ~~ornamental, landscaping or shade tree purposes.~~ Plants and  
2 plant materials secured or produced and distributed by the  
3 State nurseries are to be protected against abuses, such as may  
4 occur in the event of livestock grazing or wildfire.

5 The Department may cooperate with any person or group  
6 desirous of establishing plants or plant materials for  
7 conservation plantings by (a) selling ~~furnishing~~ trees,  
8 shrubs, flower seeds, or other materials where deemed necessary  
9 or desirable, or (b) providing labor, equipment and technical  
10 supervision to plan and implement the conservation plantings,  
11 or both.

12 Plants and plant materials may be provided, upon approval  
13 of a written management plan, ~~without charge~~ to individual  
14 landowners, State agencies and institutions, local  
15 governments, civic groups and others for conservation  
16 plantings but shall be sold at a price approximately equal to  
17 the cost of acquisition or production and distribution.

18 Plants and plant materials may be provided ~~without charge~~  
19 to government agencies and institutions, organized groups or  
20 individuals for special conservation plantings, research  
21 plantings, educational purposes and commemorative plantings  
22 but shall be sold at a price approximately equal to the cost of  
23 acquisition or production and distribution.

24 Plants and plant materials may be made available to the  
25 general public, mining companies, other industries and  
26 agencies of the federal government but shall be sold at a price

1 approximately equal to the cost of acquisition or production  
2 and distribution.

3 Products such as Christmas trees, roundwood and other  
4 materials derived from State distributed plants or plant  
5 materials may be utilized, sold or removed, except that no such  
6 plants shall be resold, bartered or given away and removed  
7 alive with the roots attached unless otherwise agreed through a  
8 memorandum of understanding with the Illinois Green Industry  
9 Association which would allow the sale of plants as liner  
10 stock.

11 The Department may effect exchanges, purchases or sales  
12 involving plants and plant materials with other states or with  
13 agencies of the federal government.

14 The Department shall have the authority to make such rules  
15 and regulations pursuant to the Illinois Administrative  
16 Procedure Act as it deems necessary for carrying out,  
17 administering and enforcing the provisions of this Act.

18 (Source: P.A. 91-357, eff. 7-29-99.)