

AN ACT concerning conservation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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