



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2488

by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

525 ILCS 40/6

from Ch. 96 1/2, par. 5907

Amends the State Forest Act. Provides that 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. Provides that the Department of Natural Resources may cooperate with any person or group desirous of establishing plants or plant materials for conservation plantings by selling (rather than furnishing) trees, shrubs, flower seeds, (rather than seeds) or other materials where deemed necessary or desirable. Provides that plants and plant materials may be provided, upon approval of a written management plan, 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 (rather than without charge). Provides that plants and plant materials may be provided 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 (rather than without charge). Provides that 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.

LRB100 10854 SLF 21088 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 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.)