



Rep. Tim Butler

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LRB099 19639 SLF 48687 a

1 AMENDMENT TO SENATE BILL 3130

2 AMENDMENT NO. _____. Amend Senate Bill 3130 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Seed Law is amended by adding
5 Sections 2.121-5, 2.132-5 and 2.133-5 and by changing Section 7
6 as follows:

7 (505 ILCS 110/2.121-5 new)

8 Sec. 2.121-5. Non-commercial seed sharing. "Non-commercial
9 seed sharing" means seed sharing for which no monetary
10 consideration or compensation is transferred in return for
11 receiving seeds. "Non-commercial seed sharing" does not
12 include seed sharing in which the person participating in the
13 seed sharing expects or creates the expectation that seeds must
14 be returned in exchange for receiving seeds or when the
15 distribution of seed is given as compensation for work or
16 services rendered.

1 (505 ILCS 110/2.132-5 new)

2 Sec. 2.132-5. Seed library. "Seed library" means a
3 nonprofit, governmental, or cooperative organization,
4 association, or activity for the purpose of facilitating the
5 donation, exchange, preservation, and dissemination of seeds
6 of open pollinated, public domain plant varieties by or among
7 its members or members of the public when the use, exchange,
8 transfer, or possession of seeds acquired by or from the seed
9 library is free of charge or consideration.

10 (505 ILCS 110/2.133-5 new)

11 Sec. 2.133-5. Seed swap event. "Seed swap event" means an
12 organized and publicly promoted event at which non-commercial
13 seed sharing takes place.

14 (505 ILCS 110/7) (from Ch. 5, par. 407)

15 Sec. 7. Exemptions.

16 (a) The provisions of Sections 4 through 4.5 and Sections 5
17 and 5.1 do not apply:

18 (1) To seed or grain not intended for sowing purposes.

19 (2) To seed in storage in, or being transported or
20 consigned to a cleaning or conditioning establishment for
21 cleaning or conditioning, provided, that the invoice or
22 labeling accompanying any shipment of said seed bears the
23 statement "seed for conditioning"; and provided that any

1 labeling or other representation which may be made with
2 respect to the uncleaned or unconditioned seed shall be
3 subject to this Act.

4 (3) To any carrier in respect to any seed transported
5 or delivered for transportation in the ordinary course of
6 its business as a carrier; provided, that such carrier is
7 not engaged in producing, processing, or marketing
8 agricultural, vegetable or other seeds designated by the
9 Department of Agriculture subject to the provisions of this
10 Act.

11 (b) The provisions of Sections 4, 4.4, 4.5, 6, and 10, and
12 of paragraphs (1), (2), (3), (4), (5), (8), and (11) of Section
13 5, do not apply to unpatented, untreated seed that is free of
14 noxious and exotic weed seeds and that is distributed within
15 this State by means of interpersonal non-commercial seed
16 sharing activities, including, but not limited to, seed
17 libraries and seed swap events. A seed library or seed swap
18 event organizer shall adopt labeling or record-keeping
19 standards to identify the year, species or common name, and
20 source of any non-commercially packaged seed received by the
21 seed library or offered at a seed swap event, and shall make
22 this information available to the Department upon request in
23 the course of an investigation of an alleged violation of the
24 provisions in this Act. Information maintained by seed
25 libraries shall be provided to the Department to the extent
26 permissible under the Library Records Confidentiality Act.

1 (Source: P.A. 85-717.)

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