



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1589

Introduced 2/13/2013, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

20 ILCS 3501/825-95

65 ILCS 5/11-20-12

from Ch. 24, par. 11-20-12

Amends the Illinois Finance Authority Act. Provides that the Illinois Finance Authority shall administer a program for both the treatment of standing trees and the replanting of trees on public lands that are within the emerald ash borer quarantine areas of the Department of Agriculture. Provides a definition for "treatment". Amends the Illinois Municipal Code. Provides that the corporate authorities of a municipality may provide for both the treatment and removal of elm trees infected with Dutch elm disease or ash trees infected with the emerald ash borer on private property if the property owners refuse, after receiving notice, to remove or treat the trees on their property. Effective immediately.

LRB098 08385 OMW 38490 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Finance Authority Act is amended by
5 changing Section 825-95 as follows:

6 (20 ILCS 3501/825-95)

7 Sec. 825-95. Emerald ash borer revolving loan program.

8 (a) The Illinois Finance Authority shall administer an
9 emerald ash borer revolving loan program. The program shall
10 provide low-interest or zero-interest loans to units of local
11 government for the treatment of standing trees and replanting
12 of trees on public lands that are within emerald ash borer
13 quarantine areas as established by the Illinois Department of
14 Agriculture. The Authority shall make loans based on the
15 recommendation of the Department of Agriculture. For the
16 purposes of this Section, "treatment" means the
17 administration, by environmentally sensitive processes and
18 methods, of products and materials proven by academic research
19 to protect ash trees in urban quarantined areas, and within 15
20 miles of quarantined areas, from the invasive Emerald Ash
21 Borer, in order to prevent or reverse the damage and save the
22 trees.

23 (b) The loan funds, subject to appropriation, must be paid

1 out of the Emerald Ash Borer Revolving Loan Fund, a special
2 fund created in the State treasury. The moneys in the Fund
3 consist of any moneys transferred or appropriated into the Fund
4 as well as all repayments of loans made under this program.
5 Moneys in the Fund may be used only for loans to units of local
6 government for the treatment of standing trees and replanting
7 of trees within emerald ash borer quarantine areas established
8 by the Department of Agriculture and for no other purpose. All
9 interest earned on moneys in the Fund must be deposited into
10 the Fund.

11 (c) A loan for the treatment of standing trees and
12 replanting of trees on public lands within emerald ash borer
13 quarantine areas established by the Department of Agriculture
14 may not exceed \$5,000,000 to any one unit of local government.
15 The repayment period for the loan may not exceed 20 years. The
16 unit of local government shall repay, each year, at least 5% of
17 the principal amount borrowed or the remaining balance of the
18 loan, whichever is less. All repayments of loans must be
19 deposited into the Emerald Ash Borer Revolving Loan Fund.

20 (d) Any loan under this Section to a unit of local
21 government may not exceed the moneys that the unit of local
22 government expends or dedicates for the reforestation project
23 for which the loan is made.

24 (e) The Department of Agriculture may enter into agreements
25 with a unit of local government under which the unit of local
26 government is authorized to assist the Department in carrying

1 out its duties in a quarantined area, including inspection and
2 eradication of any dangerous insect or dangerous plant disease,
3 and including the transportation, processing, and disposal of
4 diseased material. The Department is authorized to provide
5 compensation or financial assistance to the unit of local
6 government for its costs.

7 (f) The Authority, with the assistance of the Department of
8 Agriculture and the Department of Natural Resources, shall
9 adopt rules to administer the program under this Section.

10 (Source: P.A. 95-588, eff. 9-4-07; 95-876, eff. 8-21-08.)

11 Section 10. The Illinois Municipal Code is amended by
12 changing Section 11-20-12 as follows:

13 (65 ILCS 5/11-20-12) (from Ch. 24, par. 11-20-12)

14 Sec. 11-20-12. Removal of infected trees.

15 (a) The corporate authorities of each municipality may
16 provide for the treatment or removal of elm trees infected with
17 Dutch elm disease or ash trees infected with the emerald ash
18 borer (*Agrilus planipennis* Fairmaire) from any parcel of
19 private property within the municipality if the owners of that
20 parcel, after reasonable notice, refuse or neglect to treat or
21 remove the infected trees. The municipality may collect, from
22 the owners of the parcel, the reasonable removal cost.

23 (b) The municipality's removal cost under this Section is a
24 lien upon the underlying parcel in accordance with Section

1 11-20-15.

2 (c) For the purpose of this Section, "removal cost" means
3 the total cost of the removal of the infected trees.
4 "Treatment" means the administration, by environmentally
5 sensitive processes and methods, of products and materials
6 proven by academic research to protect elm and ash trees from
7 an invasive disease in order to prevent or reverse the damage
8 and save the trees.

9 (d) In the case of an abandoned residential property as
10 defined in Section 11-20-15.1, the municipality may elect to
11 obtain a lien for the removal cost pursuant to Section
12 11-20-15.1, in which case the provisions of Section 11-20-15.1
13 shall be the exclusive remedy for the removal cost.

14 The provisions of this subsection (d), other than this
15 sentence, are inoperative upon certification by the Secretary
16 of the Illinois Department of Financial and Professional
17 Regulation, after consultation with the United States
18 Department of Housing and Urban Development, that the Mortgage
19 Electronic Registration System program is effectively
20 registering substantially all mortgaged residential properties
21 located in the State of Illinois, is available for access by
22 all municipalities located in the State of Illinois without
23 charge to them, and such registration includes the telephone
24 number for the mortgage servicer.

25 (Source: P.A. 95-183, eff. 8-14-07; 96-462, eff. 8-14-09;
26 96-856, eff. 3-1-10.)

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