

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 may ~~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 from the invasive Emerald Ash Borer in
20 order to prevent or reverse the damage and save the trees.

21 (b) The loan funds, subject to appropriation, must be paid
22 out of the Emerald Ash Borer Revolving Loan Fund, a special
23 fund created in the State treasury. The moneys in the Fund

1 consist of any moneys transferred or appropriated into the Fund
2 as well as all repayments of loans made under this program.
3 Moneys in the Fund may be used only for loans to units of local
4 government for the treatment of standing trees and replanting
5 of trees within emerald ash borer quarantine areas established
6 by the Department of Agriculture and for no other purpose. All
7 interest earned on moneys in the Fund must be deposited into
8 the Fund.

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

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

22 (e) The Department of Agriculture may enter into agreements
23 with a unit of local government under which the unit of local
24 government is authorized to assist the Department in carrying
25 out its duties in a quarantined area, including inspection and
26 eradication of any dangerous insect or dangerous plant disease,

1 and including the transportation, processing, and disposal of
2 diseased material. The Department is authorized to provide
3 compensation or financial assistance to the unit of local
4 government for its costs.

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

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

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

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

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

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

21 (b) The municipality's removal cost under this Section is a
22 lien upon the underlying parcel in accordance with Section
23 11-20-15.

24 (c) For the purpose of this Section, "removal cost" means

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

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

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

23 (Source: P.A. 95-183, eff. 8-14-07; 96-462, eff. 8-14-09;
24 96-856, eff. 3-1-10.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.