



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB4782

Introduced 2/6/2024, by Rep. Barbara Hernandez

#### SYNOPSIS AS INTRODUCED:

525 ILCS 10/1	from Ch. 5, par. 931
525 ILCS 10/2	from Ch. 5, par. 932
525 ILCS 10/3	from Ch. 5, par. 933
525 ILCS 10/4	from Ch. 5, par. 934
525 ILCS 10/5	from Ch. 5, par. 935
525 ILCS 55/5	
705 ILCS 135/1-5	
740 ILCS 185/2	from Ch. 96 1/2, par. 9402
740 ILCS 185/2.5	

Amends the Illinois Exotic Weed Act. Changes the title of the Act to the Illinois Exotic Weeds Act. Provides that the Department of Natural Resources shall determine the plants that are exotic weeds for the purposes of the Act and shall compile and keep current a list of such exotic weeds, which list shall be published and incorporated in the rules of the Department. Provides that the Department of Natural Resources may (rather than shall) issue permits to buy, sell, offer for sale, distribute, or plant seeds, plants, or plant parts of exotic weeds pursuant to administrative rule. Provides that the Department, by rule, shall exempt varieties of any species listed in Department rule. Provides that, for the control of exotic weeds, a municipality may adopt an ordinance to eradicate exotic weeds listed in the rules of the Department. Deletes the listing of specified exotic weeds from the Act. Amends various Acts to make conforming changes.

LRB103 37383 JAG 67504 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 Illinois Exotic Weed Act is amended by  
5 changing Sections 1, 2, 3, 4, and 5 as follows:

6 (525 ILCS 10/1) (from Ch. 5, par. 931)

7 Sec. 1. Short Title. This Act shall be known and may be  
8 cited as the Illinois Exotic Weeds ~~Weed~~ Act.

9 (Source: P.A. 85-150.)

10 (525 ILCS 10/2) (from Ch. 5, par. 932)

11 Sec. 2. Definition. In this Act:

12 "Department" means the Department of Natural Resources.

13 "Exotic weeds" means ~~are~~ plants not native to North  
14 America which, when planted either spread vegetatively or  
15 naturalize and degrade natural communities, reduce the value  
16 of fish and wildlife habitat, or threaten an Illinois  
17 endangered or threatened species.

18 (Source: P.A. 85-150.)

19 (525 ILCS 10/3) (from Ch. 5, par. 933)

20 Sec. 3. Designation of ~~Designated~~ exotic weeds. The  
21 Department shall determine the plants that are exotic weeds

1 for the purposes of this Act and shall compile and keep current  
2 a list of such exotic weeds, which list shall be published and  
3 incorporated in the rules of the Department. The Department

4 ~~Japanese honeysuckle (Lonicera japonica), multiflora rose~~  
5 ~~(Rosa multiflora), purple loosestrife (Lythrum salicaria),~~  
6 ~~common buckthorn (Rhamnus cathartica), glossy buckthorn~~  
7 ~~(Rhamnus frangula), saw toothed buckthorn (Rhamnus arguta),~~  
8 ~~dahurian buckthorn (Rhamnus davurica), Japanese buckthorn~~  
9 ~~(Rhamnus japonica), Chinese buckthorn (Rhamnus utilis), kudzu~~  
10 ~~(Pueraria lobata), exotic bush honeysuckles (Lonicera maackii,~~  
11 ~~Lonicera tatarica, Lonicera morrowii, and Lonicera~~  
12 ~~fragrantissima), exotic olives (Elaeagnus umbellata, Elaeagnus~~  
13 ~~pungens, Elaeagnus angustifolia), salt cedar (all members of~~  
14 ~~the Tamarix genus), poison hemlock (Conium maculatum), giant~~  
15 ~~hogweed (Heracleum mantegazzianum), Oriental bittersweet~~  
16 ~~(Celastrus orbiculatus), and lesser celandine (Ficaria verna),~~  
17 ~~teasel (all members of the Dipsacus genus), and Japanese,~~  
18 ~~giant, and Bohemian knotweed (Fallopia japonica, syn.~~  
19 ~~Polygonum cuspidatum; Fallopia sachalinensis; and Fallopia x~~  
20 ~~bohemica, resp.) are hereby designated exotic weeds. Upon~~  
21 ~~petition the Director of Natural Resources, by rule, shall~~  
22 exempt varieties of any species listed in the rule ~~this Act~~  
23 that can be demonstrated by published or current research not  
24 to be an exotic weed as defined in Section 2.

25 (Source: P.A. 99-81, eff. 1-1-16.)

1 (525 ILCS 10/4) (from Ch. 5, par. 934)

2 Sec. 4. Control of exotic weeds.

3 (a) It shall be unlawful for any person, corporation,  
4 political subdivision, agency or department of the State to  
5 buy, sell, offer for sale, distribute, or plant seeds, plants,  
6 or plant parts of exotic weeds without a permit issued by the  
7 Department ~~of Natural Resources~~. Such permits may ~~shall~~ be  
8 issued by the Department pursuant to administrative rule.  
9 ~~only:~~

10 ~~(1) for experiments into controlling and eradicating~~  
11 ~~exotic weeds;~~

12 ~~(2) for research to demonstrate that a variety of a~~  
13 ~~species listed in this Act is not an exotic weed as defined~~  
14 ~~in Section 2; or~~

15 ~~(3) for the use of exotic olive (Elaeagnus umbellata,~~  
16 ~~Elaeagnus pungens, Elaeagnus angustifolia) berries in the~~  
17 ~~manufacture of value added products, not to include the~~  
18 ~~resale of whole berries or seeds. The exotic berry permit~~  
19 ~~holder must register annually with the Department of~~  
20 ~~Natural Resources and be able to demonstrate to the~~  
21 ~~Department that seeds remaining post-manufacture are~~  
22 ~~sterile or otherwise unviable.~~

23 (b) The commercial propagation of exotic weeds for sale  
24 outside Illinois, certified under the Insect Pest and Plant  
25 Disease Act, is exempted from the provisions of this Section.

26 (c) The Department ~~of Natural Resources~~ may adopt rules

1 for the administration of this Act ~~Section~~.

2 (d) Notwithstanding any other provisions in this Section,  
3 to ~~for the~~ control ~~of~~ exotic weeds, a municipality may adopt an  
4 ordinance to eradicate on all public and private property  
5 within its geographic boundaries the exotic weeds listed in  
6 the rules of the Department ~~common buckthorn (Rhamnus~~  
7 ~~eathartica), glossy buckthorn (Rhamnus frangula), saw toothed~~  
8 ~~buckthorn (Rhamnus arguta), dahurian buckthorn (Rhamnus~~  
9 ~~davurica), Japanese buckthorn (Rhamnus japonica), and Chinese~~  
10 ~~buckthorn (Rhamnus utilis) on all public and private property~~  
11 ~~within its geographic boundaries.~~

12 (Source: P.A. 102-840, eff. 1-1-23.)

13 (525 ILCS 10/5) (from Ch. 5, par. 935)

14 Sec. 5. Penalty. Violators of this Act shall be guilty of a  
15 Class B misdemeanor. When the violation is a continuing  
16 offense, each day shall be considered a separate violation.

17 Exotic weeds offered for sale in Illinois except as  
18 provided in Section 4 are subject to confiscation and  
19 destruction by agents of the Department ~~of Natural Resources~~.

20 (Source: P.A. 89-445, eff. 2-7-96.)

21 Section 10. The Pollinator-Friendly Solar Site Act is  
22 amended by changing Section 5 as follows:

23 (525 ILCS 55/5)

1           Sec. 5. Definitions. In this Act:

2           "Department" means the Department of Natural Resources.

3           "Exotic weed" has the same meaning ascribed to the term in  
4 Section 2 of the Illinois Exotic Weeds ~~Weed~~ Act.

5           "Noxious weed" has the same meaning ascribed to the term  
6 in Section 2 of the Illinois Noxious Weed Law.

7           (Source: P.A. 100-1022, eff. 8-21-18.)

8           Section 15. The Criminal and Traffic Assessment Act is  
9 amended by changing Section 1-5 as follows:

10           (705 ILCS 135/1-5)

11           Sec. 1-5. Definitions. In this Act:

12           "Assessment" means any costs imposed on a defendant under  
13 schedules 1 through 13 of this Act.

14           "Business offense" means any offense punishable by a fine  
15 in excess of \$1,000 and for which a sentence of imprisonment is  
16 not an authorized disposition.

17           "Case" means all charges and counts filed against a single  
18 defendant which are being prosecuted as a single proceeding  
19 before the court.

20           "Count" means each separate offense charged in the same  
21 indictment, information, or complaint when the indictment,  
22 information, or complaint alleges the commission of more than  
23 one offense.

24           "Conservation offense" means any violation of the

1 following Acts, Codes, or ordinances, except any offense  
2 punishable upon conviction by imprisonment in the  
3 penitentiary:

4 (1) Fish and Aquatic Life Code;

5 (2) Wildlife Code;

6 (3) Boat Registration and Safety Act;

7 (4) Park District Code;

8 (5) Chicago Park District Act;

9 (6) State Parks Act;

10 (7) State Forest Act;

11 (8) Forest Fire Protection District Act;

12 (9) Snowmobile Registration and Safety Act;

13 (10) Endangered Species Protection Act;

14 (11) Forest Products Transportation Act;

15 (12) Timber Buyers Licensing Act;

16 (13) Downstate Forest Preserve District Act;

17 (14) Illinois Exotic Weeds Act ~~Exotic Weed Act~~;

18 (15) Ginseng Harvesting Act;

19 (16) Cave Protection Act;

20 (17) ordinances adopted under the Counties Code for  
21 the acquisition of property for parks or recreational  
22 areas;

23 (18) Recreational Trails of Illinois Act;

24 (19) Herptiles-Herps Act; or

25 (20) any rule, regulation, proclamation, or ordinance  
26 adopted under any Code or Act named in paragraphs (1)

1 through (19) of this definition.

2 "Conviction" means a judgment of conviction or sentence  
3 entered upon a plea of guilty or upon a verdict or finding of  
4 guilty of an offense, rendered by a legally constituted jury  
5 or by a court of competent jurisdiction authorized to try the  
6 case without a jury.

7 "Drug offense" means any violation of the Cannabis Control  
8 Act, the Illinois Controlled Substances Act, the  
9 Methamphetamine Control and Community Protection Act, or any  
10 similar local ordinance which involves the possession or  
11 delivery of a drug.

12 "Drug-related emergency response" means the act of  
13 collecting evidence from or securing a site where controlled  
14 substances were manufactured, or where by-products from the  
15 manufacture of controlled substances are present, and cleaning  
16 up the site, whether these actions are performed by public  
17 entities or private contractors paid by public entities.

18 "Electronic citation" means the process of transmitting  
19 traffic, misdemeanor, ordinance, conservation, or other  
20 citations and law enforcement data via electronic means to a  
21 circuit court clerk.

22 "Emergency response" means any incident requiring a  
23 response by a police officer, an ambulance, a firefighter  
24 carried on the rolls of a regularly constituted fire  
25 department or fire protection district, a firefighter of a  
26 volunteer fire department, or a member of a recognized



1 not-for-profit rescue or emergency medical service provider.  
2 "Emergency response" does not include a drug-related emergency  
3 response.

4 "Felony offense" means an offense for which a sentence to  
5 a term of imprisonment in a penitentiary for one year or more  
6 is provided.

7 "Fine" means a pecuniary punishment for a conviction or  
8 supervision disposition as ordered by a court of law.

9 "Highest classified offense" means the offense in the case  
10 which carries the most severe potential disposition under  
11 Article 4.5 of Chapter V of the Unified Code of Corrections.

12 "Major traffic offense" means a traffic offense, as  
13 defined by paragraph (f) of Supreme Court Rule 501, other than  
14 a petty offense or business offense.

15 "Minor traffic offense" means a traffic offense, as  
16 defined by paragraph (f) of Supreme Court Rule 501, that is a  
17 petty offense or business offense.

18 "Misdemeanor offense" means any offense for which a  
19 sentence to a term of imprisonment in other than a  
20 penitentiary for less than one year may be imposed.

21 "Offense" means a violation of any local ordinance or  
22 penal statute of this State.

23 "Petty offense" means any offense punishable by a fine of  
24 up to \$1,000 and for which a sentence of imprisonment is not an  
25 authorized disposition.

26 "Service provider costs" means costs incurred as a result

1 of services provided by an entity including, but not limited  
2 to, traffic safety programs, laboratories, ambulance  
3 companies, and fire departments. "Service provider costs"  
4 includes conditional amounts under this Act that are  
5 reimbursements for services provided.

6 "Street value" means the amount determined by the court on  
7 the basis of testimony of law enforcement personnel and the  
8 defendant as to the amount of drug or materials seized and any  
9 testimony as may be required by the court as to the current  
10 street value of the cannabis, controlled substance,  
11 methamphetamine or salt of an optical isomer of  
12 methamphetamine, or methamphetamine manufacturing materials  
13 seized.

14 "Supervision" means a disposition of conditional and  
15 revocable release without probationary supervision, but under  
16 the conditions and reporting requirements as are imposed by  
17 the court, at the successful conclusion of which disposition  
18 the defendant is discharged and a judgment dismissing the  
19 charges is entered.

20 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;  
21 100-1161, eff. 7-1-19.)

22 Section 20. The Wrongful Tree Cutting Act is amended by  
23 changing Sections 2 and 2.5 as follows:

24 (740 ILCS 185/2) (from Ch. 96 1/2, par. 9402)

1           Sec. 2. Except as provided in Sections 2.5, 2.7, and 7, any  
2 party found to have intentionally cut or knowingly caused to  
3 be cut any timber or tree, other than a tree or woody plant  
4 referenced in the Illinois Exotic Weeds ~~Weed~~ Act, which he or  
5 she did not have the legal right to cut or cause to be cut  
6 shall pay the owner of the timber or tree 3 times its stumpage  
7 value.

8           (Source: P.A. 101-102, eff. 7-19-19.)

9           (740 ILCS 185/2.5)

10           Sec. 2.5. Trees intentionally cut or knowingly caused to  
11 be cut on protected land. Any party found to have  
12 intentionally cut or knowingly caused to be cut any standing  
13 timber or tree, other than a tree or woody plant referenced in  
14 the Illinois Exotic Weeds ~~Weed~~ Act, on protected land, which  
15 he or she did not have the legal right to so cut or cause to be  
16 cut, must pay 3 times stumpage value plus remediation costs to  
17 the party that owns an interest in the land, including, but not  
18 limited to, holding a conservation right to the land.  
19 Remediation costs include one or more of the following:

20           (1) cleanup to remove trees, portions of trees, or  
21 debris from trees cut, damaged, moved, placed, or left as  
22 a result of tree cutting from perennial drainage ways or  
23 water holding basins;

24           (2) soil erosion stabilization and remediation for  
25 issues that were not pre-existing;

1           (3) remediation of damages to the native standing  
2 trees and other native woody or herbaceous plant  
3 understory;

4           (4) remediation of damages to the native tree  
5 understory through coppicing, planting of potted native  
6 trees, planting of native tree seedlings as individual  
7 practices or in combination as deemed appropriate under  
8 Section 3.5 of this Act. Any work under this item (4) must  
9 be done by a qualified professional forester or ecological  
10 restoration professional;

11           (5) associated exotic invasive plant species control  
12 for a period of 3 years with one treatment per year on  
13 those portions of the property where trees were wrongfully  
14 cut if prior to the encroachment there had been an active  
15 and ongoing effort made to control the plants, and due to  
16 the disturbance, advantage was given to pre-existing or  
17 new exotic invasive plant growth. Exotic plant control  
18 must be done by a qualified professional forester or  
19 ecological restoration professional;

20           (6) seeding of annual grass to skid trails; or

21           (7) staff salaries, contractor fees, and materials as  
22 directly related, documented, and required to address  
23 remediation costs under this Section.

24       (Source: P.A. 101-102, eff. 7-19-19.)