



Rep. Barbara Hernandez

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1 AMENDMENT TO HOUSE BILL 4782

2 AMENDMENT NO. _____. Amend House Bill 4782 by replacing
3 everything after the enacting clause with the following:

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

1 of fish and wildlife habitat, or threaten an Illinois
2 endangered or threatened species.

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

4 (525 ILCS 10/3) (from Ch. 5, par. 933)

5 Sec. 3. Designation of ~~Designated~~ exotic weeds. The
6 Department shall determine the plants that are exotic weeds
7 for the purposes of this Act and shall compile and keep current
8 a list of such exotic weeds, which list shall be published and
9 incorporated in the rules of the Department. The Department
10 ~~Japanese honeysuckle (Lonicera japonica), multiflora rose~~
11 ~~(Rosa multiflora), purple loosestrife (Lythrum salicaria),~~
12 ~~common buckthorn (Rhamnus cathartica), glossy buckthorn~~
13 ~~(Rhamnus frangula), saw toothed buckthorn (Rhamnus arguta),~~
14 ~~dahurian buckthorn (Rhamnus davurica), Japanese buckthorn~~
15 ~~(Rhamnus japonica), Chinese buckthorn (Rhamnus utilis), kudzu~~
16 ~~(Pueraria lobata), exotic bush honeysuckles (Lonicera maackii,~~
17 ~~Lonicera tatarica, Lonicera morrowii, and Lonicera~~
18 ~~fragrantissima), exotic olives (Elaeagnus umbellata, Elaeagnus~~
19 ~~pungens, Elaeagnus angustifolia), salt cedar (all members of~~
20 ~~the Tamarix genus), poison hemlock (Conium maculatum), giant~~
21 ~~hogweed (Heracleum mantegazzianum), Oriental bittersweet~~
22 ~~(Celastrus orbiculatus), and lesser celandine (Ficaria verna),~~
23 ~~teasel (all members of the Dipsacus genus), and Japanese,~~
24 ~~giant, and Bohemian knotweed (Fallopia japonica, syn.~~
25 ~~Polygonum cuspidatum; Fallopia sachalinensis; and Fallopia x~~

1 ~~bohemica, resp.) are hereby designated exotic weeds. Upon~~
2 ~~petition the Director of Natural Resources, by rule, shall~~
3 exempt varieties of any species listed in the rule ~~this Act~~
4 that can be demonstrated by published or current research not
5 to be an exotic weed as defined in Section 2. The Department
6 shall consult with the Department of Agriculture before adding
7 or removing any plant from the exotic weed list by
8 administrative rule. The Department may also consult with any
9 group serving interests in agriculture, industry,
10 conservation, ecology, or management regarding exotic weeds.

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

12 (525 ILCS 10/4) (from Ch. 5, par. 934)

13 Sec. 4. Control of exotic weeds.

14 (a) It shall be unlawful for any person, corporation,
15 political subdivision, agency or department of the State to
16 buy, sell, offer for sale, distribute, or plant seeds, plants,
17 or plant parts of exotic weeds without a permit issued by the
18 Department ~~of Natural Resources~~. Such permits may ~~shall~~ be
19 issued by the Department pursuant to administrative rule.
20 ~~only:~~

21 ~~(1) for experiments into controlling and eradicating~~
22 ~~exotic weeds;~~

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

1 ~~(3) for the use of exotic olive (Elaeagnus umbellata,~~
2 ~~Elaeagnus pungens, Elaeagnus angustifolia) berries in the~~
3 ~~manufacture of value added products, not to include the~~
4 ~~resale of whole berries or seeds. The exotic berry permit~~
5 ~~holder must register annually with the Department of~~
6 ~~Natural Resources and be able to demonstrate to the~~
7 ~~Department that seeds remaining post manufacture are~~
8 ~~sterile or otherwise unviable.~~

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

12 (c) The Department ~~of Natural Resources~~ may adopt rules
13 for the administration of this Act ~~Section~~.

14 (d) Notwithstanding any other provisions in this Section,
15 to ~~for the~~ control ~~of~~ exotic weeds, a municipality may adopt an
16 ordinance to eradicate on all public and private property
17 within its geographic boundaries the exotic weeds listed in
18 the rules of the Department ~~common buckthorn (Rhamnus~~
19 ~~eathartica), glossy buckthorn (Rhamnus frangula), saw toothed~~
20 ~~buckthorn (Rhamnus arguta), dahurian buckthorn (Rhamnus~~
21 ~~davurica), Japanese buckthorn (Rhamnus japonica), and Chinese~~
22 ~~buckthorn (Rhamnus utilis) on all public and private property~~
23 ~~within its geographic boundaries.~~

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

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

4 Exotic weeds offered for sale in Illinois except as
5 provided in Section 4 are subject to confiscation and
6 destruction by agents of the Department ~~of Natural Resources~~.
7 (Source: P.A. 89-445, eff. 2-7-96.)

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

10 (525 ILCS 55/5)

11 Sec. 5. Definitions. In this Act:

12 "Department" means the Department of Natural Resources.

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

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

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

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

20 (705 ILCS 135/1-5)

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

22 "Assessment" means any costs imposed on a defendant under

1 schedules 1 through 13 of this Act.

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

5 "Case" means all charges and counts filed against a single
6 defendant which are being prosecuted as a single proceeding
7 before the court.

8 "Count" means each separate offense charged in the same
9 indictment, information, or complaint when the indictment,
10 information, or complaint alleges the commission of more than
11 one offense.

12 "Conservation offense" means any violation of the
13 following Acts, Codes, or ordinances, except any offense
14 punishable upon conviction by imprisonment in the
15 penitentiary:

- 16 (1) Fish and Aquatic Life Code;
- 17 (2) Wildlife Code;
- 18 (3) Boat Registration and Safety Act;
- 19 (4) Park District Code;
- 20 (5) Chicago Park District Act;
- 21 (6) State Parks Act;
- 22 (7) State Forest Act;
- 23 (8) Forest Fire Protection District Act;
- 24 (9) Snowmobile Registration and Safety Act;
- 25 (10) Endangered Species Protection Act;
- 26 (11) Forest Products Transportation Act;

- 1 (12) Timber Buyers Licensing Act;
- 2 (13) Downstate Forest Preserve District Act;
- 3 (14) Illinois Exotic Weeds Act ~~Exotic Weed Act~~;
- 4 (15) Ginseng Harvesting Act;
- 5 (16) Cave Protection Act;
- 6 (17) ordinances adopted under the Counties Code for
- 7 the acquisition of property for parks or recreational
- 8 areas;
- 9 (18) Recreational Trails of Illinois Act;
- 10 (19) Herptiles-Herps Act; or
- 11 (20) any rule, regulation, proclamation, or ordinance
- 12 adopted under any Code or Act named in paragraphs (1)
- 13 through (19) of this definition.

14 "Conviction" means a judgment of conviction or sentence

15 entered upon a plea of guilty or upon a verdict or finding of

16 guilty of an offense, rendered by a legally constituted jury

17 or by a court of competent jurisdiction authorized to try the

18 case without a jury.

19 "Drug offense" means any violation of the Cannabis Control

20 Act, the Illinois Controlled Substances Act, the

21 Methamphetamine Control and Community Protection Act, or any

22 similar local ordinance which involves the possession or

23 delivery of a drug.

24 "Drug-related emergency response" means the act of

25 collecting evidence from or securing a site where controlled

26 substances were manufactured, or where by-products from the

1 manufacture of controlled substances are present, and cleaning
2 up the site, whether these actions are performed by public
3 entities or private contractors paid by public entities.

4 "Electronic citation" means the process of transmitting
5 traffic, misdemeanor, ordinance, conservation, or other
6 citations and law enforcement data via electronic means to a
7 circuit court clerk.

8 "Emergency response" means any incident requiring a
9 response by a police officer, an ambulance, a firefighter
10 carried on the rolls of a regularly constituted fire
11 department or fire protection district, a firefighter of a
12 volunteer fire department, or a member of a recognized
13 not-for-profit rescue or emergency medical service provider.
14 "Emergency response" does not include a drug-related emergency
15 response.

16 "Felony offense" means an offense for which a sentence to
17 a term of imprisonment in a penitentiary for one year or more
18 is provided.

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

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

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

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

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

7 "Offense" means a violation of any local ordinance or
8 penal statute of this State.

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

12 "Service provider costs" means costs incurred as a result
13 of services provided by an entity including, but not limited
14 to, traffic safety programs, laboratories, ambulance
15 companies, and fire departments. "Service provider costs"
16 includes conditional amounts under this Act that are
17 reimbursements for services provided.

18 "Street value" means the amount determined by the court on
19 the basis of testimony of law enforcement personnel and the
20 defendant as to the amount of drug or materials seized and any
21 testimony as may be required by the court as to the current
22 street value of the cannabis, controlled substance,
23 methamphetamine or salt of an optical isomer of
24 methamphetamine, or methamphetamine manufacturing materials
25 seized.

26 "Supervision" means a disposition of conditional and

1 revocable release without probationary supervision, but under
2 the conditions and reporting requirements as are imposed by
3 the court, at the successful conclusion of which disposition
4 the defendant is discharged and a judgment dismissing the
5 charges is entered.

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

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

10 (740 ILCS 185/2) (from Ch. 96 1/2, par. 9402)

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

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

19 (740 ILCS 185/2.5)

20 Sec. 2.5. Trees intentionally cut or knowingly caused to
21 be cut on protected land. Any party found to have
22 intentionally cut or knowingly caused to be cut any standing
23 timber or tree, other than a tree or woody plant referenced in

1 the Illinois Exotic Weeds ~~Weed~~ Act, on protected land, which
2 he or she did not have the legal right to so cut or cause to be
3 cut, must pay 3 times stumpage value plus remediation costs to
4 the party that owns an interest in the land, including, but not
5 limited to, holding a conservation right to the land.
6 Remediation costs include one or more of the following:

7 (1) cleanup to remove trees, portions of trees, or
8 debris from trees cut, damaged, moved, placed, or left as
9 a result of tree cutting from perennial drainage ways or
10 water holding basins;

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

13 (3) remediation of damages to the native standing
14 trees and other native woody or herbaceous plant
15 understory;

16 (4) remediation of damages to the native tree
17 understory through coppicing, planting of potted native
18 trees, planting of native tree seedlings as individual
19 practices or in combination as deemed appropriate under
20 Section 3.5 of this Act. Any work under this item (4) must
21 be done by a qualified professional forester or ecological
22 restoration professional;

23 (5) associated exotic invasive plant species control
24 for a period of 3 years with one treatment per year on
25 those portions of the property where trees were wrongfully
26 cut if prior to the encroachment there had been an active

1 and ongoing effort made to control the plants, and due to
2 the disturbance, advantage was given to pre-existing or
3 new exotic invasive plant growth. Exotic plant control
4 must be done by a qualified professional forester or
5 ecological restoration professional;

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

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

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