



Rep. Katherine Cloonen

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1 AMENDMENT TO HOUSE BILL 738

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 738 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Oil and Gas Wells on Public Lands Act is  
5 amended by changing Section 10 as follows:

6 (5 ILCS 615/10) (from Ch. 96 1/2, par. 5010)

7 Sec. 10. Proceeds. Except as hereinafter provided, the  
8 proceeds derived and bonuses, rentals and royalties from and  
9 other inducements and considerations for the execution and  
10 operation of the oil and gas leases provided for in this Act  
11 shall be disposed of as provided for by the State Officers and  
12 Employees Money Disposition Act. However, all bonuses, rentals  
13 and royalties received from the permitting or leasing of lands  
14 which have been purchased by the Department of Natural  
15 Resources (formerly designated the Department of Conservation)  
16 from moneys appropriated from the Wildlife ~~and Fish~~ Fund or the

1 Illinois Fisheries Management Fund ~~and~~ which at the time of  
2 permitting or leasing are under the control of the Department  
3 of Natural Resources (formerly designated the Department of  
4 Conservation), shall be paid equally into the Wildlife ~~and Fish~~  
5 Fund and the Illinois Fisheries Management Fund of the State  
6 Treasury. All proceeds, bonuses, rentals, royalties, and other  
7 inducements and considerations received from the permitting or  
8 leasing of Department of Natural Resources lands that have not  
9 been purchased by the Department of Natural Resources with  
10 moneys appropriated from the Wildlife ~~and Fish~~ Fund and the  
11 Illinois Fisheries Management Fund shall be deposited as  
12 follows: at least 50% of the amounts received shall be  
13 deposited into the State Parks Fund and not more than 50% shall  
14 be deposited into the Plugging and Restoration Fund.

15 (Source: P.A. 89-445, eff. 2-7-96; 90-490, eff. 8-17-97.)

16 Section 10. The Department of Natural Resources  
17 (Conservation) Law of the Civil Administrative Code of Illinois  
18 is amended by changing Sections 805-235, 805-275, 805-335,  
19 805-420, 805-430, 805-550, and 805-560 as follows:

20 (20 ILCS 805/805-235) (was 20 ILCS 805/63a6)

21 Sec. 805-235. Lease of lands acquired by the Department;  
22 disposition of obsolete buildings. The Department has the power  
23 to do and perform each and every act or thing considered by the  
24 Director to be necessary or desirable to fulfill and carry out

1 the intent and purpose of all laws pertaining to the  
2 Department, including the right to rehabilitate or sell at  
3 public auction buildings or structures affixed to lands over  
4 which the Department has acquired jurisdiction when in the  
5 judgment of the Director those buildings or structures are  
6 obsolete, inadequate, or unusable for the purposes of the  
7 Department and to lease those lands with or without  
8 appurtenances for a consideration in money or in kind for a  
9 period of time not in excess of 5 years for the purposes and  
10 upon the terms and conditions that the Director considers to be  
11 in the best interests of the State when those lands are not  
12 immediately to be used or developed by the State. All those  
13 sales shall be made subject to the written approval of the  
14 Governor. The funds derived from those sales and from those  
15 leases shall be deposited in the State Parks Fund, except that  
16 funds derived from those sales and from those leases on lands  
17 managed and operated principally as wildlife or fisheries areas  
18 by the Department shall be deposited in the Wildlife ~~and Fish~~  
19 Fund or the Illinois Fisheries Management Fund, respectively.

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (20 ILCS 805/805-275) (was 20 ILCS 805/63a27)

22 Sec. 805-275. Sale of gravel and other materials. The  
23 Department has the power to sell gravel, sand, earth, or other  
24 material from any State of Illinois owned lands or waters under  
25 the jurisdiction of the Department at a fair market price.

1 Fifty percent of the ~~The~~ proceeds from the sales shall be  
2 deposited into the Wildlife ~~and Fish~~ Fund and 50% of the  
3 proceeds from the sales shall be deposited into the Illinois  
4 Fisheries Management Fund in the State treasury.

5 (Source: P.A. 90-372, eff. 7-1-98; 91-239, eff. 1-1-00.)

6 (20 ILCS 805/805-335)

7 Sec. 805-335. Fees. The Department has the power to assess  
8 appropriate and reasonable fees for the use of concession type  
9 facilities as well as other facilities and sites under the  
10 jurisdiction of the Department, including, but not limited to,  
11 beaches, bike trails, equestrian trails, and other types of  
12 trails. The Department may regulate, by rule, the fees to be  
13 charged. The income collected shall be deposited into the State  
14 Parks Fund, the ~~or~~ Wildlife ~~and Fish~~ Fund, or the Illinois  
15 Fisheries Management Fund depending on the classification of  
16 the State managed facility involved. The monies deposited into  
17 the State Parks Fund, ~~or~~ the Wildlife ~~and Fish~~ Fund, and the  
18 Illinois Fisheries Management Fund under this Section shall not  
19 be subject to administrative charges or chargebacks unless  
20 otherwise authorized by this Act.

21 (Source: P.A. 97-1136, eff. 1-1-13.)

22 (20 ILCS 805/805-420) (was 20 ILCS 805/63a36)

23 Sec. 805-420. Appropriations from Park and Conservation  
24 Fund. The Department has the power to expend monies

1 appropriated to the Department from the Park and Conservation  
2 Fund in the State treasury for conservation and park purposes.

3 Eighty percent of the revenue derived from fees paid for  
4 certificates of title, duplicate certificates of title and  
5 corrected certificates of title and deposited in the Park and  
6 Conservation Fund, as provided for in Section 2-119 of the  
7 Illinois Vehicle Code, shall be expended solely by the  
8 Department pursuant to an appropriation for acquisition,  
9 development, and maintenance of bike paths, including grants  
10 for the acquisition and development of bike paths and 20% of  
11 the revenue derived from fees may only be used for operation of  
12 the Division of Fisheries within the Department, and shall be  
13 deposited into the Illinois Fisheries Management Fund, a  
14 special fund created in the State Treasury ~~to be used for the~~  
15 ~~operation of the Division of Fisheries within the Department.~~

16 Revenue derived from fees paid for the registration of  
17 motor vehicles of the first division and deposited in the Park  
18 and Conservation Fund, as provided for in Section 3-806 of the  
19 Illinois Vehicle Code, shall be expended by the Department for  
20 the following purposes:

21 (A) Fifty percent of funds derived from the vehicle  
22 registration fee shall be used by the Department for normal  
23 operations.

24 (B) Fifty percent of funds derived from the vehicle  
25 registration fee shall be used by the Department for  
26 construction and maintenance of State owned, leased, and

1 managed sites.

2 The monies deposited into the Park and Conservation Fund  
3 and the Illinois Fisheries Management Fund under this Section  
4 shall not be subject to administrative charges or chargebacks  
5 unless otherwise authorized by this Act.

6 (Source: P.A. 97-1136, eff. 1-1-13.)

7 (20 ILCS 805/805-430) (was 20 ILCS 805/63b2.4)

8 Sec. 805-430. Sale of advertising. The Department has the  
9 power and authority to sell or exchange advertising rights in  
10 its publications and printed materials. The sale of advertising  
11 shall be subject to the rules and regulations promulgated by  
12 the Department. All income received from the sale of  
13 advertising shall be deposited equally in the Wildlife ~~and Fish~~  
14 Fund and the Illinois Fisheries Management Fund, except that  
15 income received from advertising in State Park brochures shall  
16 be deposited into the State Parks Fund and income received from  
17 advertising in boating or snowmobile program literature shall  
18 be deposited in the State Boating Act Fund.

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 (20 ILCS 805/805-550)

21 Sec. 805-550. Reinstatement fee.

22 (a) The Department may assess a fee of up to \$1,000 for the  
23 reinstatement of revoked or suspended licenses, permits,  
24 registrations, and other privileges that it administers in the

1 exercise of its powers and duties under Illinois law.

2 (b) Revenues generated from the reinstatement of State park  
3 privileges shall be deposited into the State Parks Fund.  
4 Revenues generated from the reinstatement of hunting, fishing,  
5 trapping, ginseng, falconry, wildlife rehabilitation, and  
6 outfitter licenses or privileges shall be deposited into the  
7 Wildlife ~~and Fish~~ Fund or the Illinois Fisheries Management  
8 Fund, respectively. Revenues generated from the reinstatement  
9 of boating and snowmobile privileges shall be deposited into  
10 the State Boating Act Fund. Revenues generated from the  
11 reinstatement of forestry purchasing privileges shall be  
12 deposited into the Illinois Forestry Development Fund. Other  
13 revenues generated from the reinstatement of a license, permit,  
14 registration, or other privilege shall be deposited into the  
15 State fund in which the fee for that privilege is deposited.  
16 The Comptroller shall maintain a separate accounting of the  
17 moneys deposited under this subsection.

18 (c) Moneys deposited under subsection (b) shall be used by  
19 the Department, subject to appropriation, for the following  
20 purposes:

21 (1) 85% of the moneys shall be used for the purchase of  
22 law enforcement vehicles for use by the Department's Office  
23 of Law Enforcement.

24 (2) 15% of the moneys shall be used for the promotion  
25 of safety education by the Department's Office of Strategic  
26 Services.

1 (Source: P.A. 96-1160, eff. 1-1-11; 97-1011, eff. 8-17-12.)

2 (20 ILCS 805/805-560)

3 Sec. 805-560. Entrance fees for site visitors from other  
4 states.

5 (a) The General Assembly finds that a dedicated funding  
6 stream shall be established for the operation and maintenance  
7 of sites owned, managed, or leased by the Department to help  
8 ensure that these State treasures will be properly maintained  
9 and remain accessible to the public for generations to come.

10 (b) The Department may charge an annual vehicle access fee  
11 for access by site visitors from other states to properties  
12 owned, managed, or leased by the Department.

13 (c) The Department may charge a daily vehicle access fee to  
14 site visitors from other states who have not paid the current  
15 annual vehicle access fee.

16 (d) The Department may establish a fine for site visitors  
17 from other states who enter a site in a vehicle without paying  
18 the annual vehicle access fee or daily vehicle access fee.

19 (e) Revenue generated by the fees and fine assessed  
20 pursuant to this Section shall be deposited into the State  
21 Parks Fund, ~~or~~ the Wildlife ~~and Fish~~ Fund, or the Illinois  
22 Fisheries Management Fund, special funds in the State treasury, or  
23 depending on the classification of the State managed facility  
24 involved.

25 (f) The Department shall adopt any and all rules necessary



1 to implement this Section.

2 (g) The monies deposited into the State Parks Fund, ~~or~~ the  
3 Wildlife ~~and Fish~~ Fund, and the Illinois Fisheries Management  
4 Fund under this Section shall not be subject to administrative  
5 charges or chargebacks unless otherwise authorized by this Act.  
6 (Source: P.A. 97-1136, eff. 1-1-13.)

7 Section 15. The State Parks Act is amended by changing  
8 Section 4c as follows:

9 (20 ILCS 835/4c) (from Ch. 105, par. 468.3)

10 Sec. 4c. All income realized from properties under the  
11 jurisdiction of the Department of Natural Resources shall be  
12 paid into the State Parks Fund, except that income realized  
13 from properties managed and operated principally as wildlife,  
14 forestry or fisheries areas shall be paid into the Wildlife ~~and~~  
15 ~~Fish~~ Fund or the Illinois Fisheries Management Fund,  
16 respectively. All income realized from violations of this Act,  
17 other State laws and related regulations, or local laws within  
18 such properties, except violations of the Fish and Aquatic Life  
19 Code or the Wildlife Code, when such income is derived from  
20 fines, penalties and other actions of county or municipal law  
21 enforcement personnel, may be retained by the county or  
22 municipality where the violations occurred.

23 The Department of Natural Resources may, upon written  
24 authorization of the Director of the Department, establish

1 local bank or savings and loan association accounts to  
2 temporarily hold this income. All local bank or savings and  
3 loan association accounts established pursuant to this Section  
4 shall be in the name of the Department of Natural Resources and  
5 shall be subject to regular audits. The balance in a local bank  
6 or savings and loan association account shall be forwarded to  
7 the Department of Natural Resources for deposit with the State  
8 Treasurer on Monday of each week if the amount to be deposited  
9 in a fund exceeds \$500 or within 30 days after deposit.

10 No bank or savings and loan association shall receive  
11 public funds as permitted by this Section, unless it has  
12 complied with the requirements established pursuant to Section  
13 6 of the Public Funds Investment Act.

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

15 Section 20. The Firearms Training Act is amended by  
16 changing Sections 2 and 3 as follows:

17 (20 ILCS 875/2) (from Ch. 127, par. 63b62)

18 Sec. 2. The Department of Natural Resources shall establish  
19 procedures for administering the programs. The Department may  
20 charge fees to recover expenses and shall deposit any fees  
21 collected into the Wildlife ~~and Fish~~ Fund.

22 (Source: P.A. 89-75, eff. 1-1-96; 89-445, eff. 2-7-96.)

23 (20 ILCS 875/3) (from Ch. 127, par. 63b63)

1           Sec. 3. Every program coordinator authorized by the  
2 Director to supervise a training program organized under this  
3 Act shall be covered by a liability insurance policy which  
4 protects him from liability for damages arising during any time  
5 he is engaged in the operation of his official duties. The cost  
6 of such a program coordinator's liability insurance policy  
7 shall be paid by the State of Illinois and shall be a charge on  
8 the Wildlife Fund ~~wildlife and fish fund~~.

9           (Source: P.A. 81-358.)

10           Section 25. The State Finance Act is amended by changing  
11 Sections 5.21 and 8.30 as follows:

12           (30 ILCS 105/5.21) (from Ch. 127, par. 141.21)

13           Sec. 5.21. The Wildlife ~~and Fish~~ Fund.

14           (Source: P.A. 81-358.)

15           (30 ILCS 105/8.30) (from Ch. 127, par. 144.30)

16           Sec. 8.30. All moneys received from the issuance of  
17 Lifetime Hunting, Fishing or Sportsmen's Combination Licenses  
18 under Section 20-45 of the Fish and Aquatic Life Code shall be  
19 deposited into the Fish and Wildlife Endowment Fund. All  
20 interest earned and accrued from monies deposited in the Fish  
21 and Wildlife Endowment Fund shall be deposited monthly by the  
22 State Treasurer in the Fish and Wildlife Endowment Fund. The  
23 Treasurer upon request of the Director of the Department of

1 Natural Resources from time to time may transfer amounts from  
2 the Fish and Wildlife Endowment Fund to the Wildlife ~~and Fish~~  
3 Fund and the Illinois Fisheries Management Fund, but the annual  
4 transfers shall not exceed the annual interest accrued to the  
5 Fish and Wildlife Endowment Fund.

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

7 Section 30. The Illinois Oil and Gas Act is amended by  
8 changing Section 22.2 as follows:

9 (225 ILCS 725/22.2) (from Ch. 96 1/2, par. 5436)

10 Sec. 22.2. Integration of interests in drilling unit.

11 (a) As used in this Section, "owner" means any person  
12 having an interest in the right to drill into and produce oil  
13 or gas from any pool, and to appropriate the production for  
14 such owner or others.

15 (b) Except as provided in subsection (b-5), when 2 or more  
16 separately owned tracts of land are embraced within an  
17 established drilling unit, or when there are separately owned  
18 interests in all or a part of such units, the owners of all oil  
19 and gas interests therein may validly agree to integrate their  
20 interests and to develop their lands as a drilling unit. Where,  
21 however, such owners have not agreed to integrate their  
22 interests and where no action has been commenced seeking  
23 permission to drill pursuant to the provisions of "An Act in  
24 relation to oil and gas interests in land", approved July 1,

1 1939, and where at least one of the owners has drilled or has  
2 proposed to drill a well on an established drilling unit the  
3 Department on the application of an owner shall, for the  
4 prevention of waste or to avoid the drilling of unnecessary  
5 wells, require such owners to do so and to develop their lands  
6 as a drilling unit. The Department, as a part of the order  
7 integrating interests, may prescribe the terms and conditions  
8 upon which the royalty interests in the unit or units shall, in  
9 the absence of voluntary agreement, be determined to be  
10 integrated without the necessity of a subsequent separate order  
11 integrating the royalty interests. Each such integration order  
12 shall be upon terms and conditions that are just and  
13 reasonable.

14 (b-5) When 2 or more separately owned tracts of land are  
15 embraced within an established drilling unit, or when there are  
16 separately owned interests in all or a part of the unit, and  
17 one of the owners is the Department of Natural Resources,  
18 integration of the separate tracts shall be allowed only if,  
19 following a comprehensive environmental impact review  
20 performed by the Department, the Department determines that no  
21 substantial or irreversible detrimental harm will occur on  
22 Department lands as a result of any proposed activities  
23 relating to mineral extraction. The environmental impact  
24 review shall include but shall not be limited to an assessment  
25 of the potential destruction or depletion of flora and fauna,  
26 wildlife and its supporting habitat, surface and subsurface

1 water supplies, aquatic life, and recreational activities  
2 located on the land proposed to be integrated. The Department  
3 shall adopt rules necessary to implement this subsection.

4 (b-6) All proceeds, bonuses, rentals, royalties, and other  
5 inducements and considerations received from the integration  
6 of Department of Natural Resources lands that have not been  
7 purchased by the Department of Natural Resources with moneys  
8 appropriated from the Wildlife ~~and Fish~~ Fund and the Illinois  
9 Fisheries Management Fund shall be deposited as follows: at  
10 least 50% of the amounts received shall be deposited into the  
11 State Parks Fund and not more than 50% shall be deposited into  
12 the Plugging and Restoration Fund.

13 (c) All orders requiring such integration shall be made  
14 after notice and hearing and shall be upon terms and conditions  
15 that are just and reasonable and will afford to the owners of  
16 all oil and gas interests in each tract in the drilling unit  
17 the opportunity to recover or receive their just and equitable  
18 share of oil or gas from the drilling unit without unreasonable  
19 expense and will prevent or minimize reasonably avoidable  
20 drainage from each integrated drilling unit which is not  
21 equalized by counter drainage, but the Department may not limit  
22 the production from any well under this provision. The request  
23 shall be made by petition accompanied by a non-refundable  
24 application fee of \$1,500. The fee shall be deposited into the  
25 Underground Resources Conservation Enforcement Fund. The  
26 monies deposited into the Underground Resources Conservation

1 Enforcement Fund under this subsection shall not be subject to  
2 administrative charges or chargebacks unless otherwise  
3 authorized by this Act.

4 (d) All operations, including, but not limited to, the  
5 commencement, drilling, or operation of a well upon any portion  
6 of a drilling unit shall be deemed for all purposes the conduct  
7 of such operations upon each separately owned tract in the  
8 drilling unit by the several owners thereof. That portion of  
9 the production allocated to a separately owned tract included  
10 in a drilling unit shall, when produced, be deemed, for all  
11 purposes, to have been actually produced from such tract by a  
12 well drilled thereon.

13 (e) In making the determination of integrating separately  
14 owned interests, and determining to whom the permit should be  
15 issued, the Department may consider:

16 (1) the reasons requiring the integration of separate  
17 interests;

18 (2) the respective interests of the parties in the  
19 drilling unit sought to be established, and the pool or  
20 pools in the field where the proposed drilling unit is  
21 located;

22 (3) any parties' prior or present compliance with the  
23 Act and the Department's rules; and

24 (4) any other information relevant to protect the  
25 correlative rights of the parties sought to be affected by  
26 the integration order.

1           (f) Each such integration order shall authorize the  
2 drilling, testing, completing, equipping, and operation of a  
3 well on the drilling unit; provide who may drill and operate  
4 the well; prescribe the time and manner in which all the owners  
5 in the drilling unit may elect to participate therein; and make  
6 provision for the payment by all those who elect to participate  
7 therein of the reasonable actual cost thereof, plus a  
8 reasonable charge for supervision and interest. Should an owner  
9 not elect to voluntarily participate in the risk and costs of  
10 the drilling, testing, completing and operation of a well as  
11 determined by the Department, the integration order shall  
12 provide either that:

13           (1) the nonparticipating owner shall surrender a  
14 leasehold interest to the participating owners on a basis  
15 and for such terms and consideration the Department finds  
16 fair and reasonable; or

17           (2) the nonparticipating owner shall share in a  
18 proportionate part of the production of oil and gas from  
19 the drilling unit determined by the Department, and pay a  
20 proportionate part of operation cost after the  
21 participating owners have recovered from the production of  
22 oil or gas from a well all actual costs in the drilling,  
23 testing, completing and operation of the well plus a  
24 penalty to be determined by the Department of not less than  
25 100% nor more than 300% of such actual costs.

26           (g) For the purpose of this Section, the owner or owners of



1 oil and gas rights in and under an unleased tract of land shall  
2 be regarded as a lessee to the extent of a 7/8 interest in and  
3 to said rights and a lessor to the extent of the remaining 1/8  
4 interest therein.

5 (h) In the event of any dispute relative to costs and  
6 expenses of drilling, testing, equipping, completing and  
7 operating a well, the Department shall determine the proper  
8 costs after due notice to interested parties and a hearing  
9 thereon. The operator of such unit, in addition to any other  
10 right provided by the integration order of the Department,  
11 shall have a lien on the mineral leasehold estate or rights  
12 owned by the other owners therein and upon their shares of the  
13 production from such unit to the extent that costs incurred in  
14 the development and operation upon said unit are a charge  
15 against such interest by order of the Department or by  
16 operation of law. Such liens shall be separable as to each  
17 separate owner within such unit, and shall remain liens until  
18 the owner or owners drilling or operating the well have been  
19 paid the amount due under the terms of the integration order.  
20 The Department is specifically authorized to provide that the  
21 owner or owners drilling, or paying for the drilling, or for  
22 the operation of a well for the benefit of all shall be  
23 entitled to production from such well which would be received  
24 by the owner or owners for whose benefit the well was drilled  
25 or operated, after payment of royalty, until the owner or  
26 owners drilling or operating the well have been paid the amount

1 due under the terms of the integration order settling such  
2 dispute.

3 (Source: P.A. 97-1136, eff. 1-1-13.)

4 Section 35. The Environmental Protection Act is amended by  
5 changing Section 42 as follows:

6 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

7 Sec. 42. Civil penalties.

8 (a) Except as provided in this Section, any person that  
9 violates any provision of this Act or any regulation adopted by  
10 the Board, or any permit or term or condition thereof, or that  
11 violates any order of the Board pursuant to this Act, shall be  
12 liable for a civil penalty of not to exceed \$50,000 for the  
13 violation and an additional civil penalty of not to exceed  
14 \$10,000 for each day during which the violation continues; such  
15 penalties may, upon order of the Board or a court of competent  
16 jurisdiction, be made payable to the Environmental Protection  
17 Trust Fund, to be used in accordance with the provisions of the  
18 Environmental Protection Trust Fund Act.

19 (b) Notwithstanding the provisions of subsection (a) of  
20 this Section:

21 (1) Any person that violates Section 12(f) of this Act  
22 or any NPDES permit or term or condition thereof, or any  
23 filing requirement, regulation or order relating to the  
24 NPDES permit program, shall be liable to a civil penalty of

1 not to exceed \$10,000 per day of violation.

2 (2) Any person that violates Section 12(g) of this Act  
3 or any UIC permit or term or condition thereof, or any  
4 filing requirement, regulation or order relating to the  
5 State UIC program for all wells, except Class II wells as  
6 defined by the Board under this Act, shall be liable to a  
7 civil penalty not to exceed \$2,500 per day of violation;  
8 provided, however, that any person who commits such  
9 violations relating to the State UIC program for Class II  
10 wells, as defined by the Board under this Act, shall be  
11 liable to a civil penalty of not to exceed \$10,000 for the  
12 violation and an additional civil penalty of not to exceed  
13 \$1,000 for each day during which the violation continues.

14 (3) Any person that violates Sections 21(f), 21(g),  
15 21(h) or 21(i) of this Act, or any RCRA permit or term or  
16 condition thereof, or any filing requirement, regulation  
17 or order relating to the State RCRA program, shall be  
18 liable to a civil penalty of not to exceed \$25,000 per day  
19 of violation.

20 (4) In an administrative citation action under Section  
21 31.1 of this Act, any person found to have violated any  
22 provision of subsection (o) of Section 21 of this Act shall  
23 pay a civil penalty of \$500 for each violation of each such  
24 provision, plus any hearing costs incurred by the Board and  
25 the Agency. Such penalties shall be made payable to the  
26 Environmental Protection Trust Fund, to be used in

1       accordance with the provisions of the Environmental  
2       Protection Trust Fund Act; except that if a unit of local  
3       government issued the administrative citation, 50% of the  
4       civil penalty shall be payable to the unit of local  
5       government.

6             (4-5) In an administrative citation action under  
7       Section 31.1 of this Act, any person found to have violated  
8       any provision of subsection (p) of Section 21, Section  
9       22.51, Section 22.51a, or subsection (k) of Section 55 of  
10       this Act shall pay a civil penalty of \$1,500 for each  
11       violation of each such provision, plus any hearing costs  
12       incurred by the Board and the Agency, except that the civil  
13       penalty amount shall be \$3,000 for each violation of any  
14       provision of subsection (p) of Section 21, Section 22.51,  
15       Section 22.51a, or subsection (k) of Section 55 that is the  
16       person's second or subsequent adjudication violation of  
17       that provision. The penalties shall be deposited into the  
18       Environmental Protection Trust Fund, to be used in  
19       accordance with the provisions of the Environmental  
20       Protection Trust Fund Act; except that if a unit of local  
21       government issued the administrative citation, 50% of the  
22       civil penalty shall be payable to the unit of local  
23       government.

24             (5) Any person who violates subsection 6 of Section  
25       39.5 of this Act or any CAAPP permit, or term or condition  
26       thereof, or any fee or filing requirement, or any duty to

1 allow or carry out inspection, entry or monitoring  
2 activities, or any regulation or order relating to the  
3 CAAPP shall be liable for a civil penalty not to exceed  
4 \$10,000 per day of violation.

5 (6) Any owner or operator of a community water system  
6 that violates subsection (b) of Section 18.1 or subsection  
7 (a) of Section 25d-3 of this Act shall, for each day of  
8 violation, be liable for a civil penalty not to exceed \$5  
9 for each of the premises connected to the affected  
10 community water system.

11 (b.5) In lieu of the penalties set forth in subsections (a)  
12 and (b) of this Section, any person who fails to file, in a  
13 timely manner, toxic chemical release forms with the Agency  
14 pursuant to Section 25b-2 of this Act shall be liable for a  
15 civil penalty of \$100 per day for each day the forms are late,  
16 not to exceed a maximum total penalty of \$6,000. This daily  
17 penalty shall begin accruing on the thirty-first day after the  
18 date that the person receives the warning notice issued by the  
19 Agency pursuant to Section 25b-6 of this Act; and the penalty  
20 shall be paid to the Agency. The daily accrual of penalties  
21 shall cease as of January 1 of the following year. All  
22 penalties collected by the Agency pursuant to this subsection  
23 shall be deposited into the Environmental Protection Permit and  
24 Inspection Fund.

25 (c) Any person that violates this Act, any rule or  
26 regulation adopted under this Act, any permit or term or

1 condition of a permit, or any Board order and causes the death  
2 of fish or aquatic life shall, in addition to the other  
3 penalties provided by this Act, be liable to pay to the State  
4 an additional sum for the reasonable value of the fish or  
5 aquatic life destroyed. Any money so recovered shall be placed  
6 in the Illinois Fisheries Management Fund ~~Wildlife and Fish~~  
7 ~~Fund~~ in the State Treasury.

8 (d) The penalties provided for in this Section may be  
9 recovered in a civil action.

10 (e) The State's Attorney of the county in which the  
11 violation occurred, or the Attorney General, may, at the  
12 request of the Agency or on his own motion, institute a civil  
13 action for an injunction, prohibitory or mandatory, to restrain  
14 violations of this Act, any rule or regulation adopted under  
15 this Act, any permit or term or condition of a permit, or any  
16 Board order, or to require such other actions as may be  
17 necessary to address violations of this Act, any rule or  
18 regulation adopted under this Act, any permit or term or  
19 condition of a permit, or any Board order.

20 (f) The State's Attorney of the county in which the  
21 violation occurred, or the Attorney General, shall bring such  
22 actions in the name of the people of the State of Illinois.  
23 Without limiting any other authority which may exist for the  
24 awarding of attorney's fees and costs, the Board or a court of  
25 competent jurisdiction may award costs and reasonable  
26 attorney's fees, including the reasonable costs of expert

1 witnesses and consultants, to the State's Attorney or the  
2 Attorney General in a case where he has prevailed against a  
3 person who has committed a wilful, knowing or repeated  
4 violation of this Act, any rule or regulation adopted under  
5 this Act, any permit or term or condition of a permit, or any  
6 Board order.

7 Any funds collected under this subsection (f) in which the  
8 Attorney General has prevailed shall be deposited in the  
9 Hazardous Waste Fund created in Section 22.2 of this Act. Any  
10 funds collected under this subsection (f) in which a State's  
11 Attorney has prevailed shall be retained by the county in which  
12 he serves.

13 (g) All final orders imposing civil penalties pursuant to  
14 this Section shall prescribe the time for payment of such  
15 penalties. If any such penalty is not paid within the time  
16 prescribed, interest on such penalty at the rate set forth in  
17 subsection (a) of Section 1003 of the Illinois Income Tax Act,  
18 shall be paid for the period from the date payment is due until  
19 the date payment is received. However, if the time for payment  
20 is stayed during the pendency of an appeal, interest shall not  
21 accrue during such stay.

22 (h) In determining the appropriate civil penalty to be  
23 imposed under subdivisions (a), (b) (1), (b) (2), (b) (3), or  
24 (b) (5) of this Section, the Board is authorized to consider any  
25 matters of record in mitigation or aggravation of penalty,  
26 including but not limited to the following factors:

- 1 (1) the duration and gravity of the violation;
- 2 (2) the presence or absence of due diligence on the  
3 part of the respondent in attempting to comply with  
4 requirements of this Act and regulations thereunder or to  
5 secure relief therefrom as provided by this Act;
- 6 (3) any economic benefits accrued by the respondent  
7 because of delay in compliance with requirements, in which  
8 case the economic benefits shall be determined by the  
9 lowest cost alternative for achieving compliance;
- 10 (4) the amount of monetary penalty which will serve to  
11 deter further violations by the respondent and to otherwise  
12 aid in enhancing voluntary compliance with this Act by the  
13 respondent and other persons similarly subject to the Act;
- 14 (5) the number, proximity in time, and gravity of  
15 previously adjudicated violations of this Act by the  
16 respondent;
- 17 (6) whether the respondent voluntarily self-disclosed,  
18 in accordance with subsection (i) of this Section, the  
19 non-compliance to the Agency;
- 20 (7) whether the respondent has agreed to undertake a  
21 "supplemental environmental project," which means an  
22 environmentally beneficial project that a respondent  
23 agrees to undertake in settlement of an enforcement action  
24 brought under this Act, but which the respondent is not  
25 otherwise legally required to perform; and
- 26 (8) whether the respondent has successfully completed



1 a Compliance Commitment Agreement under subsection (a) of  
2 Section 31 of this Act to remedy the violations that are  
3 the subject of the complaint.

4 In determining the appropriate civil penalty to be imposed  
5 under subsection (a) or paragraph (1), (2), (3), or (5) of  
6 subsection (b) of this Section, the Board shall ensure, in all  
7 cases, that the penalty is at least as great as the economic  
8 benefits, if any, accrued by the respondent as a result of the  
9 violation, unless the Board finds that imposition of such  
10 penalty would result in an arbitrary or unreasonable financial  
11 hardship. However, such civil penalty may be off-set in whole  
12 or in part pursuant to a supplemental environmental project  
13 agreed to by the complainant and the respondent.

14 (i) A person who voluntarily self-discloses non-compliance  
15 to the Agency, of which the Agency had been unaware, is  
16 entitled to a 100% reduction in the portion of the penalty that  
17 is not based on the economic benefit of non-compliance if the  
18 person can establish the following:

19 (1) that the non-compliance was discovered through an  
20 environmental audit or a compliance management system  
21 documented by the regulated entity as reflecting the  
22 regulated entity's due diligence in preventing, detecting,  
23 and correcting violations;

24 (2) that the non-compliance was disclosed in writing  
25 within 30 days of the date on which the person discovered  
26 it;

1           (3) that the non-compliance was discovered and  
2 disclosed prior to:

3           (i) the commencement of an Agency inspection,  
4 investigation, or request for information;

5           (ii) notice of a citizen suit;

6           (iii) the filing of a complaint by a citizen, the  
7 Illinois Attorney General, or the State's Attorney of  
8 the county in which the violation occurred;

9           (iv) the reporting of the non-compliance by an  
10 employee of the person without that person's  
11 knowledge; or

12           (v) imminent discovery of the non-compliance by  
13 the Agency;

14           (4) that the non-compliance is being corrected and any  
15 environmental harm is being remediated in a timely fashion;

16           (5) that the person agrees to prevent a recurrence of  
17 the non-compliance;

18           (6) that no related non-compliance events have  
19 occurred in the past 3 years at the same facility or in the  
20 past 5 years as part of a pattern at multiple facilities  
21 owned or operated by the person;

22           (7) that the non-compliance did not result in serious  
23 actual harm or present an imminent and substantial  
24 endangerment to human health or the environment or violate  
25 the specific terms of any judicial or administrative order  
26 or consent agreement;

1           (8) that the person cooperates as reasonably requested  
2           by the Agency after the disclosure; and

3           (9) that the non-compliance was identified voluntarily  
4           and not through a monitoring, sampling, or auditing  
5           procedure that is required by statute, rule, permit,  
6           judicial or administrative order, or consent agreement.

7           If a person can establish all of the elements under this  
8           subsection except the element set forth in paragraph (1) of  
9           this subsection, the person is entitled to a 75% reduction in  
10          the portion of the penalty that is not based upon the economic  
11          benefit of non-compliance.

12          (j) In addition to any other remedy or penalty that may  
13          apply, whether civil or criminal, any person who violates  
14          Section 22.52 of this Act shall be liable for an additional  
15          civil penalty of up to 3 times the gross amount of any  
16          pecuniary gain resulting from the violation.

17          (k) In addition to any other remedy or penalty that may  
18          apply, whether civil or criminal, any person who violates  
19          subdivision (a)(7.6) of Section 31 of this Act shall be liable  
20          for an additional civil penalty of \$2,000.

21          (Source: P.A. 96-603, eff. 8-24-09; 96-737, eff. 8-25-09;  
22          96-1000, eff. 7-2-10; 96-1416, eff. 7-30-10; 97-519, eff.  
23          8-23-11.)

24          Section 40. The Firearm Owners Identification Card Act is  
25          amended by changing Section 5 as follows:

1 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

2 Sec. 5. The Department of State Police shall either approve  
3 or deny all applications within 30 days from the date they are  
4 received, and every applicant found qualified under Section 8  
5 of this Act by the Department shall be entitled to a Firearm  
6 Owner's Identification Card upon the payment of a \$10 fee. Any  
7 applicant who is an active duty member of the Armed Forces of  
8 the United States, a member of the Illinois National Guard, or  
9 a member of the Reserve Forces of the United States is exempt  
10 from the application fee. \$6 of each fee derived from the  
11 issuance of Firearm Owner's Identification Cards, or renewals  
12 thereof, shall be deposited in the Wildlife ~~and Fish~~ Fund in  
13 the State Treasury; \$1 of the fee shall be deposited in the  
14 State Police Services Fund and \$3 of the fee shall be deposited  
15 in the State Police Firearm Services Fund.

16 (Source: P.A. 98-63, eff. 7-9-13.)

17 Section 45. The Fish and Aquatic Life Code is amended by  
18 changing Sections 1-155, 1-215, 1-230, 5-5, 20-45, 20-85, and  
19 30-15 and by adding Sections 1-43 and 1-231 as follows:

20 (515 ILCS 5/1-43 new)

21 Sec. 1-43. Fisheries Division Chief. "Fisheries Division  
22 Chief" means the top Administrator in the Division of Fisheries  
23 in the Department of Natural Resources.

1 (515 ILCS 5/1-155) (from Ch. 56, par. 1-155)

2 Sec. 1-155. Conservation training schools; public  
3 education. The Department may establish Conservation Training  
4 Schools and employ technicians and other help necessary for the  
5 purpose of teaching conservation methods to employees of the  
6 Department and other interested groups as the Department deems  
7 necessary or desirable to carry out the provisions and purposes  
8 of this Code.

9 In order to educate the citizens of this State in the  
10 modern trends of conservation, the Department shall  
11 disseminate conservation information and the provisions of  
12 this Code through lectures, motion pictures, photographs,  
13 exhibits, radio, news items, pamphlets, and other media the  
14 Department may deem suitable for this purpose.

15 The Department may publish, periodically, a bulletin or  
16 magazine containing information concerning the work of the  
17 Department, the conservation and propagation of wildlife,  
18 hunting and fishing, and any other information as the  
19 Department deems to be of general or special interest to  
20 sportsmen and others affected by any law administered by the  
21 Department. A reasonable charge may be made for each copy of  
22 the publication. All funds derived from the sale of that  
23 publication shall be deposited equally into the Wildlife ~~and~~  
24 ~~Fish~~ Fund and the Illinois Fisheries Management Fund in the  
25 State Treasury.

1           The Department shall provide and maintain management and  
2 habitat development on State controlled lands or waters used in  
3 propagating or breeding aquatic life as the Department deems  
4 necessary to conform with the most modern conservation methods.  
5 The Department may also cooperate in management and habitat  
6 development with any person propagating or breeding aquatic  
7 life on privately-owned lands or waters.

8           (Source: P.A. 87-833.)

9           (515 ILCS 5/1-215) (from Ch. 56, par. 1-215)

10          Sec. 1-215. Illegal fishing devices; public nuisance.  
11 Every fishing device, including seines, nets, or traps, or any  
12 electrical device or any other devices, including vehicles,  
13 watercraft, or aircraft, used or operated illegally or  
14 attempted to be used or operated illegally by any person in  
15 taking, transporting, holding, or conveying any aquatic life  
16 contrary to this Code, including administrative rules, shall be  
17 deemed a public nuisance and therefore illegal and subject to  
18 seizure and confiscation by any authorized employee of the  
19 Department. Upon the seizure of such an item the Department  
20 shall take and hold the item until disposed of as provided in  
21 this Code.

22          Upon the seizure of any device because of its illegal use,  
23 the officer or authorized employee of the Department making the  
24 seizure shall, as soon as reasonably possible, cause a  
25 complaint to be filed before the Circuit Court and a summons to

1 be issued requiring the owner or person in possession of the  
2 property to appear in court and show cause why the device  
3 seized should not be forfeited to the State. Upon the return of  
4 the summons duly served or upon posting or publication of  
5 notice as provided in this Code, the court shall proceed to  
6 determine the question of the illegality of the use of the  
7 seized property. Upon judgment being entered to the effect that  
8 the property was illegally used, an order shall be entered  
9 providing for the forfeiture of the seized property to the  
10 State. The owner of the property, however, may have a jury  
11 determine the illegality of its use, and shall have the right  
12 of an appeal as in other civil cases. Confiscation or  
13 forfeiture shall not preclude or mitigate against prosecution  
14 and assessment of penalties provided in Section 20-35 of this  
15 Code.

16 Upon seizure of any property under circumstances  
17 supporting a reasonable belief that the property was abandoned,  
18 lost, stolen, or otherwise illegally possessed or used contrary  
19 to this Code, except property seized during a search or arrest,  
20 and ultimately returned, destroyed, or otherwise disposed of  
21 under order of a court in accordance with this Code, the  
22 authorized employee of the Department shall make reasonable  
23 inquiry and efforts to identify and notify the owner or other  
24 person entitled to possession of the property and shall return  
25 the property after the person provides reasonable and  
26 satisfactory proof of his or her ownership or right to

1 possession and reimburses the Department for all reasonable  
2 expenses of custody. If the identity or location of the owner  
3 or other person entitled to possession of the property has not  
4 been ascertained within 6 months after the Department obtains  
5 possession, the Department shall effectuate the sale of the  
6 property for cash to the highest bidder at a public auction.  
7 The owner or other person entitled to possession of the  
8 property may claim and recover possession of the property at  
9 any time before its sale at public auction upon providing  
10 reasonable and satisfactory proof of ownership or right of  
11 possession and reimbursing the Department for all reasonable  
12 expenses of custody.

13 Any property forfeited to the State by court order under  
14 this Section may be disposed of by public auction, except that  
15 any property that is the subject of a court order shall not be  
16 disposed of pending appeal of the order. The proceeds of the  
17 sales at auction shall be deposited in the Illinois Fisheries  
18 Management Wildlife and Fish Fund.

19 The Department shall pay all costs of posting or  
20 publication of notices required by this Section.

21 (Source: P.A. 87-833.)

22 (515 ILCS 5/1-230) (from Ch. 56, par. 1-230)

23 Sec. 1-230. Wildlife ~~and Fish~~ Fund; disposition of money  
24 received. All fees, fines, income of whatever kind or nature  
25 derived from hunting and fishing activities on lands, waters,



1 or both under the jurisdiction or control of the Department,  
2 and all penalties collected under this Code shall be deposited  
3 into the State Treasury and shall be set apart in a special  
4 fund to be known as the Wildlife ~~and Fish~~ Fund; except that all  
5 fees and revenues from commercial fishing licenses, sport  
6 fishing licenses, inland trout stamps, reimbursements from  
7 sport fish restoration grants and Asian Carp and aquatic  
8 invasive species grants and other grants from the federal  
9 government, fines collected for fish kills and violations of  
10 the Fish and Aquatic Life Code, stamps issued for fish habitat,  
11 management, or angling events after January 1, 2015 shall be  
12 deposited into the Illinois Fisheries Management Fund to be  
13 used as specified under Section 1-231 of this Code; except that  
14 fees derived solely from the sale of salmon stamps, income from  
15 art contests for the salmon stamp, including income from the  
16 sale of reprints, and gifts, donations, grants, and bequests of  
17 money for the conservation and propagation of salmon shall be  
18 deposited into the State Treasury and set apart in the special  
19 fund to be known as the Salmon Fund; and except that fees  
20 derived solely from the sale of state migratory waterfowl  
21 stamps, and gifts, donations, grants and bequests of money for  
22 the conservation and propagation of waterfowl, shall be  
23 deposited into the State Treasury and set apart in the special  
24 fund to be known as the State Migratory Waterfowl Stamp Fund.  
25 All interest that accrues from moneys in the Wildlife ~~and Fish~~  
26 Fund, the Illinois Fisheries Management Fund, the Salmon Fund,

1 and the State Migratory Waterfowl Stamp Fund shall be retained  
2 in those funds respectively. Except for the additional moneys  
3 deposited under Section 805-550 of the Department of Natural  
4 Resources (Conservation) Law of the Civil Administrative Code  
5 of Illinois, appropriations from the Wildlife ~~and Fish~~ Fund and  
6 the Illinois Fisheries Management Fund shall be made only to  
7 the Department for the carrying out of the powers and functions  
8 vested by law in the Department for the administration and  
9 management of fish and wildlife resources of this State for  
10 such activities as (i) the purchase of land for fish  
11 hatcheries, wildlife refuges, preserves, and public shooting  
12 and fishing grounds; (ii) the purchase and distribution of wild  
13 birds, the eggs of wild birds, and wild mammals; (iii) the  
14 rescuing, restoring and distributing of fish; (iv) the  
15 maintenance of wildlife refuges or preserves, public shooting  
16 grounds, public fishing grounds, and fish hatcheries; and (v)  
17 the feeding and care of wild birds, wild mammals, and fish.  
18 Appropriations from the Salmon Fund shall be made only to the  
19 Department to be used solely for the conservation and  
20 propagation of salmon, including construction, operation, and  
21 maintenance of a cold water hatchery, and for payment of the  
22 costs of printing salmon stamps, the expenses incurred in  
23 acquiring salmon stamp designs, and the expenses of producing  
24 reprints.

25 (Source: P.A. 95-853, eff. 8-18-08; 96-1160, eff. 1-1-11;  
26 96-1518, eff. 2-4-11.)

1 (515 ILCS 5/1-231 new)

2 Sec. 1-231. Illinois Fisheries Management Fund;  
3 disposition of money received. Beginning January 1, 2015, all  
4 fees or revenue collected from any resident or non-resident  
5 commercial licenses; any resident or non-resident sport  
6 fishing licenses; inland trout stamps; all reimbursements from  
7 sport fish restoration grants, Asian Carp and aquatic invasive  
8 species grants, and other grants from the federal government;  
9 finest collected from fish kills and violations of this Code;  
10 and any new revenues created from stamps issued for fish  
11 habitat, management, or angling events shall be deposited into  
12 the Illinois Fisheries Management Fund to be used for the  
13 direct benefit and operation of the Division of Fisheries  
14 within the Department. The Fund may be used only for fish  
15 propagation, fish management, fish conservation, fisheries  
16 research, commercial fish evaluation and management, aquatic  
17 education projects and programs, enforcement of this Code,  
18 expenses of operating the Division of Fisheries within the  
19 Department of Natural Resources, maintenance of public fishing  
20 grounds, sale of fishing licenses, and land acquisition for the  
21 purposes of fish propagation and research and providing access  
22 to sport fishing. All expenditures must be approved by the  
23 Fisheries Division Chief.

24 (515 ILCS 5/5-5) (from Ch. 56, par. 5-5)

1           Sec. 5-5. Ownership and title; violations; penalties. The  
2 ownership of and title to all aquatic life within the  
3 boundaries of the State, are hereby declared to be in the  
4 State, and no aquatic life shall be taken or killed, in any  
5 manner or at any time, unless the person or persons so taking  
6 or killing the aquatic life shall consent that the title to the  
7 aquatic life shall be and remain in the State for the purpose  
8 of regulating the taking, killing, possession, use, sale, and  
9 transportation of aquatic life after taking or killing, as set  
10 forth in this Code.

11           Aquatic products, as defined in the Aquaculture  
12 Development Act, bred, hatched, propagated, or raised by the  
13 owner of a body of water, with the consent of the Department of  
14 Natural Resources through the issuance of an aquaculture permit  
15 and consistent with this Section, in permitted aquaculture  
16 facilities in or on that body of water are the property of the  
17 person who bred, hatched, propagated, or raised them or that  
18 person's successor in interest. Ownership of aquatic products  
19 reverts to the State upon revocation or expiration of an  
20 aquaculture permit as prescribed by administrative rule.

21           If any person causes any waste, sewage, thermal effluent,  
22 or any other pollutant to enter into, or causes or allows  
23 pollution of, any waters of this State so as to kill aquatic  
24 life, the Department, through the Attorney General, may bring  
25 an action against that person and recover the value of and the  
26 related costs in determining the value of the aquatic life

1 destroyed by the waste, sewage, thermal effluent, or pollution.  
2 Any money so recovered shall be placed into the Illinois  
3 Fisheries Management ~~Wildlife and Fish~~ Fund in the State  
4 Treasury.

5 If any person shall abandon, deposit, or otherwise place  
6 any wire, can, bottle, glass, paper, trash, rubbish, cardboard,  
7 wood cartons, boxes, trees, parts of trees, brush, or other  
8 insoluble material, including animal or vegetable material,  
9 into the waters or upon the ice of any waters of this State, or  
10 in any place on the bank of waters of this State where it shall  
11 be liable to be washed into the waters either by storms,  
12 floods, or other causes, the person shall be in violation of  
13 the offense of polluting. Employees of the Department, however,  
14 may place or direct the placement, in the waters of the State,  
15 of insoluble materials deemed suitable for the purposes of  
16 enhancing aquatic habitat. Any person who shall be found guilty  
17 under this Section shall be guilty of a petty offense, and the  
18 Court shall further order that the guilty person shall employ  
19 every practical means of removing the debris within a time  
20 specified by the Court. Failure to comply with an order under  
21 this Section shall constitute a Class B misdemeanor.

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

23 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

24 Sec. 20-45. License fees for residents. Fees for licenses  
25 for residents of the State of Illinois shall be as follows:

1           (a) Except as otherwise provided in this Section, for  
2 sport fishing devices as defined in Section 10-95 or  
3 spearing devices as defined in Section 10-110, the fee is  
4 \$14.50 for individuals 16 to 64 years old, one-half of the  
5 current fishing license fee for individuals age 65 or  
6 older, and, commencing with the 2012 license year, one-half  
7 of the current fishing license fee for resident veterans of  
8 the United States Armed Forces after returning from service  
9 abroad or mobilization by the President of the United  
10 States. Veterans must provide, to the Department at one of  
11 the Department's 5 regional offices, verification of their  
12 service. The Department shall establish what constitutes  
13 suitable verification of service for the purpose of issuing  
14 fishing licenses to resident veterans at a reduced fee.

15           (b) All residents before using any commercial fishing  
16 device shall obtain a commercial fishing license, the fee  
17 for which shall be \$60 and a resident fishing license, the  
18 fee for which is \$14.50. Each and every commercial device  
19 used shall be licensed by a resident commercial fisherman  
20 as follows:

21           (1) For each 100 lineal yards, or fraction thereof,  
22 of seine the fee is \$18. For each minnow seine, minnow  
23 trap, or net for commercial purposes the fee is \$20.

24           (2) For each device to fish with a 100 hook trot  
25 line device, basket trap, hoop net, or dip net the fee  
26 is \$3.

1           (3) When used in the waters of Lake Michigan, for  
2           the first 2000 lineal feet, or fraction thereof, of  
3           gill net the fee is \$10; and for each 1000 additional  
4           lineal feet, or fraction thereof, the fee is \$10. These  
5           fees shall apply to all gill nets in use in the water  
6           or on drying reels on the shore.

7           (4) For each 100 lineal yards, or fraction thereof,  
8           of gill net or trammel net the fee is \$18.

9           (c) Residents of the State of Illinois may obtain a  
10          sportsmen's combination license that shall entitle the  
11          holder to the same non-commercial fishing privileges as  
12          residents holding a license as described in subsection (a)  
13          of this Section and to the same hunting privileges as  
14          residents holding a license to hunt all species as  
15          described in Section 3.1 of the Wildlife Code. No  
16          sportsmen's combination license shall be issued to any  
17          individual who would be ineligible for either the fishing  
18          or hunting license separately. The sportsmen's combination  
19          license fee shall be \$25.50. For residents age 65 or older,  
20          the fee is one-half of the fee charged for a sportsmen's  
21          combination license. The portion of the sportsmen's  
22          combination license attributable to the fishing license  
23          shall be deposited into the Illinois Fisheries Management  
24          Fund, and the portion of the sportsmen's combination  
25          license attributable to the hunting license shall be  
26          deposited into the Wildlife Fund. For resident veterans of

1 the United States Armed Forces after returning from service  
2 abroad or mobilization by the President of the United  
3 States, the fee, commencing with the 2012 license year, is  
4 one-half of the fee charged for a sportsmen's combination  
5 license. Veterans must provide to the Department, at one of  
6 the Department's 5 regional offices, verification of their  
7 service. The Department shall establish what constitutes  
8 suitable verification of service for the purpose of issuing  
9 sportsmen's combination licenses to resident veterans at a  
10 reduced fee.

11 (d) For 24 hours of fishing by sport fishing devices as  
12 defined in Section 10-95 or by spearing devices as defined  
13 in Section 10-110 the fee is \$5. This license does not  
14 exempt the licensee from the requirement for a salmon or  
15 inland trout stamp. The licenses provided for by this  
16 subsection are not required for residents of the State of  
17 Illinois who have obtained the license provided for in  
18 subsection (a) of this Section.

19 (e) All residents before using any commercial mussel  
20 device shall obtain a commercial mussel license, the fee  
21 for which shall be \$50.

22 (f) Residents of this State, upon establishing  
23 residency as required by the Department, may obtain a  
24 lifetime hunting or fishing license or lifetime  
25 sportsmen's combination license which shall entitle the  
26 holder to the same non-commercial fishing privileges as



1 residents holding a license as described in paragraph (a)  
2 of this Section and to the same hunting privileges as  
3 residents holding a license to hunt all species as  
4 described in Section 3.1 of the Wildlife Code. No lifetime  
5 sportsmen's combination license shall be issued to or  
6 retained by any individual who would be ineligible for  
7 either the fishing or hunting license separately, either  
8 upon issuance, or in any year a violation would subject an  
9 individual to have either or both fishing or hunting  
10 privileges rescinded. The lifetime hunting and fishing  
11 license fees shall be as follows:

12 (1) Lifetime fishing: 30 x the current fishing  
13 license fee.

14 (2) Lifetime hunting: 30 x the current hunting  
15 license fee.

16 (3) Lifetime sportsmen's combination license: 30 x  
17 the current sportsmen's combination license fee.

18 Lifetime licenses shall not be refundable. A \$10 fee shall  
19 be charged for reissuing any lifetime license. The Department  
20 may establish rules and regulations for the issuance and use of  
21 lifetime licenses and may suspend or revoke any lifetime  
22 license issued under this Section for violations of those rules  
23 or regulations or other provisions under this Code or the  
24 Wildlife Code. Individuals under 16 years of age who possess a  
25 lifetime hunting or sportsmen's combination license shall have  
26 in their possession, while in the field, a certificate of

1 competency as required under Section 3.2 of the Wildlife Code.  
2 Any lifetime license issued under this Section shall not exempt  
3 individuals from obtaining additional stamps or permits  
4 required under the provisions of this Code or the Wildlife  
5 Code. Individuals required to purchase additional stamps shall  
6 sign the stamps and have them in their possession while fishing  
7 or hunting with a lifetime license. All fees received from the  
8 issuance of lifetime licenses shall be deposited in the Fish  
9 and Wildlife Endowment Fund.

10 Except for licenses issued under subsection (e) of this  
11 Section, all licenses provided for in this Section shall expire  
12 on March 31 of each year, except that the license provided for  
13 in subsection (d) of this Section shall expire 24 hours after  
14 the effective date and time listed on the face of the license.

15 All individuals required to have and failing to have the  
16 license provided for in subsection (a) or (d) of this Section  
17 shall be fined according to the provisions of Section 20-35 of  
18 this Code.

19 All individuals required to have and failing to have the  
20 licenses provided for in subsections (b) and (e) of this  
21 Section shall be guilty of a Class B misdemeanor.

22 (Source: P.A. 96-831, eff. 1-1-10; 97-498, eff. 4-1-12;  
23 97-1136, eff. 1-1-13.)

24 (515 ILCS 5/20-85) (from Ch. 56, par. 20-85)

25 Sec. 20-85. Taxidermist license.

1           (a) Before engaging in the business of taxidermy of aquatic  
2 life, every person shall obtain a license for that purpose from  
3 the Department. Application for a license shall be filed with  
4 the Department and shall set forth the name of the applicant;  
5 its principal officers, if the applicant is a corporation, or  
6 the partners, if the applicant is a partnership; the location  
7 of the place of business; and any additional information the  
8 Department may require. The annual fee for each taxidermist  
9 license shall be \$25. All licenses issued to taxidermists are  
10 valid only at the location described and designated on the  
11 application for the license. All taxidermist licenses shall  
12 expire on January 31 of each year. Individuals employed by a  
13 licensed taxidermist shall not be required to possess a  
14 taxidermist license while working for and at the place of  
15 business of the license holder.

16           Licensed taxidermists shall submit to the Department a list  
17 naming all individuals who will be working at the place of  
18 business specified on the permit. Only those individuals whose  
19 names are on file with the Department shall be authorized to  
20 work under the scope of the taxidermist's license.

21           (b) Taxidermists shall keep written records of all aquatic  
22 life or parts of aquatic life received or returned by them.  
23 Records shall include the following information:

24                   (1) The date the aquatic life was received.

25                   (2) The name and address of the person from whom the  
26 aquatic life was received.

1           (3) The number and species of all aquatic life  
2 received.

3           (4) The number and state of issuance of the fishing  
4 license, or special Department permit, of the person from  
5 whom the aquatic life was received. In the absence of a  
6 license or permit number, the taxidermist may rely on the  
7 written certification of the person from whom the aquatic  
8 life was received that the specimen was legally taken or  
9 obtained, or, in the event the person is exempt from the  
10 apposite license requirements, an indication of the  
11 exemption.

12          (c) All aquatic life or parts of aquatic life that have  
13 been received, preserved, mounted, or possessed by a  
14 taxidermist are required to bear a coded origin tag or label.  
15 The coded origin tag or label shall correspond with written  
16 records containing more complete information as required by the  
17 Department.

18          (d) Taxidermy records shall be open for inspection by any  
19 peace officer at any reasonable hour. Taxidermists shall  
20 maintain records for a period of 2 years from the date of  
21 receipt of the aquatic life or for as long as the specimen or  
22 mount remains in the taxidermist's possession, whichever is  
23 longer.

24          The Department may require the taxidermist to submit to it  
25 any information it deems necessary.

26          (e) No taxidermist shall have in his or her possession any

1 aquatic life that is not listed in his or her written records  
2 and properly tagged or labeled.

3 (f) All persons licensed as taxidermists under this Code  
4 who shall ship any aquatic life or parts of aquatic life that  
5 have been received, preserved, or mounted shall tag or label  
6 the shipment and the tag or label shall state the name of the  
7 taxidermist and the number and date of his or her license.

8 (g) Nothing in this Section removes taxidermists from  
9 responsibility for the observance of any federal laws, rules,  
10 or regulations that may apply to the taxidermy business.

11 (Source: P.A. 88-416; 89-66, eff. 1-1-96.)

12 (515 ILCS 5/30-15) (from Ch. 56, par. 30-15)

13 Sec. 30-15. Use of license fees. No funds accruing to the  
14 State of Illinois from license fees paid by fishermen shall be  
15 diverted for any other purpose than the administration of the  
16 Department of Natural Resources for the management of fish ~~and~~  
17 ~~wildlife~~ resources of the State.

18 (Source: P.A. 95-853, eff. 8-18-08.)

19 Section 50. The Wildlife Code is amended by changing  
20 Sections 1.11, 1.25, 1.28, 1.30, 3.1-3, 3.21, and 3.39 as  
21 follows:

22 (520 ILCS 5/1.11) (from Ch. 61, par. 1.11)

23 Sec. 1.11. The Department may establish Conservation

1 Training Schools and employ technicians and such other help as  
2 may be necessary for the purpose of teaching conservation  
3 methods to employees of the Department, and such other  
4 interested groups as the Department shall deem necessary or  
5 desirable to carry out the provisions and purposes of this Act.

6 The Department shall, in order to educate the citizens of  
7 this State in the modern trends of conservation, disseminate  
8 conservation information and the provisions of this Act through  
9 the mediums of lectures, motion pictures, photographs,  
10 pictures, exhibits, radio, news items, pamphlets and other  
11 media the Department may deem suitable for this purpose.

12 The Department may publish, periodically, a bulletin or  
13 magazine containing information concerning the work of the  
14 Department, the conservation and propagation of wildlife,  
15 hunting and fishing, and any such other information as the  
16 Department deems to be of general or special interest to  
17 sportsmen and others affected by any law administered by the  
18 Department. A reasonable charge may be made for each copy of  
19 such publication. All funds derived from the sale of such  
20 publication shall be deposited equally in the Wildlife Fund and  
21 the Illinois Fisheries Management Fund ~~and Fish fund~~ in the  
22 State Treasury.

23 (Source: P.A. 81-382.)

24 (520 ILCS 5/1.25) (from Ch. 61, par. 1.25)

25 Sec. 1.25. Every hunting or trapping device, vehicle or

1 conveyance, when used or operated illegally, or attempted to be  
2 used or operated illegally by any person in taking,  
3 transporting, holding, or conveying any wild bird or wild  
4 mammal, contrary to the provisions of this Act, including  
5 administrative rules, is a public nuisance and subject to  
6 seizure and confiscation by any authorized employee of the  
7 Department; upon the seizure of such item the Department shall  
8 take and hold the same until disposed of as hereinafter  
9 provided.

10 Upon the seizure of any property as herein provided, the  
11 authorized employee of the Department making such seizure shall  
12 forthwith cause a complaint to be filed before the Circuit  
13 Court and a summons to be issued requiring the person who  
14 illegally used or operated or attempted to use or operate such  
15 property and the owner and person in possession of such  
16 property to appear in court and show cause why the property  
17 seized should not be forfeited to the State. Upon the return of  
18 the summons duly served or other notice as herein provided, the  
19 court shall proceed to determine the question of the illegality  
20 of the use of the seized property and upon judgment being  
21 entered to the effect that such property was illegally used, an  
22 order may be entered providing for the forfeiture of such  
23 seized property to the Department and shall thereupon become  
24 the property of the Department; but the owner of such property  
25 may have a jury determine the illegality of its use, and shall  
26 have the right of an appeal, as in other cases. Such

1     confiscation or forfeiture shall not preclude or mitigate  
2     against prosecution and assessment of penalties otherwise  
3     provided in this Act.

4           Upon seizure of any property under circumstances  
5     supporting a reasonable belief that such property was  
6     abandoned, lost or stolen or otherwise illegally possessed or  
7     used contrary to the provisions of this Act, except property  
8     seized during a search or arrest, and ultimately returned,  
9     destroyed, or otherwise disposed of pursuant to order of a  
10    court in accordance with this Act, the authorized employee of  
11    the Department shall make reasonable inquiry and efforts to  
12    identify and notify the owner or other person entitled to  
13    possession thereof, and shall return the property after such  
14    person provides reasonable and satisfactory proof of his  
15    ownership or right to possession and reimburses the Department  
16    for all reasonable expenses of such custody. If the identity or  
17    location of the owner or other person entitled to possession of  
18    the property has not been ascertained within 6 months after the  
19    Department obtains such possession, the Department shall  
20    effectuate the sale of the property for cash to the highest  
21    bidder at a public auction. The owner or other person entitled  
22    to possession of such property may claim and recover possession  
23    of the property at any time before its sale at public auction,  
24    upon providing reasonable and satisfactory proof of ownership  
25    or right of possession and reimbursing the Department for all  
26    reasonable expenses of custody thereof.



1 Any property, including guns, forfeited to the State by  
2 court order pursuant to this Section, may be disposed of by  
3 public auction, except that any property which is the subject  
4 of such a court order shall not be disposed of pending appeal  
5 of the order. The proceeds of the sales at auction shall be  
6 deposited in the Wildlife ~~and Fish~~ Fund.

7 The Department shall pay all costs of notices required by  
8 this Section.

9 (Source: P.A. 85-152.)

10 (520 ILCS 5/1.28) (from Ch. 61, par. 1.28)

11 Sec. 1.28. Fees and fines; deposit in funds. All fees,  
12 fines, including bond forfeitures, income of whatsoever kind or  
13 nature derived from hunting and fishing activities on lands or  
14 waters or both under the jurisdiction or control of the  
15 Department, and all penalties collected under this Act shall be  
16 deposited in the State Treasury and shall be set apart in a  
17 special fund to be known as the "Wildlife ~~and Fish~~ Fund";  
18 except that all fees and revenues from commercial fishing  
19 licenses, sport fishing licenses, inland trout stamps,  
20 reimbursements from sport fish restoration grants and Asian  
21 Carp and aquatic invasive species grants and other grants from  
22 the federal government, fines collected for fish kills and  
23 violations of the Fish and Aquatic Life Code, stamps issued for  
24 fish habitat, management, or angling events after January 1,  
25 2015 shall be deposited into the Illinois Fisheries Management

1 Fund to be used as specified in Section 1-231 of the Fish and  
2 Aquatic Life Code; except that fees derived solely from the  
3 sale of salmon stamps, income from art contests for the salmon  
4 stamp, including income from the sale of reprints, and gifts,  
5 donations, grants and bequests of money for the conservation  
6 and propagation of salmon shall be deposited in the State  
7 Treasury and set apart in the special fund to be known as the  
8 "Salmon Fund"; and except that fees derived solely from the  
9 sale of state migratory waterfowl stamps, and gifts, donations,  
10 grants and bequests of money for the conservation and  
11 propagation of waterfowl shall be deposited in the special fund  
12 to be known as the "State Migratory Waterfowl Stamp Fund"; and  
13 except that, of fees derived solely from the sale of State  
14 Habitat Stamps, 64% shall be deposited into the Illinois  
15 Habitat Fund, 30% into the State Pheasant Fund, and 6% into the  
16 State Furbearer Fund. Income generated from the sale of artwork  
17 associated with the State Habitat Stamps shall be deposited  
18 into the Illinois Habitat Fund. All interest that accrues from  
19 monies deposited into the Wildlife ~~and Fish~~ Fund, the Illinois  
20 Fisheries Management Fund, the Salmon Fund, the State Migratory  
21 Waterfowl Stamp Fund, the State Furbearer Fund, the State  
22 Pheasant Fund, and the Illinois Habitat Fund shall be deposited  
23 into those funds, respectively. Appropriations from the  
24 "Wildlife ~~and Fish~~ Fund" shall be made only to the Department  
25 for the carrying out of the powers and functions vested by law  
26 in the Department for the administration and management of ~~fish~~

1 ~~and~~ wildlife resources of this State for such activities as the  
2 purchase of land for ~~fish hatcheries,~~ wildlife refuges,  
3 preserves and public shooting ~~and fishing~~ grounds; the purchase  
4 and distribution of wild birds, the eggs of wild birds, and  
5 wild mammals ~~for rescuing, restoring and distributing fish;~~ the  
6 maintenance of wildlife refuges, or preserves, public shooting  
7 grounds, ~~public fishing grounds and fish hatcheries;~~ and the  
8 feeding and care of wild birds and ~~7~~ wild animals ~~and fish.~~

9 (Source: P.A. 95-853, eff. 8-18-08.)

10 (520 ILCS 5/1.30) (from Ch. 61, par. 1.30)

11 Sec. 1.30. The Department has the authority to sell Federal  
12 Migratory Bird Hunting and Conservation Stamps. The Department  
13 may consign, issue or otherwise make available such stamps for  
14 sale by designated agents as authorized in Section 3.37 of this  
15 Act. The income received from the sale of Federal Migratory  
16 Bird Hunting and Conservation Stamps shall be deposited in the  
17 Wildlife ~~and Fish~~ Fund. Proceeds collected, less  
18 administrative fees so authorized, shall be remitted to the  
19 United States Fish and Wildlife Services.

20 (Source: P.A. 85-966.)

21 (520 ILCS 5/3.1-3)

22 Sec. 3.1-3. Deer and wild turkey outfitter permit;  
23 application and fees. Before any person provides or offers to  
24 provide, for compensation, outfitting services for deer or wild

1 turkey hunting, that person must apply for and receive a permit  
2 from the Department. The annual fee for resident outfitter  
3 permits shall not exceed \$1,000. The annual fee for nonresident  
4 outfitter permits shall not exceed \$2,500. All outfitter permit  
5 fees shall be deposited into the Wildlife ~~and Fish~~ Fund. The  
6 criteria, definitions, application process, fees, and  
7 standards of outfitting services shall be provided by  
8 administrative rule.

9 (Source: P.A. 92-177, eff. 7-27-01.)

10 (520 ILCS 5/3.21) (from Ch. 61, par. 3.21)

11 Sec. 3.21. (a) Every person before engaging in the business  
12 of taxidermy of wildlife shall obtain a license for such  
13 purpose from the Department. Application for such license shall  
14 be filed with the Department and shall set forth the name of  
15 the applicant; its principal officers, if the applicant is a  
16 corporation, or the partners, if the applicant is a  
17 partnership; the location of the place of business and such  
18 additional information as the Department may require. The  
19 annual fee for each taxidermist license shall be \$25.00. All  
20 licenses issued to taxidermists are valid only at the location  
21 described and designated on the application for such license.  
22 All taxidermist permits shall expire on January 31 of each  
23 year. Persons employed by a licensed taxidermist shall not be  
24 required to possess a taxidermist license while working for and  
25 at the place of business of the license holder.

1 Licensed taxidermists shall submit to the Department a list  
2 naming all individuals who will be working at the place of  
3 business specified on the license. Only those individuals whose  
4 names are on file with the Department shall be authorized to  
5 work under the scope of the taxidermist's license.

6 (b) Taxidermists shall keep written records of all birds or  
7 mammals, or parts thereof, received or returned by them.  
8 Records shall include the following information:

9 (1) The date the bird or mammal was received.

10 (2) The name and address of the person from whom the  
11 bird or mammal was received.

12 (3) The number and species of each bird or mammal  
13 received.

14 (4) The number and state of issuance of the hunting or  
15 trapping license, or special Department permit, of the  
16 individual from whom the bird or mammal was received. In  
17 the absence of a license or permit number, the taxidermist  
18 may rely on the written certification of the person from  
19 whom the bird or mammal was received that the specimen was  
20 legally taken or obtained, or, in the event the individual  
21 is exempt from the apposite license requirements, an  
22 indication of such exemption.

23 (c) All birds or mammals or parts thereof that have been  
24 received, preserved or mounted or possessed by a taxidermist  
25 are required to bear a coded origin tag or label. The origin  
26 tag or label shall correspond with written records containing

1 more complete information as required by the Department.

2 (d) Taxidermy records shall be open for inspection by any  
3 peace officer at any reasonable hour. Taxidermists shall  
4 maintain records for a period of 2 years from the date of  
5 receipt of the bird or mammal or for as long as the specimen or  
6 mount remains in the taxidermist's possession, whichever is  
7 longer. The Department may require the taxidermist to submit to  
8 it such information as it deems necessary.

9 (e) A licensed taxidermist may possess the green hides of  
10 furbearers and other game mammals the year round as long as  
11 such hides are tagged as and remain the property of the  
12 individual who legally took them and for whom the taxidermist  
13 is performing services.

14 (f) A licensed taxidermist may without a fur tanners permit  
15 tan the green hides of furbearers and other game mammals as  
16 long as such hides are tagged as and remain the property of the  
17 individual who legally took them and for whom the taxidermist  
18 is performing services.

19 (f.5) A licensed taxidermist may, without a fur buyer's  
20 permit, buy, sell, transport and possess the green or tanned  
21 hides of any legally obtained furbearer or game mammal the year  
22 round as long as the hides in the taxidermist's possession are  
23 used for taxidermy purposes only and bear a coded origin tag or  
24 label. The origin tag or label shall correspond with written  
25 records containing more complete information as required by the  
26 Department.

1 (g) No taxidermist shall have in his or her possession any  
2 bird or mammal that is not listed in his written records and  
3 properly tagged or labeled.

4 (h) All persons licensed as taxidermists under this Act who  
5 shall ship any birds or mammals or parts thereof that have been  
6 received, preserved or mounted, shall tag or label such  
7 shipment and such tag or label shall state the name of the  
8 taxidermist and the number and date of his or her license.

9 (i) Nothing in this Section removes taxidermists from  
10 responsibility for the observance of any federal laws, rules,  
11 or regulations that may apply to the taxidermy business.

12 (Source: P.A. 88-416.)

13 (520 ILCS 5/3.39) (from Ch. 61, par. 3.39)

14 Sec. 3.39. Residents of the State of Illinois may obtain a  
15 Sportsmen's Combination License which shall entitle the holder  
16 to the same non-commercial fishing privileges as residents  
17 holding a fishing license described in subparagraph (a) of  
18 Section 20-45 of the Fish and Aquatic Life Code, and to the  
19 same hunting privileges as residents holding a license to hunt  
20 all species, as described in Section 3.1 of this Act. The  
21 portion of the sportsmen's combination license attributable to  
22 the fishing license shall be deposited into the Illinois  
23 Fisheries Management Fund, and the portion of the sportsmen's  
24 combination license attributable to the hunting license shall  
25 be deposited into the Wildlife Fund. However, no Sportsmen's

1 Combination License shall be issued to any person who would be  
2 ineligible for either the fishing or hunting license  
3 separately. The Sportsmen's Combination License fee shall be  
4 \$25.50. For residents age 65 or older, the fee is one-half of  
5 the fee charged for a Sportsmen's Combination License.

6 (Source: P.A. 96-831, eff. 1-1-10.)

7 (520 ILCS 5/1.28a rep.)

8 Section 55. The Wildlife Code is amended by repealing  
9 Section 1.28a.

10 Section 58. The Wildlife Restoration Cooperation Act is  
11 amended by changing Section 2 as follows:

12 (520 ILCS 15/2) (from Ch. 61, par. 134)

13 Sec. 2. No funds accruing to the State of Illinois from  
14 license fees paid by hunters shall be diverted for any other  
15 purpose than the administration of the Department of Natural  
16 Resources for the management of ~~fish and~~ wildlife resources of  
17 the State.

18 (Source: P.A. 95-853, eff. 8-18-08.)

19 Section 60. The Ginseng Harvesting Act is amended by  
20 changing Section 2g as follows:

21 (525 ILCS 20/2g) (from Ch. 61, par. 514)



1           Sec. 2g. All fees, fines, and other income of whatsoever  
2 kind or nature derived from this Act shall be deposited in the  
3 Wildlife ~~and Fish~~ Fund in the State treasury.  
4 (Source: P.A. 83-680.)".