



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5088

Introduced 2/18/2020, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

515 ILCS 5/1-230	from Ch. 56, par. 1-230
515 ILCS 5/20-5	from Ch. 56, par. 20-5
515 ILCS 5/20-12 new	
515 ILCS 5/20-20	from Ch. 56, par. 20-20
515 ILCS 5/20-45	from Ch. 56, par. 20-45
515 ILCS 5/20-52 new	
515 ILCS 5/20-55	from Ch. 56, par. 20-55
515 ILCS 5/20-110	from Ch. 56, par. 20-110
515 ILCS 5/20-115	from Ch. 56, par. 20-115

Amends the Fish and Aquatic Life Code. Allows the holder of a scientific collector's permit to fish with sport fishing devices without a license. Requires any individual who is required to obtain a license to also obtain an aquatic conservation stamp prior to taking or attempting to take any fish, including minnows for commercial purposes, turtles, mussels, crayfish, or frogs from waters of this State. Provides that the fee for the aquatic conservation stamp is \$5 for both resident and non-resident licensees; waives the fee for residents over 75 years of age. Makes other conforming changes. Requires that fees derived solely from the sale of aquatic conservation stamps, gifts, donations, grants, and bequests of money for the conservation of aquatic life shall be deposited to the State Treasury and set apart in a special fund known as the Aquatic Conservation Stamp Fund. Sets forth further requirements regarding appropriations from Aquatic Conservation Stamp Fund. Effective January 1, 2021.

LRB101 19251 CMG 68715 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning fish.

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

4 Section 5. The Fish and Aquatic Life Code is amended by
5 changing Sections 1-230 20-5, 20-20, 20-45, 20-55, 20-110, and
6 20-115, and by adding Sections 20-12 and 20-52 as follows:

7 (515 ILCS 5/1-230) (from Ch. 56, par. 1-230)

8 Sec. 1-230. Wildlife and Fish Fund; disposition of money
9 received. All fees, fines, income of whatever kind or nature
10 derived from hunting and fishing activities on lands, waters,
11 or both under the jurisdiction or control of the Department,
12 and all penalties collected under this Code shall be deposited
13 into the State Treasury and shall be set apart in a special
14 fund to be known as the Wildlife and Fish Fund; except that
15 fees derived solely from the sale of salmon stamps, income from
16 art contests for the salmon stamp, including income from the
17 sale of reprints, and gifts, donations, grants, and bequests of
18 money for the conservation and propagation of salmon shall be
19 deposited into the State Treasury and set apart in the special
20 fund to be known as the Salmon Fund; and except that fees
21 derived solely from the sale of state migratory waterfowl
22 stamps, and gifts, donations, grants and bequests of money for
23 the conservation and propagation of waterfowl, shall be

1 deposited into the State Treasury and set apart in the special
2 fund to be known as the State Migratory Waterfowl Stamp Fund;
3 and except that fees derived solely from the sale of aquatic
4 conservation stamps, and gifts, donations, grants, and
5 bequests of money for the conservation of aquatic life,
6 including, but not limited to, combating aquatic nuisance
7 species, shall be deposited into the State treasury and set
8 apart in the special fund to be known as the Aquatic
9 Conservation Stamp Fund. All interest that accrues from moneys
10 in the Wildlife and Fish Fund, the Salmon Fund, and the State
11 Migratory Waterfowl Stamp Fund shall be retained in those funds
12 respectively. Except for the additional moneys deposited under
13 Section 805-550 of the Department of Natural Resources
14 (Conservation) Law of the Civil Administrative Code of
15 Illinois, appropriations from the Wildlife and Fish Fund shall
16 be made only to the Department for the carrying out of the
17 powers and functions vested by law in the Department for the
18 administration and management of fish and wildlife resources of
19 this State for such activities as (i) the purchase of land for
20 fish hatcheries, wildlife refuges, preserves, and public
21 shooting and fishing grounds; (ii) the purchase and
22 distribution of wild birds, the eggs of wild birds, and wild
23 mammals; (iii) the rescuing, restoring and distributing of
24 fish; (iv) the maintenance of wildlife refuges or preserves,
25 public shooting grounds, public fishing grounds, and fish
26 hatcheries; and (v) the feeding and care of wild birds, wild

1 mammals, and fish. Appropriations from the Salmon Fund shall be
2 made only to the Department to be used solely for the
3 conservation and propagation of salmon, including
4 construction, operation, and maintenance of a cold water
5 hatchery, and for payment of the costs of printing salmon
6 stamps, the expenses incurred in acquiring salmon stamp
7 designs, and the expenses of producing reprints.
8 Appropriations from the Aquatic Conservation Stamp Fund shall
9 be made only to the Division of Fisheries of the Department to
10 be used solely for the conservation of aquatic life, including,
11 but not limited to, combating aquatic nuisance species, for the
12 payment of the costs of printing aquatic conservation stamps,
13 for the expenses incurred in acquiring aquatic conservation
14 stamp designs, and for the expenses of producing reprints.

15 (Source: P.A. 95-853, eff. 8-18-08; 96-1160, eff. 1-1-11;
16 96-1518, eff. 2-4-11.)

17 (515 ILCS 5/20-5) (from Ch. 56, par. 20-5)

18 Sec. 20-5. Necessity of license; exemptions.

19 (a) Any person taking or attempting to take any fish,
20 including minnows for commercial purposes, turtles, mussels,
21 crayfish, or frogs by any means whatever in any waters or lands
22 wholly or in part within the jurisdiction of the State,
23 including that part of Lake Michigan under the jurisdiction of
24 this State, shall first obtain a license to do so, and shall do
25 so only during the respective periods of the year when it shall

1 be lawful as provided in this Code. Individuals under 16, blind
2 residents or residents with a disability, individuals holding a
3 scientific collector's permit under this Code, or individuals
4 fishing at fee fishing areas licensed by the Department,
5 however, may fish with sport fishing devices without being
6 required to have a license. For the purpose of this Section an
7 individual is blind or has a disability if that individual has
8 a Class 2 disability as defined in Section 4A of the Illinois
9 Identification Card Act. For purposes of this Section an
10 Illinois Person with a Disability Identification Card issued
11 under the Illinois Identification Card Act indicating that the
12 individual named on the card has a Class 2 disability shall be
13 adequate documentation of a disability.

14 (b) A courtesy non-resident sport fishing license or stamp
15 may be issued at the discretion of the Director, without fee,
16 to (i) any individual officially employed in the wildlife and
17 fish or conservation department of another state or of the
18 United States who is within the State to assist or consult or
19 cooperate with the Director or (ii) the officials of other
20 states, the United States, foreign countries, or officers or
21 representatives of conservation organizations or publications
22 while in the State as guests of the Governor or Director.

23 (c) The Director may issue special fishing permits without
24 cost to groups of hospital patients or to individuals with
25 disabilities for use on specified dates in connection with
26 supervised fishing for therapy.

1 (d) Veterans who, according to the determination of the
2 Veterans' Administration as certified by the Department of
3 Veterans' Affairs, are at least 10% disabled with
4 service-related disabilities or in receipt of total disability
5 pensions may fish with sport fishing devices during those
6 periods of the year it is lawful to do so without being
7 required to have a license, on the condition that their
8 respective disabilities do not prevent them from fishing in a
9 manner which is safe to themselves and others.

10 (e) Each year the Director may designate a period, not to
11 exceed 4 days in duration, when sport fishermen may fish waters
12 wholly or in part within the jurisdiction of the State,
13 including that part of Lake Michigan under the jurisdiction of
14 the State, and not be required to obtain the license or stamps
15 ~~stamp~~ required by subsection (a) of this Section, Section
16 20-10, Section 20-11, or Section 20-12 ~~or subsection (a) of~~
17 ~~Section 20-55~~. The term of any such period shall be established
18 by administrative rule. This subsection shall not apply to
19 commercial fishing.

20 (f) The Director may issue special fishing permits without
21 cost for a group event, restricted to specific dates and
22 locations if it is determined by the Department that the event
23 is beneficial in promoting sport fishing in Illinois.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 (515 ILCS 5/20-12 new)

1 Sec. 20-12. Aquatic Conservation Stamp.

2 (a) Any individual taking or attempting to take any fish,
3 including minnows for commercial purposes, turtles, mussels,
4 crayfish, or frogs by any means whatever in any waters of the
5 State, in addition to any other license required by this Code,
6 must first obtain an aquatic conservation stamp authorized by
7 the Department. Individuals not required to obtain a license
8 are not required to obtain an aquatic conservation stamp.

9 (b) The aquatic conservation stamp does not exempt the
10 licensee from any salmon or inland trout stamp requirement.

11 (c) An aquatic conservation stamp may be issued at the
12 discretion of the Director without fee.

13 (515 ILCS 5/20-20) (from Ch. 56, par. 20-20)

14 Sec. 20-20. Non-resident licenses. Any individuals 16
15 years of age or older not residents of the State of Illinois
16 shall, before taking or attempting to take any fish, including
17 minnows for commercial purposes, turtles, mussels, crayfish,
18 or frogs ~~aquatic life protected by this Code~~ by any means
19 whatever in the State of Illinois, obtain a non-resident
20 license to do so. Any individual required to obtain a license
21 under this Section shall also obtain an aquatic conservation
22 stamp prior to any take or attempted take. In addition, before
23 taking or attempting to take salmon from Lake Michigan, a
24 non-resident 16 years of age or older shall obtain a salmon
25 stamp authorized by the Department, and before taking or

1 attempting to take trout from all waters except Lake Michigan,
2 a non-resident 16 years of age or older shall obtain an inland
3 trout stamp authorized by the Department.

4 (Source: P.A. 87-833; 88-91.)

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

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

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

22 (a-5) The fee for all sport fishing licenses shall be
23 \$1 for residents over 75 years of age.

24 (b) All residents before using any commercial fishing
25 device shall obtain a commercial fishing license, the fee

1 for which shall be \$60 and a resident fishing license, the
2 fee for which is \$14.50. Each and every commercial device
3 used shall be licensed by a resident commercial fisherman
4 as follows:

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

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

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

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

19 (c) Residents of the State of Illinois may obtain a
20 sportsmen's combination license that shall entitle the
21 holder to the same non-commercial fishing privileges as
22 residents holding a license as described in subsection (a)
23 of this Section and to the same hunting privileges as
24 residents holding a license to hunt all species as
25 described in Section 3.1 of the Wildlife Code. No
26 sportsmen's combination license shall be issued to any

1 individual who would be ineligible for either the fishing
2 or hunting license separately. The sportsmen's combination
3 license fee shall be \$25.50. For residents age 65 or older,
4 the fee is one-half of the fee charged for a sportsmen's
5 combination license. For resident veterans of the United
6 States Armed Forces after returning from service abroad or
7 mobilization by the President of the United States, the
8 fee, commencing with the 2012 license year, is one-half of
9 the fee charged for a sportsmen's combination license.
10 Veterans must provide to the Department, at one of the
11 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 sportsmen's combination licenses to resident veterans at a
15 reduced fee.

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

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

1 (f) Residents of this State, upon establishing
2 residency as required by the Department, may obtain a
3 lifetime hunting or fishing license or lifetime
4 sportsmen's combination license which shall entitle the
5 holder to the same non-commercial fishing privileges as
6 residents holding a license as described in paragraph (a)
7 of this Section and to the same hunting privileges as
8 residents holding a license to hunt all species as
9 described in Section 3.1 of the Wildlife Code. No lifetime
10 sportsmen's combination license shall be issued to or
11 retained by any individual who would be ineligible for
12 either the fishing or hunting license separately, either
13 upon issuance, or in any year a violation would subject an
14 individual to have either or both fishing or hunting
15 privileges rescinded. The lifetime hunting and fishing
16 license fees shall be as follows:

17 (1) Lifetime fishing: 30 x the current fishing
18 license fee.

19 (2) Lifetime hunting: 30 x the current hunting
20 license fee.

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

23 Lifetime licenses shall not be refundable. A \$10 fee shall
24 be charged for reissuing any lifetime license. The Department
25 may establish rules and regulations for the issuance and use of
26 lifetime licenses and may suspend or revoke any lifetime

1 license issued under this Section for violations of those rules
2 or regulations or other provisions under this Code or the
3 Wildlife Code. Individuals under 16 years of age who possess a
4 lifetime hunting or sportsmen's combination license shall have
5 in their possession, while in the field, a certificate of
6 competency as required under Section 3.2 of the Wildlife Code.
7 Any lifetime license issued under this Section shall not exempt
8 individuals from obtaining additional stamps or permits
9 required under the provisions of this Code or the Wildlife
10 Code. Individuals required to purchase additional stamps shall
11 sign the stamps and have them in their possession while fishing
12 or hunting with a lifetime license. All fees received from the
13 issuance of lifetime licenses shall be deposited in the Fish
14 and Wildlife Endowment Fund.

15 Except for licenses issued under subsection (e) of this
16 Section, all licenses provided for in this Section shall expire
17 on March 31 of each year, except that the license provided for
18 in subsection (d) of this Section shall expire 24 hours after
19 the effective date and time listed on the face of the license.

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

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

1 (Source: P.A. 97-498, eff. 4-1-12; 97-1136, eff. 1-1-13;
2 98-800, eff. 8-1-14.)

3 (515 ILCS 5/20-52 new)

4 Sec. 20-52. Aquatic Conservation Stamp Fee. The fee for an
5 aquatic conservation stamp shall be \$5 for both resident and
6 non-resident licensees. The fee for an aquatic conservation
7 stamp shall be waived for residents over 75 years of age. Every
8 person shall sign the aquatic conservation stamp or affix the
9 aquatic conservation stamp to his or her license. These stamps
10 shall expire on March 31 of each year. All individuals required
11 to have and failing to have an aquatic conservation stamp as
12 provided in Section 20-12 of this Code shall be guilty of a
13 petty offense.

14 (515 ILCS 5/20-55) (from Ch. 56, par. 20-55)

15 Sec. 20-55. License fees for non-residents. Fees for
16 licenses for non-residents of the State of Illinois are as
17 follows:

18 (a) For sport fishing devices as defined by Section 10-95,
19 or spearing devices as defined in Section 10-110, non-residents
20 age 16 or older shall be charged \$31 for a fishing license to
21 fish. For sport fishing devices as defined by Section 10-95, or
22 spearing devices as defined in Section 10-110, for a period not
23 to exceed 3 consecutive days fishing in the State of Illinois
24 the fee is \$15.00.

1 For sport fishing devices as defined in Section 10-95, or
2 spearing devices as defined in Section 10-110, for 24 hours of
3 fishing the fee is \$10. This license does not exempt the
4 licensee from the salmon, ~~or~~ inland trout, or aquatic
5 conservation stamp requirement.

6 (b) All non-residents before using any commercial fishing
7 device shall obtain a non-resident commercial fishing license,
8 the fee for which shall be \$300, and a non-resident fishing
9 license. This license does not exempt the licensee from the
10 salmon, inland trout, or aquatic conservation stamp
11 requirement. Each and every commercial device shall be licensed
12 by a non-resident commercial fisherman as follows:

13 (1) For each 100 lineal yards, or fraction thereof, of
14 seine (excluding minnow seines) the fee is \$36.

15 (2) For each device to fish with a 100 hook trot line
16 device, basket trap, hoop net, or dip net the fee is \$6.

17 (3) For each 100 lineal yards, or fraction thereof, of
18 trammel net the fee is \$36.

19 (4) For each 100 lineal yards, or fraction thereof, of
20 gill net the fee is \$36.

21 (c) All persons required to have and failing to have the
22 license provided for in subsection (a) of this Section shall be
23 fined under Section 20-35 of this Code. Each person required to
24 have and failing to have the licenses required under subsection
25 (b) of this Section shall be guilty of a Class B misdemeanor.

26 (d) All licenses provided for in this Section shall expire

1 on March 31 of each year; except that the 24-hour license for
2 sport fishing devices or spearing devices shall expire 24 hours
3 after the effective date and time listed on the face of the
4 license and licenses for sport fishing devices or spearing
5 devices for a period not to exceed 3 consecutive days fishing
6 in the State of Illinois as provided in subsection (a) of this
7 Section shall expire at midnight on the tenth day after issued,
8 not counting the day issued.

9 (Source: P.A. 99-78, eff. 7-20-15.)

10 (515 ILCS 5/20-110) (from Ch. 56, par. 20-110)

11 Sec. 20-110. Possession of license, permit, or stamp. Every
12 person holding any license, salmon stamp, inland trout stamp,
13 aquatic conservation stamp, or permit issued under this Code
14 shall have it in his or her possession for immediate
15 presentation for inspection to the authorized employees of the
16 Department, or to any sheriff, deputy sheriff, or any other
17 peace officer, making a demand for it within his or her
18 jurisdiction.

19 (Source: P.A. 87-833; 88-91.)

20 (515 ILCS 5/20-115) (from Ch. 56, par. 20-115)

21 Sec. 20-115. Form of licenses, stamps, and permits.
22 Licenses, salmon stamps, inland trout stamps, aquatic
23 conservation stamps, and permits authorized to be issued under
24 this Code shall be prepared by the Department and shall be in

1 the form prescribed by the Department. In addition, at the time
2 of issuance, the information required on each license shall be
3 completed on it by the issuing agent or his or her sub-agent
4 and each license shall be signed by the licensee, or initialed
5 by the designated purchaser and then signed immediately upon
6 receipt by the licensee, ~~and counter signed by the issuing~~
7 ~~agent or his or her sub-agent~~. All licenses shall be supplied
8 by the Department, subject to any rules and regulations as the
9 Department may prescribe. Any license not properly prepared,
10 obtained, and signed as required by this Code shall be void.
11 (Source: P.A. 90-225, eff. 7-25-97.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2021.