



Rep. Lawrence Walsh, Jr.

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1 AMENDMENT TO HOUSE BILL 4713

2 AMENDMENT NO. _____. Amend House Bill 4713 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Section 5-560 as follows:

6 (20 ILCS 5/5-560) (was 20 ILCS 5/6.08)

7 Sec. 5-560. In the Department of Natural Resources. An
8 Advisory Board to the Department of Natural Resources,
9 composed of 13 persons, ~~one of whom shall be a senior citizen~~
10 ~~age 60 or over.~~ Of the 13 appointed members, at least 2 shall
11 represent hunting and fishing interests, 2 shall represent
12 natural areas protection interests, 2 shall represent urban
13 conservation interests, one shall represent parks and
14 recreation interests, one shall represent outdoor powersport
15 usage interests, one shall be a member of a statewide
16 association of trappers and represent trapping interests, one

1 shall represent forestry interests, and the remaining 3 shall
2 be residents of this State. The Governor shall appoint a chair
3 who will preside over the Board's meetings.

4 ~~In the appointment of the initial members the Governor~~
5 ~~shall designate 3 persons to serve for 2 years, 3 for 4 years,~~
6 ~~and 3 for 6 years from the third Monday in January of the~~
7 ~~odd numbered year in which the term commences. The members~~
8 ~~first appointed under this amendatory Act of 1984 shall serve~~
9 ~~a term of 6 years commencing on the third Monday in January,~~
10 ~~1985. The members first appointed under this amendatory Act of~~
11 ~~the 91st General Assembly shall each be appointed to a term of~~
12 ~~office to expire on the third Monday in January of 2006. All~~
13 ~~subsequent appointments shall be for terms of 6 years.~~

14 Notwithstanding any provision of law to the contrary, the
15 term of office of each member of the Board is abolished on
16 August 1, 2022. Incumbent members holding a position on the
17 Board on August 1, 2022 may be reappointed. In making
18 appointments to fill the vacancies created on August 1, 2022,
19 the Governor shall designate 4 members to serve until the
20 third Monday of January, 2024, 4 members to serve until the
21 third Monday of January, 2025, and 5 members to serve until the
22 third Monday of January, 2026. All newly appointed members
23 shall serve until their successors are appointed and
24 qualified. Their successors shall be appointed to serve for
25 3-year terms expiring on the 3rd anniversary of their
26 appointment or until their successors are appointed and

1 qualified. Each subsequent appointment shall be for a term of
2 3 years.

3 The Advisory Board shall formulate and present long range
4 recommendations to ~~policies for guidance of~~ the Department in:
5 the protection and conservation of renewable resources of the
6 State ~~of Illinois~~; the development of areas and facilities for
7 outdoor recreation; the proper restoration and management of
8 forest and woodland resources for forest products and
9 ecosystem services ~~prevention of timber destruction and other~~
10 ~~forest growth by fire or otherwise~~; the reforestation of
11 suitable lands of this State; the extension of cooperative
12 support to other agencies of this State in preventing ~~and~~
13 ~~guarding against~~ the pollution of streams and lakes within the
14 State; the management of fish and ~~the~~ wildlife resources and
15 the habitats upon which they depend, including species of
16 greatest conservation need ~~migratory fowl, and fisheries~~
17 ~~resources, including the construction of new water impoundment~~
18 ~~areas~~; the development of an adequate research program for
19 fish, wildlife game, and forestry, and conservation of the
20 State's biodiversity through cooperation with and support of
21 the Illinois Natural History Survey and the State University
22 system; the development and dissemination of information and
23 educational resources that promote a conservation-literate
24 population; the development of innovative partnerships that
25 assist the Department in accomplishing its broad mission; the
26 Department's grant programs; and the development of law and

1 ~~policy expressing of policies for proper dissemination of and~~
2 ~~enforcement of the various laws~~ pertinent to the conservation
3 programs ~~program~~ of Illinois and the nation.

4 ~~The Board shall make a study of the personnel structure of~~
5 ~~the Department and shall, from time to time, make~~
6 ~~recommendations to the Governor and the Director of Natural~~
7 ~~Resources for a merit system of employment and for the~~
8 ~~revision of the position classification to the extent which~~
9 ~~Civil Service classification should apply in departmental~~
10 ~~positions.~~

11 The Board may advise on ~~shall make studies of~~ the land
12 acquisition needs of the Department and make recommendations
13 from time to time as to necessary acquisition of lands for fish
14 fisheries, wildlife game, forestry, conservation of natural
15 areas, and recreational development.

16 The Board may recommend to the Director of Natural
17 Resources any reductions or increases of seasons and bag or
18 possession limits or the closure of any season when research
19 and inventory data indicate the need for those changes.

20 Board members shall be reimbursed for any necessary travel
21 expenses incurred in the performance of their duties.

22 (Source: P.A. 90-435, eff. 1-1-98; 91-239, eff. 1-1-00;
23 91-798, eff. 7-9-00.)

24 Section 10. The Wildlife Code is amended by changing
25 Section 1.3 as follows:

1 (520 ILCS 5/1.3)

2 Sec. 1.3. The Department shall have the authority to
3 manage wildlife and regulate the taking of wildlife for the
4 purposes of providing public recreation and controlling
5 wildlife populations. The seasons during which wildlife may be
6 taken, the methods for taking wildlife, the daily bag limits,
7 and the possession limits shall be established by the
8 Department through administrative rule, but the Department may
9 not provide for a longer season, a larger daily bag limit, or a
10 larger possession limit than is provided in this Code.

11 ~~The Natural Resources Advisory Board may also recommend to~~
12 ~~the Director of Natural Resources any reductions or increases~~
13 ~~of seasons and bag or possession limits or the closure of any~~
14 ~~season when research and inventory data indicate the need for~~
15 ~~such changes.~~

16 The Department is authorized to establish seasons for the
17 taking of migratory birds within the dates established
18 annually by Proclamation of the Secretary, United States
19 Department of the Interior, known as the "Rules and
20 Regulations for Migratory Bird Hunting" (50 CFR 20 et seq.).
21 When the biological balance of any species is affected, the
22 Director may ~~with the approval of the Conservation Advisory~~
23 ~~Board~~, by administrative rule, lengthen, shorten or close the
24 season during which waterfowl may be taken within the federal
25 limitations prescribed. If the Department does not adopt an

1 administrative rule establishing a season, then the season
2 shall be as set forth in the current "Rules and Regulations for
3 Migratory Bird Hunting". The Department shall advise the
4 public by reasonable means of the dates of the various
5 seasons.

6 The Department may utilize the services of the staff of
7 the Illinois Natural History Survey of the University of
8 Illinois for making investigations as to the population status
9 of the various species of wildlife.

10 Employees or agents of any state, federal, or municipal
11 government or body when engaged in investigational work and
12 law enforcement, may with prior approval of the Director, be
13 exempted from the provisions of this Act.

14 (Source: P.A. 98-346, eff. 8-14-13.)

15 Section 15. The Illinois Open Land Trust Act is amended by
16 changing Sections 15 and 25 as follows:

17 (525 ILCS 33/15)

18 Sec. 15. Powers and duties. The Department of Natural
19 Resources has the following powers and duties:

20 (a) To develop and administer the Illinois Open Land Trust
21 program.

22 (b) To acquire real property, including, but not limited
23 to, open space and natural areas for conservation and
24 recreation purposes. The lands shall be held in (i) fee simple

1 title or (ii) conservation easements for natural areas,
2 provided that these mechanisms are all voluntary on the part
3 of the landowners and do not involve the use of eminent domain.

4 (c) To make grants to units of local government under
5 Section 25 of this Act ~~in consultation with the Natural~~
6 ~~Resources Advisory Board.~~

7 (d) To make loans to units of local government under
8 Section 30 of this Act ~~in consultation with the Natural~~
9 ~~Resources Advisory Board.~~

10 (e) To promulgate any rules, regulations, guidelines, and
11 directives necessary to implement the purposes of this Act.

12 (f) To execute contracts, grant or loan agreements,
13 memoranda of understanding, intergovernmental cooperation
14 agreements, and any other agreements with other State agencies
15 and units of local government that are necessary to implement
16 this Act.

17 (g) To execute contracts, memoranda of understanding, and
18 any other agreements with not-for-profit corporations that are
19 consistent with the purpose of this Act.

20 (h) To accept grants, loans, or appropriations from the
21 federal government or the State, or any agency or
22 instrumentality thereof, for the purposes of the Department
23 under this Act, including to make loans of any funds and to
24 enter into any agreement with the federal government or the
25 State, or any agency or instrumentality thereof, in
26 relationship to the grants, loans, or appropriations.

1 (i) To establish any interest rates, terms of repayment,
2 and other terms and conditions regarding loans made pursuant
3 to this Act that the Department deems necessary or appropriate
4 to protect the public interest and carry out the purposes of
5 this Act.

6 (j) To establish application, eligibility, selection,
7 notification, contract, and other procedures, rules, or
8 regulations deemed necessary and appropriate to carry out the
9 provisions of this Act.

10 (k) To fix, determine, charge, and collect any premiums,
11 fees, charges, costs, and expenses, including, without
12 limitation, any application fees, commitment fees, program
13 fees, or financing charges from any person in connection with
14 its activities under this Act.

15 (l) To report annually to the Governor and the General
16 Assembly on the progress made in implementing this Act and on
17 the status of all real property acquired pursuant to the Act.

18 (Source: P.A. 91-220, eff. 7-21-99.)

19 (525 ILCS 33/25)

20 Sec. 25. Grant program. From appropriations for these
21 purposes, the Department may make grants to units of local
22 government as financial assistance for the acquisition of open
23 space and natural lands if the Department determines that the
24 property interests are sufficient to carry out the purposes of
25 this Act.

1 The Department shall adopt rules concerning the selection
2 or grant recipients, amount of grant awards, and eligibility
3 requirements. The rules must include the following additional
4 requirements:

5 (1) No more than \$2,000,000 may be awarded to any
6 grantee for a single project for any fiscal year.

7 (2) Any grant under this Act must be conditioned upon
8 the grantee providing a required match as defined by rule.

9 (3) Funds may be used only to purchase interests in
10 land from willing sellers and may not involve the use of
11 eminent domain.

12 (4) (Blank). ~~The Department shall provide for a public~~
13 ~~meeting to be conducted by the Natural Resources Advisory~~
14 ~~Board prior to grant approval.~~

15 (5) All real property acquired with grant funds must
16 be accessible to the public for conservation and
17 recreation purposes, unless the Department determines that
18 public accessibility would be detrimental to the real
19 property or any associated natural resources.

20 (6) No real property acquired with grant funds may be
21 sold, leased, exchanged, or otherwise encumbered, unless
22 it is used to qualify for a federal program or, subject to
23 Department approval, transferred to the federal
24 government, the State, or a unit of local government for
25 conservation and recreation purposes consistent with this
26 Act.

1 (7) All grantees must agree to convey to the State at
2 no charge a conservation easement on the lands to be
3 acquired using the grant funds.

4 (8) Grantees must agree to manage lands in accordance
5 with the terms of the grant. Any changes in management
6 must be approved by the Department before implementation.

7 (9) The Department is authorized to promulgate, by
8 rule, any other reasonable requirements determined
9 necessary to effectively implement this Act.

10 (Source: P.A. 91-220, eff. 7-21-99.)".