



Rep. Elaine Nekritz

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1 AMENDMENT TO SENATE BILL 1846

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1846, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 FY2010 Budget Implementation (Revenue) Act.

7 Section 5. Purpose. It is the purpose of this Act to make  
8 changes in State programs that are necessary to implement the  
9 Governor's Fiscal Year 2010 budget recommendations concerning  
10 revenue.

11 ARTICLE 5. AGRICULTURE

12 Section 5-5. The Weights and Measures Act is amended by  
13 changing Section 8.1 as follows:

1 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

2 Sec. 8.1. Registration of servicepersons, service agents,  
3 and special sealers. No person, firm, or corporation shall  
4 sell, install, service, recondition or repair a weighing or  
5 measuring device used in trade or commerce without first  
6 obtaining a certificate of registration. Applications by  
7 individuals for a certificate of registration shall be made to  
8 the Department, shall be in writing on forms prescribed by the  
9 Department, and shall be accompanied by the required fee.

10 Each application shall provide such information that will  
11 enable the Department to pass on the qualifications of the  
12 applicant for the certificate of registration. The information  
13 requests shall include present residence, location of the  
14 business to be licensed under this Act, whether the applicant  
15 has had any previous registration under this Act or any  
16 federal, state, county, or local law, ordinance, or regulation  
17 relating to servicepersons and service Agencies, whether the  
18 applicant has ever had a registration suspended or revoked,  
19 whether the applicant has been convicted of a felony, and such  
20 other information as the Department deems necessary to  
21 determine if the applicant is qualified to receive a  
22 certificate of registration.

23 Before any certificate of registration is issued, the  
24 Department shall require the registrant to meet the following  
25 qualifications:

26 (1) Has possession of or available for use weights and

1 measures, standards, and testing equipment appropriate in  
2 design and adequate in amount to provide the services for  
3 which the person is requesting registration.

4 (2) Passes a qualifying examination for each type of  
5 weighing or measuring device he intends to install,  
6 service, recondition, or repair.

7 (3) Demonstrates a working knowledge of weighing and  
8 measuring devices for which he intends to be registered.

9 (4) Has a working knowledge of all appropriate weights  
10 and measures laws and their rules and regulations.

11 (5) Has available a current copy of National Institute  
12 of Standards and Technology Handbook 44.

13 (6) Pays the prescribed registration fee for the type  
14 of registration:

15 (A) The annual fee for a Serviceperson Certificate  
16 of Registration shall be \$50 ~~\$25~~.

17 (B) The annual fee for a Special Sealer Certificate  
18 of Registration shall be \$100 ~~\$50~~.

19 (C) The annual fee for a Service Agency Certificate  
20 of Registration shall be \$100 ~~\$50~~.

21 "Registrant" means any individual, partnership,  
22 corporation, agency, firm, or company registered by the  
23 Department who installs, services, repairs, or reconditions,  
24 for hire, award, commission, or any other payment of any kind,  
25 any commercial weighing or measuring device.

26 "Commercial weighing and measuring device" means any

1 weight or measure or weighing or measuring device commercially  
2 used or employed (i) in establishing size, quantity, extent,  
3 area, or measurement of quantities, things, produce, or  
4 articles for distribution or consumption which are purchased,  
5 offered, or submitted for sale, hire, or award, or (ii) in  
6 computing any basic charge or payment for services rendered,  
7 except as otherwise excluded by Section 2 of this Act, and  
8 shall also include any accessory attached to or used in  
9 connection with a commercial weighing or measuring device when  
10 the accessory is so designed or installed that its operation  
11 affects, or may affect, the accuracy of the device.

12 "Serviceperson" means any individual who sells, installs,  
13 services, repairs, or reconditions, for hire, award,  
14 commission, or any other payment of kind, a commercial weighing  
15 or measuring device.

16 "Service agency" means any individual, agency, firm,  
17 company, or corporation that, for hire, award, commission, or  
18 any other payment of any kind, sells, installs, services,  
19 repairs, or reconditions a commercial weighing or measuring  
20 device.

21 "Special sealer" means any serviceperson who is allowed to  
22 service only one service agency's liquid petroleum meters or  
23 liquid petroleum measuring devices.

24 Each registered service agency and serviceperson shall  
25 have report forms, known as "Placed in Service Reports". These  
26 forms shall be executed in triplicate, shall include the

1 assigned registration number (in the case where a registered  
2 serviceperson is representing a registered service agency both  
3 assigned registration numbers shall be included), and shall be  
4 signed by a registered serviceperson or by a registered  
5 serviceperson representing a registered service agency for  
6 each rejected or repaired device restored to service and for  
7 each newly installed device placed in service. Whenever a  
8 registered serviceperson or special sealer places into service  
9 a weighing or measuring device, there shall be affixed to the  
10 device indicator a decal provided by the Department that  
11 indicates the device accuracy.

12 Within 5 days after a device is restored to service or  
13 placed in service, the original of a properly executed "Placed  
14 in Service Report", together with any official rejection tag or  
15 seal removed from the device, shall be mailed to the  
16 Department. The duplicate copy of the report shall be handed to  
17 the owner or operator of the device and the triplicate copy of  
18 the report shall be retained by the service agency or  
19 serviceperson.

20 A registered service agency and a registered serviceperson  
21 shall submit, at least once every 2 years to the Department for  
22 examination and certification, any standards and testing  
23 equipment that are used, or are to be used, in the performance  
24 of the service and testing functions with respect to weighing  
25 and measuring devices for which competence is registered. A  
26 registered serviceperson or agency shall not use in servicing

1 commercial weighing and measuring devices any standards or  
2 testing equipment that have not been certified by the  
3 Department.

4 When a serviceperson's or service agency's weights and  
5 measures are carried to a National Institute of Standards and  
6 Technology approved out-of-state weights and measures  
7 laboratory for inspection and testing, the serviceperson or  
8 service agency shall be responsible for providing the  
9 Department a copy of the current certification of all weights  
10 and measures used in the repair, service, or testing of  
11 weighing or measuring devices within the State of Illinois.

12 All registered servicepersons placing into service scales  
13 in excess of 30,000 pounds shall have a minimum of 10,000  
14 pounds of State approved certified test weights to accurately  
15 test a scale.

16 Persons working as apprentices are not subject to  
17 registration if they work with and under the supervision of a  
18 registered serviceperson.

19 The Director is authorized to promulgate, after public  
20 hearing, rules and regulations necessary to enforce the  
21 provisions of this Section.

22 For good cause and after a hearing upon reasonable notice,  
23 the Director may deny any application for registration or any  
24 application for renewal of registration, or may revoke or  
25 suspend the registration of any registrant.

26 The Director may publish from time to time as he deems

1 appropriate, and may supply upon request, lists of registered  
2 servicepersons and registered service agencies.

3 All final administrative decisions of the Director under  
4 this Section shall be subject to judicial review under the  
5 Administrative Review Law. The term "administrative decision"  
6 is defined as in Section 1 of the Administrative Review Law.  
7 (Source: P.A. 93-32, eff. 7-1-03.)

8 Section 5-10. The Illinois Pesticide Act is amended by  
9 changing Sections 6, 11, 11.1, and 12 and by adding Section  
10 13.3 as follows:

11 (415 ILCS 60/6) (from Ch. 5, par. 806)

12 Sec. 6. Registration.

13 1. Every pesticide which is distributed, sold, offered for  
14 sale within this State, delivered for transportation or  
15 transported in interstate commerce or between points within the  
16 State through any point outside the State, shall be registered  
17 with the Director or his designated agent, subject to  
18 provisions of this Act. Such registration shall be renewed  
19 annually with registrations expiring December 31 each year.  
20 Registration is not required if a pesticide is shipped from one  
21 plant or warehouse to another plant or warehouse by the same  
22 person and is used solely at such plant or warehouse as a  
23 constituent part to make a pesticide which is registered under  
24 provisions of this Act and FIFRA.

1           2. Registration applicant shall file a statement with the  
2 Director which shall include:

3           A. The name and address of the applicant and the name  
4 and address of the person whose name will appear on the  
5 label if different from the applicant's.

6           B. The name of the pesticide.

7           C. A copy of the labeling accompanying the pesticide  
8 under customary conditions of distribution, sale and use,  
9 including ingredient statement, direction for use, use  
10 classification, and precautionary or warning statements.

11          3. The Director may require the submission of complete  
12 formula data.

13          4. The Director may require a full description of tests  
14 made and the results thereof, upon which the claims are based,  
15 for any pesticide not registered pursuant to FIFRA, or on any  
16 pesticide under consideration to be classified for restricted  
17 use.

18           A. The Director will not consider data he required of  
19 the initial registrant of a pesticide in support of another  
20 applicants' registration unless the subsequent applicant  
21 has obtained written permission to use such data.

22           B. In the case of renewal registration, the Director  
23 may accept a statement only with respect to information  
24 which is different from that furnished previously.

25          5. The Director may prescribe other requirements to support  
26 a pesticide registration by regulation.



1           6. For the years preceding the year 2004, any registrant  
2 desiring to register a pesticide product at any time during one  
3 year shall pay the annual registration fee of \$100 per product  
4 registered for that applicant. For the years 2004 through 2009  
5 ~~and thereafter~~, the annual product registration fee is \$200 per  
6 product. For the years 2010 and thereafter, the annual product  
7 registration fee is \$300 per product.

8           In addition, for the years preceding the year 2004 any  
9 business registering a pesticide product at any time during one  
10 year shall pay the annual business registration fee of \$250.  
11 For the years 2004 and thereafter, the annual business  
12 registration fee shall be \$400. Each legal entity of the  
13 business shall pay the annual business registration fee.

14           For the years preceding the year 2004, any applicant  
15 requesting an experimental use permit shall pay the annual fee  
16 of \$100 per permit and all special local need pesticide  
17 registration applicants shall pay an annual fee of \$100 per  
18 product. For the years 2004 through 2009 ~~and thereafter~~, the  
19 annual experimental use permit fee and special local need  
20 pesticide registration fee is \$200 per permit. For the years  
21 2010 and thereafter, the annual experimental use permit fee and  
22 special local need pesticide registration fee is \$300 per  
23 permit. Subsequent SLN registrations for a pesticide already  
24 registered shall be exempted from the registration fee.

25           A. All registration accepted and approved by the  
26 Director shall expire on the 31st day of December in any

1           one year unless cancelled. Registration for a special local  
2           need may be granted for a specific period of time with the  
3           approval date and expiration date specified.

4           B. If a registration for special local need granted by  
5           the Director does not receive approval of the Administrator  
6           of USEPA, the registration shall expire on the date of the  
7           Administrator's disapproval.

8           7. Registrations approved and accepted by the Director and  
9           in effect on the 31st day of December, for which renewal  
10          application is made, shall continue in full force and effect  
11          until the Director notifies the registrant that the renewal has  
12          been approved and accepted or the registration is denied under  
13          this Act. Renewal registration forms will be provided to  
14          applicants by the Director.

15          8. If the renewal of a pesticide registration is not filed  
16          within 30 days of the date of expiration, a penalty late  
17          registration assessment of \$400 ~~\$300~~ per product shall apply in  
18          lieu of the normal annual product registration fee. The late  
19          registration assessment shall not apply if the applicant  
20          furnishes an affidavit certifying that no unregulated  
21          pesticide was distributed or sold during the period of  
22          registration. The late assessment is not a bar to prosecution  
23          for doing business without proper registry.

24          9. The Director may prescribe by regulation to allow  
25          pesticide use for a special local need, pursuant to FIFRA.

26          10. The Director may prescribe by regulation the provisions

1 for and requirements of registering a pesticide intended for  
2 experimental use.

3 11. The Director shall not make any lack of essentiality a  
4 criterion for denial of registration of any pesticide. Where 2  
5 pesticides meet the requirements, one should not be registered  
6 in preference to the other.

7 12. It shall be the duty of the pesticide registrant to  
8 properly dispose of any pesticide the registration of which has  
9 been suspended, revoked or cancelled or which is otherwise not  
10 properly registered in the State.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (415 ILCS 60/11) (from Ch. 5, par. 811)

13 Sec. 11. Certified Pesticide Applicators. No person shall  
14 use or supervise the use of pesticides classified for  
15 restricted use without a license issued by the Director.  
16 Persons licensed or desiring to be licensed as certified  
17 pesticide applicators shall comply with the certification  
18 requirements as set forth in Section 9 of this Act in order to  
19 protect public health and the environment, including injury to  
20 the applicator or other persons using these pesticides.

21 An applicant for certification as a private pesticide  
22 applicator shall meet qualification requirements prescribed by  
23 regulation. The application for certification shall be made in  
24 writing to the Director, on forms available from the Director  
25 or the local county agricultural extension adviser's office and

1 be accompanied by payment of a \$10 license fee in the years  
2 preceding the year 2001. During the years 2001, 2002, 2003,  
3 2004, 2005, and 2006, the private pesticide applicator license  
4 fee shall be \$15. During the years 2007 through 2009 ~~and~~  
5 ~~thereafter~~, the private pesticide applicator license fee shall  
6 be \$20. During the years 2010 and thereafter, the private  
7 pesticide applicator license fee shall be \$30. A private  
8 pesticide applicator shall be assessed a fee of \$5 for a  
9 duplicate license. Such application shall include:

10 A. The full name of the applicant.

11 B. The mailing address of the applicant.

12 C. The documents required as evidence of competence and  
13 knowledge regarding the use of pesticides.

14 Certification, as a private pesticide applicator, issued  
15 by the Director shall be valid for a period prescribed by  
16 regulation. The Director shall develop regulatory standards to  
17 ensure that certified private pesticide applicators continue  
18 to meet the requirements of a changing technology and assure a  
19 continued level of competence and ability.

20 (Source: P.A. 90-205, eff. 1-1-98.)

21 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

22 Sec. 11.1. Public and Commercial Not-for-Hire License. No  
23 public or commercial not-for-hire applicator shall use or  
24 supervise the use of any pesticide without a license issued by  
25 the Director. For the years 2010 and thereafter, the public or

1 commercial not-for-hire applicator license fee shall be \$20.  
2 The late application fee for a public or commercial  
3 not-for-hire applicator license shall be \$20 in addition to the  
4 normal license fee. A public or commercial not-for-hire  
5 applicator shall be assessed a fee of \$5 for a duplicate  
6 license.

7 1. Application for certification as a commercial  
8 not-for-hire pesticide applicator shall be made in writing on  
9 designated forms available from the Director. Each application  
10 shall contain information regarding the qualifications of the  
11 applicant, classification of certification being sought, and  
12 shall include the following:

13 A. The full name of the applicant.

14 B. The name of the applicant's employer.

15 C. The address at the applicant's place of employment.

16 D. Any other information prescribed by the Director on  
17 the designated form.

18 2. The Director shall not issue a certification to a  
19 commercial not-for-hire pesticide applicator until the  
20 individual identified has demonstrated his competence and  
21 knowledge regarding pesticide use in accordance with Section 9  
22 of this Act.

23 3. The Director shall not renew a certification as a  
24 commercial not-for-hire pesticide applicator until the  
25 applicant reestablishes his qualifications in accordance with  
26 Section 9 of this Act or has met other requirements imposed by

1 regulation in order to ensure that the applicant meets the  
2 requirements of changing technology and to assure a continued  
3 level of competence and ability.

4 4. Application for certification as a public pesticide  
5 applicator shall be made in writing on designated forms  
6 available from the Director. Each application shall contain  
7 information regarding qualifications of applicant,  
8 classification of certification being sought, and shall  
9 include the following:

10 A. The full name of the applicant.

11 B. The name of the applicant's employer.

12 C. Any other information prescribed by the Director on  
13 the designated form.

14 5. The Director shall not issue a certificate to a public  
15 pesticide applicator until the individual identified has  
16 demonstrated his competence and knowledge regarding pesticide  
17 use in accordance with Section 9 of this Act.

18 6. The Director shall not renew a certification as a public  
19 pesticide applicator until the applicant reestablishes his  
20 qualifications in accordance with Section 9 of this Act or has  
21 met other requirements imposed by regulation in order to ensure  
22 that the applicant meets the requirements of changing  
23 technology and to assure a continued level of competence and  
24 ability.

25 7. Persons applying general use pesticides, approved by the  
26 Inter-Agency Committee on the Use of Pesticides, to scrap tires

1 for the control of mosquitoes shall be exempt from the license  
2 requirements of this Section.

3 (Source: P.A. 90-205, eff. 1-1-98.)

4 (415 ILCS 60/12) (from Ch. 5, par. 812)

5 Sec. 12. Licensed Operator. No pesticide operator shall use  
6 any pesticides without a pesticide operator license issued by  
7 the Director.

8 1. Application for an operator license shall be made in  
9 writing on designated forms available from the Director. Each  
10 application shall contain information regarding the nature of  
11 applicants pesticide use, his qualifications, and such other  
12 facts as prescribed on the form. The application shall also  
13 include the following:

14 A. The full name of applicant.

15 B. The address of the applicant.

16 C. The name of and license/certification number of the  
17 pesticide applicator under whom the applicant will work.

18 2. The Director shall not issue a pesticide operator  
19 license until the individual identified has demonstrated his  
20 competence and knowledge regarding pesticide use in accordance  
21 with Section 9 of this Act.

22 3. The Director shall not issue an operator license to any  
23 person who is unable to provide the name and  
24 license/certification number of an applicator under whom the  
25 operator will work.

1           4. For the years preceding the year 2001, a licensed  
2 commercial operator working for or under the supervision of a  
3 certified licensed commercial pesticide applicator shall pay  
4 an annual fee of \$25. For the years 2001, 2002, and 2003, the  
5 annual fee for a commercial operator license is \$30. For the  
6 years 2004, 2005, and 2006, the annual fee for a commercial  
7 operator license is \$35. For the years 2007 and thereafter, the  
8 annual fee for a commercial operator license is \$40. The late  
9 application fee for an operator license shall be \$20 in  
10 addition to the normal license fee. A licensed operator shall  
11 be assessed a fee of \$5 for a duplicate license.

12           5. For the years 2010 and thereafter, the public or  
13 commercial not-for-hire pesticide operator license fee shall  
14 be \$15. The late application fee for a public or commercial  
15 not-for-hire applicator license shall be \$20 in addition to the  
16 normal license fee. A public or commercial not-for-hire  
17 operator shall be assessed a fee of \$5 for a duplicate license.

18 (Source: P.A. 89-94, eff. 7-6-95; 90-205, eff. 1-1-98.)

19 (415 ILCS 60/13.3 new)

20           Sec. 13.3. Agrichemical facility containment permits. An  
21 Agrichemical Containment Permit issued by the Department shall  
22 be obtained for each existing and new agrichemical facility and  
23 non-commercial agrichemical facility as defined by rules  
24 promulgated by the Department. A permit fee of \$100 shall be  
25 submitted to the Department with each permit application or



1 permit renewal application. All moneys collected pursuant to  
2 this Section shall be deposited in the Pesticide Control Fund.

3 Section 5-15. The Lawn Care Products Application and Notice  
4 Act is amended by changing Section 5 as follows:

5 (415 ILCS 65/5) (from Ch. 5, par. 855)

6 Sec. 5. Containment of spills, wash water, and rinsate  
7 collection.

8 (a) No loading of lawn care products for distribution to a  
9 customer or washing or rinsing of pesticide residues from  
10 vehicles, application equipment, mixing equipment, floors or  
11 other items used for the storage, handling, preparation for  
12 use, transport, or application of pesticides to lawns shall be  
13 performed at a facility except in designated containment areas  
14 in accordance with the requirements of this Section. A lawn  
15 care containment permit, issued by the Department, shall be  
16 obtained prior to the operation of the containment area. The  
17 Department shall issue a lawn care containment permit when the  
18 containment area or facility complies with the provisions of  
19 this Section and the rules and regulations adopted under  
20 Sections 5 and 6. A permit fee of \$100 shall be submitted to  
21 the Department with each permit application or permit renewal  
22 application. All moneys collected pursuant to this Section  
23 shall be deposited in the Pesticide Control Fund.

24 (b) No later than January 1, 1993, containment areas shall

1 be in use in any facility as defined in this Act and no wash  
2 water or rinsates may be released into the environment except  
3 in accordance with applicable law. Containment areas shall  
4 include the following requirements:

5 (1) The containment area shall be constructed of  
6 concrete, asphalt or other impervious materials which  
7 include, but are not limited to, polyethylene containment  
8 pans and synthetic membrane liners. All containment area  
9 materials shall be compatible with the lawncare products to  
10 be contained.

11 (2) The containment area shall be designed to capture  
12 spills, washwaters, and rinsates generated in the loading  
13 of application devices, the lawncare product-related  
14 servicing of vehicles, and the triple rinsing of pesticide  
15 containers and to prevent the release of such spills,  
16 washwaters, or rinsates to the environment other than as  
17 described in paragraph (3) of this subsection (b).

18 (3) Spills, washwaters, and rinsates captured in the  
19 containment area may be used in accordance with the label  
20 rates of the lawncare products, reused as makeup water for  
21 dilution of pesticides in preparation of application, or  
22 disposed in accordance with applicable local, State and  
23 federal regulations.

24 (c) The requirements of this Section shall not apply to  
25 situations constituting an emergency where washing or rinsing  
26 of pesticide residues from equipment or other items is

1 necessary to prevent imminent harm to human health or the  
2 environment.

3 (d) The requirements of this Section shall not apply to  
4 persons subject to the containment requirements of the Illinois  
5 Pesticide Act or the Illinois Fertilizer Act of 1961 and any  
6 rules or regulations adopted thereunder.

7 (Source: P.A. 92-113, eff. 7-20-01.)

8 Section 5-20. The Illinois Commercial Feed Act of 1961 is  
9 amended by changing Sections 4 and 6 as follows:

10 (505 ILCS 30/4) (from Ch. 56 1/2, par. 66.4)

11 Sec. 4. Product Registration and Firm License.

12 (a) No person who manufactures feed in this State or whose  
13 name appears on the label shall distribute a commercial feed  
14 unless the person has secured a license under this Act on forms  
15 provided by the Department which identify the name and address  
16 of the firm and the location of each manufacturing facility of  
17 that firm within this State. An application for the license  
18 shall be accompanied by a fee of \$30 ~~\$25~~ for each year or any  
19 portion thereof. All firm licenses shall expire December 31 of  
20 each year. Each commercial feed shall be registered before  
21 being distributed in this State, provided, however, that  
22 customer-formula feeds are exempt from registration. The  
23 application for registration shall be submitted to the Director  
24 on forms furnished or acceptable to the Director. The

1 registration shall be accompanied by a label and such other  
2 information as the Director may require describing the product.  
3 All registrations are permanent unless amended or cancelled by  
4 the registrant.

5 (b) A distributor shall not be required to register any  
6 product which is already registered under this Act by another  
7 person, unless the product has been repackaged or relabelled.

8 (c) Changes in the guarantee of either chemical or  
9 ingredient composition of a registered product may be permitted  
10 provided that such changes would not result in a lowering of  
11 the feeding value of the product for the purpose for which  
12 designed.

13 (d) The Director is empowered to refuse a product  
14 registration or a firm license not in compliance with the  
15 provisions of this Act and to suspend or revoke any product  
16 registration or firm license subsequently found not to be in  
17 compliance with any provision of this Act; provided, however,  
18 that no product registration or firm license shall be refused  
19 or revoked until an opportunity has been afforded the  
20 respondent to be heard before the Director.

21 (Source: P.A. 87-664.)

22 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

23 Sec. 6. Inspection fees and reports.

24 (a) An inspection fee at the rate of 30 ~~20~~ cents per ton  
25 shall be paid to the Director on commercial feed distributed in

1 this State by the person who first distributes the commercial  
2 feed subject to the following:

3 (1) The inspection fee is not required on the first  
4 distribution, if made to an Exempt Buyer, who with approval  
5 from the Director, will become responsible for the fee.

6 (2) Customer-formula feeds are hereby exempted if the  
7 inspection fee is paid on the commercial feeds which they  
8 contain.

9 (3) A fee shall not be paid on a commercial feed if the  
10 payment has been made by a previous distributor.

11 (4) In the case of pet food and specialty pet food  
12 which are distributed in the State in packages of 10 pounds  
13 or less, an annual fee of \$90 ~~\$75~~ shall be paid in lieu of  
14 an inspection fee. The inspection fee required by  
15 subsection (a) shall apply to pet food and specialty pet  
16 food distribution in packages exceeding 10 pounds. All fees  
17 collected pursuant to this Section shall be paid into the  
18 Feed Control Fund in the State Treasury.

19 (b) The minimum inspection fee shall be \$25 every 6 months.

20 (c) Each person who is liable for the payment of the  
21 inspection fee shall:

22 (1) File, not later than the last day of January and  
23 July of each year, a statement setting forth the number of  
24 net tons of commercial feeds distributed in this State  
25 during the preceding calendar 6 months period; and upon  
26 filing such statement shall pay the inspection fee at the

1 rate stated in paragraph (a) of this Section. This report  
2 shall be made on a summary form provided by the Director or  
3 on other forms as approved by the Director. If the tonnage  
4 report is not filed and the inspection fee is not paid  
5 within 15 days after the end of the filing date a  
6 collection fee amounting to 10% of the inspection fee that  
7 is due or \$50 whichever is greater, shall be assessed  
8 against the person who is liable for the payment of the  
9 inspection fee in addition to the inspection fee that is  
10 due.

11 (2) Keep such records as may be necessary or required  
12 by the Director to indicate accurately the tonnage of  
13 commercial feed distributed in this State, and the Director  
14 shall have the right to examine such records to verify  
15 statements of tonnage. Failure to make an accurate  
16 statement of tonnage or to pay the inspection fee or comply  
17 as provided herein shall constitute sufficient cause for  
18 the cancellation of all registrations or firm licenses on  
19 file for the manufacturer or distributor.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 Section 5-25. The Livestock Management Facilities Act is  
22 amended by changing Section 30 as follows:

23 (510 ILCS 77/30)

24 Sec. 30. Certified Livestock Manager. The Department shall

1 establish a Certified Livestock Manager program in conjunction  
2 with the livestock industry that will enhance management skills  
3 in critical areas, such as environmental awareness, safety  
4 concerns, odor control techniques and technology, neighbor  
5 awareness, current best management practices, and the  
6 developing and implementing of manure management plans.

7 (a) Applicability. A livestock waste handling facility  
8 serving 300 or greater animal units shall be operated only  
9 under the supervision of a certified livestock manager. Not  
10 withstanding the before-stated provision, a livestock waste  
11 handling facility may be operated on an interim basis, but not  
12 to exceed 6 months, to allow for the owner or operator of the  
13 facility to become certified.

14 (b) A certification program shall include the following:

15 (1) A general working knowledge of best management  
16 practices.

17 (2) A general working knowledge of livestock waste  
18 handling practices and procedures.

19 (3) A general working knowledge of livestock  
20 management operations and related safety issues.

21 (4) An awareness and understanding of the  
22 responsibility of the owner or operator for all employees  
23 who may be involved with waste handling.

24 (c) Any certification issued shall be valid for 3 years and  
25 thereafter be subject to renewal. A renewal shall be valid for  
26 a 3 year period and the procedures set forth in this Section

1 shall be followed. The Department may require anyone who is  
2 certified to be recertified in less than 3 years for just cause  
3 including but not limited to repeated complaints where  
4 investigations reveal the need to improve management  
5 practices.

6 (d) Methods for obtaining certified livestock manager  
7 status.

8 (1) The owner or operator of a livestock waste handling  
9 facility serving 300 or greater animal units but less than  
10 1,000 animal units shall become a certified livestock  
11 manager by:

12 (A) attending a training session conducted by the  
13 Department of Agriculture, Cooperative Extension  
14 Service, or any agriculture association, which has  
15 been approved by or is in cooperation with the  
16 Department; or

17 (B) in lieu of attendance at a training session,  
18 successfully completing a written competency  
19 examination.

20 (2) The owner or operator of a livestock waste handling  
21 facility serving 1,000 or greater animal units shall become  
22 a certified livestock manager by attending a training  
23 session conducted by the Department of Agriculture,  
24 Cooperative Extension Service, or any agriculture  
25 association, which has been approved by or is in  
26 cooperation with the Department and successfully



1 completing a written competency examination.

2 (e) The certified livestock manager certificate shall be  
3 issued by the Department and shall indicate that the person  
4 named on the certificate is certified as a livestock management  
5 facility manager, the dates of certification, and when renewal  
6 is due.

7 (f) For the years prior to 2010, the ~~The~~ Department shall  
8 charge \$10 for the issuance or renewal of a certified livestock  
9 manager certificate. For the years 2010 and thereafter, the  
10 Department shall charge \$30 for the issuance or renewal of a  
11 certified livestock manager certificate. The Department may,  
12 by rule, establish fees to cover the costs of materials and  
13 training for training sessions given by the Department.

14 (g) The owner or operator of a livestock waste handling  
15 facility operating in violation of the provisions of subsection  
16 (a) of this Section shall be issued a warning letter for the  
17 first violation and shall be required to have a certified  
18 manager for the livestock waste handling facility within 30  
19 working days. For failure to comply with the warning letter  
20 within the 30 day period, the person shall be fined an  
21 administrative penalty of up to \$1,000 by the Department and  
22 shall be required to enter into an agreement to have a  
23 certified manager for the livestock waste handling facility  
24 within 30 working days. For continued failure to comply, the  
25 Department may issue an operational cease and desist order  
26 until compliance is attained.

1 (Source: P.A. 89-456, eff. 5-21-96; 90-565, eff. 6-1-98.)

2 ARTICLE 10. NATURAL RESOURCES

3 Section 10-5. The Department of Natural Resources  
4 (Conservation) Law of the Civil Administrative Code of Illinois  
5 is amended by adding Section 805-550 as follows:

6 (20 ILCS 805/805-550 new)

7 Sec. 805-550. Consultation fees.

8 (a) The Department shall assess a \$500 fee for  
9 consultations conducted pursuant to subsection (b) of Section  
10 11 of the Illinois Endangered Species Protection Act or Section  
11 17 of the Illinois Natural Areas Preservation Act. The  
12 Department shall not assess any fee for consultations requested  
13 by any State or federal agency. Any fee assessed pursuant to  
14 this Section shall be deposited into the Illinois Wildlife  
15 Preservation Fund.

16 (b) For purposes of this Section, "State agency" is defined  
17 as provided in Section 1-20 of the Illinois Administrative  
18 Procedure Act.

19 (c) The Department may promulgate rules to implement this  
20 Section.

21 Section 10-10. The Illinois Non-Game Wildlife Protection  
22 Act is amended by changing Section 4 as follows:

1 (30 ILCS 155/4) (from Ch. 61, par. 404)

2 Sec. 4. (a) There is created the Illinois Wildlife  
3 Preservation Fund, a special fund in the State Treasury. The  
4 Department of Revenue shall determine annually the total amount  
5 contributed to such fund pursuant to this Act and shall notify  
6 the State Comptroller and the State Treasurer of such amount to  
7 be transferred to the Illinois Wildlife Preservation Fund, and  
8 upon receipt of such notification the State Comptroller shall  
9 transfer such amount.

10 (b) The Department of Natural Resources shall deposit any  
11 donations including federal reimbursements received for the  
12 purposes in the Illinois Wildlife Preservation Fund.

13 (c) The General Assembly may appropriate annually from the  
14 Illinois Wildlife Preservation Fund such monies credited to  
15 such fund from the check-off contribution system provided in  
16 this Act and from other funds received for the purposes of this  
17 Act, to the Department of Natural Resources to be used for the  
18 purposes of preserving, protecting, perpetuating and enhancing  
19 non-game wildlife in this State. Beginning with fiscal year  
20 2006, 5% of the Illinois Wildlife Preservation Fund must be  
21 committed to or expended on grants by the Department of Natural  
22 Resources for the maintenance of wildlife rehabilitation  
23 facilities that take care of threatened or endangered species.  
24 For purposes of calculating the 5%, the amount in the Fund is  
25 exclusive of any federal funds deposited in or credited to the

1 Fund or any amounts deposited in the Fund pursuant to Section  
2 805-550 of the Department of Natural Resources (Conservation)  
3 Law of the Civil Administrative Code of Illinois. The  
4 Department shall establish criteria for the grants by rules  
5 adopted in accordance with the Illinois Administrative  
6 Procedure Act before January 1, 2006. However, no amount  
7 appropriated from the Illinois Wildlife Preservation Fund may  
8 be used by the Department of Natural Resources to exercise its  
9 power of eminent domain.

10 (Source: P.A. 94-516, eff. 8-10-05.)

11 Section 10-15. The Fish and Aquatic Life Code is amended by  
12 changing Sections 20-45 and 20-55 as follows:

13 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

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

16 (a) Except as otherwise provided in this Section, for  
17 sport fishing devices as defined in Section 10-95 or  
18 spearing devices as defined in Section 10-110 the fee is  
19 \$14.50 ~~\$12.50~~ for individuals 16 to 64 years old, and  
20 one-half of the current fishing license fee for individuals  
21 age 65 or older, commencing with the 1994 license year.

22 (b) All residents before using any commercial fishing  
23 device shall obtain a commercial fishing license, the fee  
24 for which shall be \$35. Each and every commercial device

1 used shall be licensed by a resident commercial fisherman  
2 as follows:

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

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

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

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

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

1 license fee shall be \$25.50 ~~\$18.50~~. For residents age 65 or  
2 older, the fee is one-half of the fee charged for a  
3 sportsmen's combination license.

4 (d) For 24 hours of fishing by sport fishing devices as  
5 defined in Section 10-95 or by spearing devices as defined  
6 in Section 10-110 the fee is \$5. This license exempts the  
7 licensee from the requirement for a salmon or inland trout  
8 stamp. The licenses provided for by this subsection are not  
9 required for residents of the State of Illinois who have  
10 obtained the license provided for in subsection (a) of this  
11 Section.

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

15 (f) Residents of this State, upon establishing  
16 residency as required by the Department, may obtain a  
17 lifetime hunting or fishing license or lifetime  
18 sportsmen's combination license which shall entitle the  
19 holder to the same non-commercial fishing privileges as  
20 residents holding a license as described in paragraph (a)  
21 of this Section and to the same hunting privileges as  
22 residents holding a license to hunt all species as  
23 described in Section 3.1 of the Wildlife Code. No lifetime  
24 sportsmen's combination license shall be issued to or  
25 retained by any individual who would be ineligible for  
26 either the fishing or hunting license separately, either

1           upon issuance, or in any year a violation would subject an  
2           individual to have either or both fishing or hunting  
3           privileges rescinded. The lifetime hunting and fishing  
4           license fees shall be as follows:

5                   (1) Lifetime fishing: 30 x the current fishing  
6                   license fee.

7                   (2) Lifetime hunting: 30 x the current hunting  
8                   license fee.

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

11           Lifetime licenses shall not be refundable. A \$10 fee shall  
12           be charged for reissuing any lifetime license. The Department  
13           may establish rules and regulations for the issuance and use of  
14           lifetime licenses and may suspend or revoke any lifetime  
15           license issued under this Section for violations of those rules  
16           or regulations or other provisions under this Code or the  
17           Wildlife Code. Individuals under 16 years of age who possess a  
18           lifetime hunting or sportsmen's combination license shall have  
19           in their possession, while in the field, a certificate of  
20           competency as required under Section 3.2 of the Wildlife Code.  
21           Any lifetime license issued under this Section shall not exempt  
22           individuals from obtaining additional stamps or permits  
23           required under the provisions of this Code or the Wildlife  
24           Code. Individuals required to purchase additional stamps shall  
25           sign the stamps and have them in their possession while fishing  
26           or hunting with a lifetime license. All fees received from the

1 issuance of lifetime licenses shall be deposited in the Fish  
2 and Wildlife Endowment Fund.

3 Except for licenses issued under subsection (e) of this  
4 Section, all licenses provided for in this Section shall expire  
5 on March 31 of each year, except that the license provided for  
6 in subsection (d) of this Section shall expire 24 hours after  
7 the effective date and time listed on the face of the license.

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

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

15 (Source: P.A. 89-66, eff. 1-1-96; 90-225, eff. 7-25-97; 90-743,  
16 eff. 1-1-99.)

17 (515 ILCS 5/20-55) (from Ch. 56, par. 20-55)

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

21 (a) For sport fishing devices as defined by Section 10-95,  
22 or spearing devices as defined in Section 10-110, non-residents  
23 age 16 or older shall be charged \$31 ~~\$24~~ for a fishing license  
24 to fish. For sport fishing devices as defined by Section 10-95,  
25 or spearing devices as defined in Section 10-110, for a period



1 not to exceed 10 consecutive days fishing in the State of  
2 Illinois the fee is \$19.50 ~~\$12.50~~.

3 For sport fishing devices as defined in Section 10-95, or  
4 spearing devices as defined in Section 10-110, for 24 hours of  
5 fishing the fee is \$5. This license exempts the licensee from  
6 the salmon or inland trout stamp requirement.

7 (b) All non-residents before using any commercial fishing  
8 device shall obtain a non-resident commercial fishing license,  
9 the fee for which shall be \$150. Each and every commercial  
10 device shall be licensed by a non-resident commercial fisherman  
11 as follows:

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

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

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

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

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

25 All licenses provided for in this Section shall expire on  
26 March 31 of each year; except that the 24-hour license for

1 sport fishing devices or spearing devices shall expire 24 hours  
2 after the effective date and time listed on the face of the  
3 license and licenses for sport fishing devices or spearing  
4 devices for a period not to exceed 10 consecutive days fishing  
5 in the State of Illinois as provided in subsection (a) of this  
6 Section shall expire at midnight on the tenth day after issued,  
7 not counting the day issued.

8 (Source: P.A. 89-66, eff. 1-1-96; 90-225, eff. 7-25-97; 90-743,  
9 eff. 1-1-99.)

10 Section 10-20. The Wildlife Code is amended by changing  
11 Sections 1.29, 2.26, 3.2, and 3.39 as follows:

12 (520 ILCS 5/1.29) (from Ch. 61, par. 1.29)

13 Sec. 1.29. Migratory Waterfowl Stamp Fund.

14 (a) There is hereby created in the State Treasury the State  
15 Migratory Waterfowl Stamp Fund. All fees collected from the  
16 sale of State Migratory Waterfowl Stamps shall be deposited  
17 into this Fund. These moneys shall be appropriated to the  
18 Department for the following purposes:

19 (1) 25% ~~50%~~ of funds derived from the sale of State  
20 migratory waterfowl stamps and 100% of all gifts,  
21 donations, grants and bequests of money for the  
22 conservation and propagation of waterfowl, for projects  
23 approved by the Department for the purpose of attracting  
24 waterfowl and improving public migratory waterfowl areas

1 within the State, and for payment of the costs of printing  
2 State migratory waterfowl stamps, the expenses incurred in  
3 acquiring State waterfowl stamp designs and the expenses of  
4 producing reprints. These projects may include the repair,  
5 maintenance and operation of public migratory waterfowl  
6 areas only in emergencies as determined by the State Duck  
7 Stamp Committee, ~~but none of the monies spent within the~~  
8 ~~State shall be used for administrative expenses.~~

9 (2) 25% of funds derived from the sale of State  
10 migratory waterfowl stamps will be turned over by the  
11 Department to appropriate non-profit organizations for the  
12 development of waterfowl propagation areas within the  
13 Dominion of Canada or the United States that specifically  
14 provide waterfowl for the Mississippi Flyway.

15 (3) 25% of funds derived from the sale of State  
16 migratory waterfowl stamps shall be turned over by the  
17 Department to appropriate non-profit organizations to be  
18 used for the implementation of the North American Waterfowl  
19 Management Plan. These funds shall be used for the  
20 development of waterfowl areas within the Dominion of  
21 Canada or the United States that specifically provide  
22 waterfowl for the Mississippi Flyway.

23 (4) 25% of funds derived from the sale of State  
24 migratory waterfowl stamps shall be available for use by  
25 the Department for internal administrative costs of the  
26 Department and for the maintenance of waterfowl habitat,

1       including the replacement, repair, operation, and  
2       maintenance of pumps and levees used for water management  
3       on public migratory waterfowl areas within the State.

4       (b) Before turning over any funds under the provisions of  
5 paragraphs (2) and (3) of subsection (a) the Department shall  
6 obtain evidence that the project is acceptable to the  
7 appropriate governmental agency of the Dominion of Canada or  
8 the United States or of one of its Provinces or States having  
9 jurisdiction over the lands and waters affected by the project,  
10 and shall consult those agencies and the State Duck Stamp  
11 Committee for approval before allocating funds.

12       (c) The State Duck Stamp Committee shall consist of: (1)  
13 The State Waterfowl Biologist, (2) The Chief of the Wildlife  
14 Resources Division or his designee, (3) The Chief of the Land  
15 Management Division or his designee, (4) The Chief of the  
16 Engineering ~~Technical Services~~ Division or his designee, and  
17 (5) Two or more at large representatives from statewide  
18 waterfowl organizations appointed by the Director. The  
19 Committee's duties shall be to review and recommend all Duck  
20 Stamp Projects and review and recommend all expenditures from  
21 the State Migratory Waterfowl Stamp Fund. The committee shall  
22 give due consideration to waterfowl projects that are readily  
23 available to holders of the State Migratory Waterfowl Stamp,  
24 wherever they may live in Illinois.

25       (Source: P.A. 86-155; 87-135.)

1 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

2 Sec. 2.26. Deer hunting permits. In this Section, "bona  
3 fide equity shareholder" means an individual who (1) purchased,  
4 for market price, publicly sold stock shares in a corporation,  
5 purchased shares of a privately-held corporation for a value  
6 equal to the percentage of the appraised value of the corporate  
7 assets represented by the ownership in the corporation, or is a  
8 member of a closely-held family-owned corporation and has  
9 purchased or been gifted with shares of stock in the  
10 corporation accurately reflecting his or her percentage of  
11 ownership and (2) intends to retain the ownership of the shares  
12 of stock for at least 5 years.

13 In this Section, "bona fide equity member" means an  
14 individual who (1) (i) became a member upon the formation of  
15 the limited liability company or (ii) has purchased a  
16 distributional interest in a limited liability company for a  
17 value equal to the percentage of the appraised value of the LLC  
18 assets represented by the distributional interest in the LLC  
19 and subsequently becomes a member of the company pursuant to  
20 Article 30 of the Limited Liability Company Act and who (2)  
21 intends to retain the membership for at least 5 years.

22 In this Section, "bona fide equity partner" means an  
23 individual who (1) (i) became a partner, either general or  
24 limited, upon the formation of a partnership or limited  
25 partnership, or (ii) has purchased, acquired, or been gifted a  
26 partnership interest accurately representing his or her

1 percentage distributional interest in the profits, losses, and  
2 assets of a partnership or limited partnership, (2) intends to  
3 retain ownership of the partnership interest for at least 5  
4 years, and (3) is a resident of Illinois.

5 Any person attempting to take deer shall first obtain a  
6 "Deer Hunting Permit" in accordance with prescribed  
7 regulations set forth in an Administrative Rule. Deer Hunting  
8 Permits shall be issued by the Department. The fee for a Deer  
9 Hunting Permit to take deer with either bow and arrow or gun  
10 shall not exceed \$25.00 ~~\$15.00~~ for residents of the State. The  
11 Department may by administrative rule provide for non-resident  
12 deer hunting permits for which the fee will not exceed \$300 in  
13 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as  
14 provided below for non-resident landowners and non-resident  
15 archery hunters. The Department may by administrative rule  
16 provide for a non-resident archery deer permit consisting of  
17 not more than 2 harvest tags at a total cost not to exceed \$325  
18 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits  
19 shall be issued without charge to:

20 (a) Illinois landowners residing in Illinois who own at  
21 least 40 acres of Illinois land and wish to hunt their land  
22 only,

23 (b) resident tenants of at least 40 acres of commercial  
24 agricultural land where they will hunt, and

25 (c) Bona fide equity shareholders of a corporation,  
26 bona fide equity members of a limited liability company, or

1        bona fide equity partners of a general or limited  
2        partnership which owns at least 40 acres of land in a  
3        county in Illinois who wish to hunt on the corporation's,  
4        company's, or partnership's land only. One permit shall be  
5        issued without charge to one bona fide equity shareholder,  
6        one bona fide equity member, or one bona fide equity  
7        partner for each 40 acres of land owned by the corporation,  
8        company, or partnership in a county; however, the number of  
9        permits issued without charge to bona fide equity  
10       shareholders of any corporation or bona fide equity members  
11       of a limited liability company in any county shall not  
12       exceed 15, and shall not exceed 3 in the case of bona fide  
13       equity partners of a partnership.

14       Bona fide landowners or tenants who do not wish to hunt  
15       only on the land they own, rent, or lease or bona fide equity  
16       shareholders, bona fide equity members, or bona fide equity  
17       partners who do not wish to hunt only on the land owned by the  
18       corporation, limited liability company, or partnership shall  
19       be charged the same fee as the applicant who is not a  
20       landowner, tenant, bona fide equity shareholder, bona fide  
21       equity member, or bona fide equity partner. Nonresidents of  
22       Illinois who own at least 40 acres of land and wish to hunt on  
23       their land only shall be charged a fee set by administrative  
24       rule. The method for obtaining these permits shall be  
25       prescribed by administrative rule.

26       The deer hunting permit issued without fee shall be valid

1 on all farm lands which the person to whom it is issued owns,  
2 leases or rents, except that in the case of a permit issued to  
3 a bona fide equity shareholder, bona fide equity member, or  
4 bona fide equity partner, the permit shall be valid on all  
5 lands owned by the corporation, limited liability company, or  
6 partnership in the county.

7 The standards and specifications for use of guns and bow  
8 and arrow for deer hunting shall be established by  
9 administrative rule.

10 No person may have in his possession any firearm not  
11 authorized by administrative rule for a specific hunting season  
12 when taking deer.

13 Persons having a firearm deer hunting permit shall be  
14 permitted to take deer only during the period from 1/2 hour  
15 before sunrise to 1/2 hour after sunset, and only during those  
16 days for which an open season is established for the taking of  
17 deer by use of shotgun, handgun, or muzzle loading rifle.

18 Persons having an archery deer hunting permit shall be  
19 permitted to take deer only during the period from 1/2 hour  
20 before sunrise to 1/2 hour after sunset, and only during those  
21 days for which an open season is established for the taking of  
22 deer by use of bow and arrow.

23 It shall be unlawful for any person to take deer by use of  
24 dogs, horses, automobiles, aircraft or other vehicles, or by  
25 the use of salt or bait of any kind. An area is considered as  
26 baited during the presence of and for 10 consecutive days



1 following the removal of bait. Nothing in this Section shall  
2 prohibit the use of a dog to track wounded deer. Any person  
3 using a dog for tracking wounded deer must maintain physical  
4 control of the dog at all times by means of a maximum 50 foot  
5 lead attached to the dog's collar or harness. Tracking wounded  
6 deer is permissible at night, but at no time outside of legal  
7 deer hunting hours or seasons shall any person handling or  
8 accompanying a dog being used for tracking wounded deer be in  
9 possession of any firearm or archery device. Persons tracking  
10 wounded deer with a dog during the firearm deer seasons shall  
11 wear blaze orange as required. Dog handlers tracking wounded  
12 deer with a dog are exempt from hunting license and deer permit  
13 requirements so long as they are accompanied by the licensed  
14 deer hunter who wounded the deer.

15 It shall be unlawful to possess or transport any wild deer  
16 which has been injured or killed in any manner upon a public  
17 highway or public right-of-way of this State unless exempted by  
18 administrative rule.

19 Persons hunting deer must have gun unloaded and no bow and  
20 arrow device shall be carried with the arrow in the nocked  
21 position during hours when deer hunting is unlawful.

22 It shall be unlawful for any person, having taken the legal  
23 limit of deer by gun, to further participate with gun in any  
24 deer hunting party.

25 It shall be unlawful for any person, having taken the legal  
26 limit of deer by bow and arrow, to further participate with bow

1 and arrow in any deer hunting party.

2 The Department may prohibit upland game hunting during the  
3 gun deer season by administrative rule.

4 The Department shall not limit the number of non-resident  
5 either sex archery deer hunting permits to less than 20,000.

6 It shall be legal for handicapped persons, as defined in  
7 Section 2.33, and persons age 62 or older to utilize a crossbow  
8 device, as defined in Department rules, to take deer.

9 Any person who violates any of the provisions of this  
10 Section, including administrative rules, shall be guilty of a  
11 Class B misdemeanor.

12 (Source: P.A. 94-10, eff. 6-7-05; 95-289, eff. 8-20-07; 95-329,  
13 eff. 8-21-07; 95-876, eff. 8-21-08.)

14 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

15 Sec. 3.2. Hunting license; application; instruction.  
16 Before the Department or any county, city, village, township,  
17 incorporated town clerk or his duly designated agent or any  
18 other person authorized or designated by the Department to  
19 issue hunting licenses shall issue a hunting license to any  
20 person, the person shall file his application with the  
21 Department or other party authorized to issue licenses on a  
22 form provided by the Department and further give definite proof  
23 of identity and place of legal residence. Each clerk  
24 designating agents to issue licenses and stamps shall furnish  
25 the Department, within 10 days following the appointment, the

1 names and mailing addresses of the agents. Each clerk or his  
2 duly designated agent shall be authorized to sell licenses and  
3 stamps only within the territorial area for which he was  
4 elected or appointed. No duly designated agent is authorized to  
5 furnish licenses or stamps for issuance by any other business  
6 establishment. Each application shall be executed and sworn to  
7 and shall set forth the name and description of the applicant  
8 and place of residence.

9 No hunting license shall be issued to any person born on or  
10 after January 1, 1980 unless he presents the person authorized  
11 to issue the license evidence that he has held a hunting  
12 license issued by the State of Illinois or another state in a  
13 prior year, or a certificate of competency as provided in this  
14 Section. Persons under 16 years of age may be issued a Lifetime  
15 Hunting or Sportsmen's Combination License as provided under  
16 Section 20-45 of the Fish and Aquatic Life Code but shall not  
17 be entitled to hunt unless they have a certificate of  
18 competency as provided in this Section and they shall have the  
19 certificate in their possession while hunting.

20 The Department of Natural Resources shall authorize  
21 personnel of the Department or certified volunteer instructors  
22 to conduct courses, of not less than 10 hours in length, in  
23 firearms and hunter safety, which may include training in bow  
24 and arrow safety, at regularly specified intervals throughout  
25 the State. Persons successfully completing the course shall  
26 receive a certificate of competency. The Department of Natural

1 Resources may further cooperate with any reputable association  
2 or organization in establishing courses if the organization has  
3 as one of its objectives the promotion of safety in the  
4 handling of firearms or bow and arrow.

5 The Department of Natural Resources shall designate any  
6 person found by it to be competent to give instruction in the  
7 handling of firearms, hunter safety, and bow and arrow. The  
8 persons so appointed shall give the course of instruction and  
9 upon the successful completion shall issue to the person  
10 instructed a certificate of competency in the safe handling of  
11 firearms, hunter safety, and bow and arrow. No charge shall be  
12 made for any course of instruction except for materials or  
13 ammunition consumed. The Department of Natural Resources shall  
14 furnish information on the requirements of hunter safety  
15 education programs to be distributed free of charge to  
16 applicants for hunting licenses by the persons appointed and  
17 authorized to issue licenses. Funds for the conducting of  
18 firearms and hunter safety courses shall be taken from the fee  
19 charged for the Firearm Owners Identification Card.

20 The fee for a hunting license to hunt all species for a  
21 resident of Illinois is \$12 ~~\$7~~. For residents age 65 or older,  
22 the fee is one-half of the fee charged for a hunting license to  
23 hunt all species for a resident of Illinois. Nonresidents shall  
24 be charged \$57 ~~\$50~~ for a hunting license.

25 Nonresidents may be issued a nonresident hunting license  
26 for a period not to exceed 10 consecutive days' hunting in the

1 State and shall be charged a fee of \$35 ~~\$28~~.

2 A special nonresident hunting license authorizing a  
3 nonresident to take game birds by hunting on a game breeding  
4 and hunting preserve area only, established under Section 3.27,  
5 shall be issued upon proper application being made and payment  
6 of a fee equal to that for a resident hunting license. The  
7 expiration date of this license shall be on the same date each  
8 year that game breeding and hunting preserve area licenses  
9 expire.

10 Each applicant for a State Migratory Waterfowl Stamp,  
11 regardless of his residence or other condition, shall pay a fee  
12 of \$15 ~~\$10~~ and shall receive a stamp. Except as provided under  
13 Section 20-45 of the Fish and Aquatic Life Code, the stamp  
14 shall be signed by the person or affixed to his license or  
15 permit in a space designated by the Department for that  
16 purpose.

17 Each applicant for a State Habitat Stamp, regardless of his  
18 residence or other condition, shall pay a fee of \$5 and shall  
19 receive a stamp. Except as provided under Section 20-45 of the  
20 Fish and Aquatic Life Code, the stamp shall be signed by the  
21 person or affixed to his license or permit in a space  
22 designated by the Department for that purpose.

23 Nothing in this Section shall be construed as to require  
24 the purchase of more than one State Habitat Stamp by any person  
25 in any one license year.

26 The Department shall furnish the holders of hunting

1 licenses and stamps with an insignia as evidence of possession  
2 of license, or license and stamp, as the Department may  
3 consider advisable. The insignia shall be exhibited and used as  
4 the Department may order.

5 All other hunting licenses and all State stamps shall  
6 expire upon March 31 of each year.

7 Every person holding any license, permit, or stamp issued  
8 under the provisions of this Act shall have it in his  
9 possession for immediate presentation for inspection to the  
10 officers and authorized employees of the Department, any  
11 sheriff, deputy sheriff, or any other peace officer making a  
12 demand for it. This provision shall not apply to Department  
13 owned or managed sites where it is required that all hunters  
14 deposit their license, permit, or Firearm Owner's  
15 Identification Card at the check station upon entering the  
16 hunting areas.

17 (Source: P.A. 93-554, eff. 8-20-03.)

18 (520 ILCS 5/3.39) (from Ch. 61, par. 3.39)

19 Sec. 3.39. Residents of the State of Illinois may obtain a  
20 Sportsmen's Combination License which shall entitle the holder  
21 to the same non-commercial fishing privileges as residents  
22 holding a fishing license described in subparagraph (a) of  
23 Section 20-45 of the Fish and Aquatic Life Code, and to the  
24 same hunting privileges as residents holding a license to hunt  
25 all species, as described in Section 3.1 of this Act. However,

1 no Sportsmen's Combination License shall be issued to any  
2 person who would be ineligible for either the fishing or  
3 hunting license separately. The Sportsmen's Combination  
4 License fee shall be \$25.50 ~~\$18.50~~. For residents age 65 or  
5 older, the fee is one-half of the fee charged for a Sportsmen's  
6 Combination License.

7 (Source: P.A. 90-743, eff. 1-1-99.)

8 Section 10-25. The Rivers, Lakes, and Streams Act is  
9 amended by adding Section 29.5 as follows:

10 (615 ILCS 5/29.5 new)

11 Sec. 29.5. Permit fees. The Department of Natural Resources  
12 may collect a fee of up to \$5,000 per application for permit  
13 issued pursuant to this Act. The Department of Natural  
14 Resources shall set the specific fee applicable to different  
15 permits issued pursuant to this Act by administrative rule,  
16 provided that no such fee exceeds \$5,000. All fees collected  
17 pursuant to this Section shall be deposited in the State  
18 Boating Act Fund for use by the Department of Natural Resources  
19 for the ordinary and contingent expenses of the Department. No  
20 permit application shall be processed until the applicable fee  
21 is paid to the Department of Natural Resources.

22 Section 10-30. The Level of Lake Michigan Act is amended by  
23 changing Section 13 as follows:

1 (615 ILCS 50/13) (from Ch. 19, par. 120.11)

2 Sec. 13.

3 The Department is directed to request funds and to charge  
4 an annual Lake Michigan Water Allocation Fee to all holders of  
5 an allocation permit pursuant to this Act for ~~continuing~~  
6 ~~implementation of this Act during~~ the 2010 ~~1971~~ fiscal year and  
7 for each fiscal year thereafter as a part of the ordinary and  
8 contingent expense of the Department. The Lake Michigan Water  
9 Allocation Fee shall be determined at an annual rate of \$3,000  
10 for each holder of a Lake Michigan Water Allocation per year.  
11 The Lake Michigan Water Allocation Fee shall be due to the  
12 Department on December 31 of each year starting in 2009.  
13 Non-payment of the Lake Michigan Water Allocation Fee shall  
14 result in the withdrawal of the applicable allocation permit  
15 after giving due and reasonable notice to persons affected and  
16 after a hearing in relation thereto. All fees collected  
17 pursuant to this Section shall be deposited in the State  
18 Boating Act Fund for use by the Department for the ordinary and  
19 contingent expenses of the Department.

20 (Source: P.A. 77-163.)

21 Section 10-35. The Fox Waterway Agency Act is amended by  
22 adding Section 7.13 as follows:

23 (615 ILCS 90/7.13 new)



1       Sec. 7.13. McHenry County Dam Fees. The Agency shall  
2 collect McHenry County Dam Fees on behalf of the Department of  
3 Natural Resources pursuant to the user fee system in Section  
4 7.2. Such McHenry County Dam Fees shall be established by the  
5 Department of Natural Resources pursuant to administrative  
6 rule. The Agency shall transfer collected McHenry County Dam  
7 Fees to the Department of Natural Resources on a monthly basis.  
8 McHenry County Dam Fees collected by the Agency pursuant to  
9 this Section shall not be considered as part of the gross  
10 income from fees collected under Section 7.2.

11       Section 10-40. The McHenry County Dam Act is amended by  
12 changing Section 4 as follows:

13       (615 ILCS 100/4) (from Ch. 19, par. 1354)

14       Sec. 4. The Department of Natural Resources shall have  
15 authority:

16       (1) To prescribe reasonable rules and regulations in  
17 respect to all matters connected with the navigation and use of  
18 the said dam, lock and fishway, and transportation on or  
19 through said lock. Whoever shall wilfully or negligently refuse  
20 or neglect to comply with such rules may be fined in any sum  
21 not exceeding fifty dollars (\$50) for each offense, to be  
22 recovered in the name of the People of the State of Illinois,  
23 before any justice of the peace in the county, and paid over to  
24 the Department for credit to a fund for the operation and

1 maintenance of said lock and dam at McHenry. The Department of  
2 Natural Resources may prohibit all persons who wilfully refuse  
3 or neglect to comply with such rules from using said dam and  
4 lock. Printed copies of such rules and of this article shall be  
5 posted for public inspection at the lock. The power granted in  
6 this article shall apply as well to that part of the Fox River  
7 above and below the dam and lock within one thousand feet  
8 thereof.

9 (2) To do all work in the Fox River north of said dam and  
10 lock necessary to remove obstructions and maintain a navigable  
11 depth which otherwise would necessitate a further raising of  
12 the dam in order to comply with Section 2, paragraph 2, of this  
13 Act.

14 (3) To establish, pursuant to administrative rule, and  
15 ~~collect~~ reasonable McHenry County Dam Fees ~~rates of toll~~ for  
16 the passage and use of the said lock and the river and lakes  
17 north of said lock, but such lock, river and lakes shall be  
18 free for the transportation of any property of the United  
19 States or persons in the service thereof passing through the  
20 same. McHenry County Dam Fees shall be collected on behalf of  
21 the Department by the Fox Waterway Agency pursuant to the user  
22 fee system set forth in the Fox Waterway Agency Act. McHenry  
23 County Dam Fees received by the Department from the Fox  
24 Waterway Agency shall be deposited in the State Boating Act  
25 Fund for use by the Department for the ordinary and contingent  
26 expenses of the Department.

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

2 Section 10-45. The Boat Registration and Safety Act is  
3 amended by changing Section 10-1 as follows:

4 (625 ILCS 45/10-1) (from Ch. 95 1/2, par. 320-1)

5 Sec. 10-1. Special fund. All revenue received under the  
6 provisions of this Act; the Rivers, Lakes, and Streams Act; the  
7 Level of Lake Michigan Act; and the McHenry County Dam Act,  
8 including ~~registration~~ fees, fines, or other income of any kind  
9 or nature, shall be deposited in the State Treasury and shall  
10 be set apart in a special fund to be known as the State Boating  
11 Act Fund, except that revenue from fines resulting from  
12 citations written by a county sheriff or his deputy shall be  
13 deposited in a county fund in the county where the citation was  
14 written. Appropriations from the State Boating Act Fund,  
15 excepting those revenues received as a result of the Snowmobile  
16 Registration and Safety Act, shall be made to the Department,  
17 and shall be used for the ordinary and contingent expenses of  
18 the Department ~~in administering the registration, boat safety,~~  
19 ~~boat safety education, and enforcement provisions of this Act~~  
20 ~~or for any purpose related or incident thereto and connected~~  
21 ~~therewith, including the construction and improvement of~~  
22 ~~boating facilities, such as access areas, launching sites,~~  
23 ~~harbor facilities, lakes, and marinas, including plans and~~  
24 ~~specifications, engineering surveys, and supervision and land~~

1 ~~acquisition where necessary. In addition to the foregoing,~~  
2 ~~appropriations from the State Boating Act Fund, other than~~  
3 ~~revenues received as a result of the Snowmobile Registration~~  
4 ~~and Safety Act, may be made to the Department of Natural~~  
5 ~~Resources to pay operational expenses for recreational boating~~  
6 ~~facilities at McHenry Lock and Dam in McHenry County and~~  
7 ~~Sinnissippi Dam in Whiteside County.~~

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

9 Section 10-50. The Recreational Use of Land and Water Areas  
10 Act is amended by changing Section 2 as follows:

11 (745 ILCS 65/2) (from Ch. 70, par. 32)

12 Sec. 2. As used in this Act, unless the context otherwise  
13 requires:

14 (a) "Land" includes roads, water, watercourses, private  
15 ways and buildings, structures, and machinery or equipment when  
16 attached to the realty, but does not include residential  
17 buildings or residential property.

18 (b) "Owner" includes the possessor of any interest in land,  
19 whether it be a tenant, lessee, occupant, the State of Illinois  
20 and its political subdivisions, or person in control of the  
21 premises.

22 (c) "Recreational or conservation purpose" means entry  
23 onto the land of another to conduct hunting or recreational  
24 shooting or a combination thereof or any activity solely

1 related to the aforesaid hunting or recreational shooting.

2 (d) "Charge" means an admission fee for permission to go  
3 upon the land, but does not include: any fees charged by the  
4 Illinois Department of Natural Resources; the sharing of game,  
5 fish or other products of recreational use; or benefits to or  
6 arising from the recreational use; or contributions in kind,  
7 services or cash made for the purpose of properly conserving  
8 the land.

9 (e) "Person" includes any person, regardless of age,  
10 maturity, or experience, who enters upon or uses land for  
11 recreational purposes.

12 (Source: P.A. 94-625, eff. 8-18-05.)

13 ARTICLE 99. EFFECTIVE DATE

14 Section 99-99. Effective date. This Act takes effect July  
15 1, 2009, except that Sections 10-15 and 10-20 take effect on  
16 January 1, 2010."