



Rep. Katherine Cloonen

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1 AMENDMENT TO HOUSE BILL 738

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

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

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

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

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

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

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

18 (20 ILCS 805/805-235) (was 20 ILCS 805/63a6)

19 Sec. 805-235. Lease of lands acquired by the Department;  
20 disposition of obsolete buildings. The Department has the power  
21 to do and perform each and every act or thing considered by the  
22 Director to be necessary or desirable to fulfill and carry out  
23 the intent and purpose of all laws pertaining to the  
24 Department, including the right to rehabilitate or sell at

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

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

19 (20 ILCS 805/805-275) (was 20 ILCS 805/63a27)

20 Sec. 805-275. Sale of gravel and other materials. The  
21 Department has the power to sell gravel, sand, earth, or other  
22 material from any State of Illinois owned lands or waters under  
23 the jurisdiction of the Department at a fair market price.  
24 Fifty percent of the ~~The~~ proceeds from the sales shall be  
25 deposited into the Wildlife ~~and Fish~~ Fund and 50% of the

1 proceeds from the sales shall be deposited into the Illinois  
2 Fisheries Management Fund in the State treasury.

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

4 (20 ILCS 805/805-335)

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

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

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

21 Sec. 805-420. Appropriations from Park and Conservation  
22 Fund. The Department has the power to expend monies  
23 appropriated to the Department from the Park and Conservation  
24 Fund in the State treasury for conservation and park purposes.

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

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

18           (A) Fifty percent of funds derived from the vehicle  
19 registration fee shall be used by the Department for normal  
20 operations.

21           (B) Fifty percent of funds derived from the vehicle  
22 registration fee shall be used by the Department for  
23 construction and maintenance of State owned, leased, and  
24 managed sites.

25           The monies deposited into the Park and Conservation Fund  
26 and the Illinois Fisheries Management Fund under this Section

1 shall not be subject to administrative charges or chargebacks  
2 unless otherwise authorized by this Act.

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

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

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

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

17 (20 ILCS 805/805-550)

18 Sec. 805-550. Reinstatement fee.

19 (a) The Department may assess a fee of up to \$1,000 for the  
20 reinstatement of revoked or suspended licenses, permits,  
21 registrations, and other privileges that it administers in the  
22 exercise of its powers and duties under Illinois law.

23 (b) Revenues generated from the reinstatement of State park  
24 privileges shall be deposited into the State Parks Fund.

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

14 (c) Moneys deposited under subsection (b) shall be used by  
15 the Department, subject to appropriation, for the following  
16 purposes:

17 (1) 85% of the moneys shall be used for the purchase of  
18 law enforcement vehicles for use by the Department's Office  
19 of Law Enforcement.

20 (2) 15% of the moneys shall be used for the promotion  
21 of safety education by the Department's Office of Strategic  
22 Services.

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

24 (20 ILCS 805/805-560)

25 Sec. 805-560. Entrance fees for site visitors from other

1 states.

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

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

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

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

16 (e) Revenue generated by the fees and fine assessed  
17 pursuant to this Section shall be deposited into the State  
18 Parks Fund or the Wildlife ~~and Fish~~ Fund, special funds in the  
19 State treasury.

20 (f) The Department shall adopt any and all rules necessary  
21 to implement this Section.

22 (g) The monies deposited into the State Parks Fund or the  
23 Wildlife ~~and Fish~~ Fund under this Section shall not be subject  
24 to administrative charges or chargebacks unless otherwise  
25 authorized by this Act.

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



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

3           (20 ILCS 835/4c) (from Ch. 105, par. 468.3)

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

16           The Department of Natural Resources may, upon written  
17 authorization of the Director of the Department, establish  
18 local bank or savings and loan association accounts to  
19 temporarily hold this income. All local bank or savings and  
20 loan association accounts established pursuant to this Section  
21 shall be in the name of the Department of Natural Resources and  
22 shall be subject to regular audits. The balance in a local bank  
23 or savings and loan association account shall be forwarded to  
24 the Department of Natural Resources for deposit with the State

1 Treasurer on Monday of each week if the amount to be deposited  
2 in a fund exceeds \$500 or within 30 days after deposit.

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

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

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

10 (20 ILCS 875/2) (from Ch. 127, par. 63b62)

11 Sec. 2. The Department of Natural Resources shall establish  
12 procedures for administering the programs. The Department may  
13 charge fees to recover expenses and shall deposit any fees  
14 collected into the Wildlife ~~and Fish~~ Fund.

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

16 (20 ILCS 875/3) (from Ch. 127, par. 63b63)

17 Sec. 3. Every program coordinator authorized by the  
18 Director to supervise a training program organized under this  
19 Act shall be covered by a liability insurance policy which  
20 protects him from liability for damages arising during any time  
21 he is engaged in the operation of his official duties. The cost  
22 of such a program coordinator's liability insurance policy  
23 shall be paid by the State of Illinois and shall be a charge on

1 the wildlife ~~and fish~~ fund.

2 (Source: P.A. 81-358.)

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

5 (30 ILCS 105/5.21) (from Ch. 127, par. 141.21)

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

7 (Source: P.A. 81-358.)

8 (30 ILCS 105/8.30) (from Ch. 127, par. 144.30)

9 Sec. 8.30. All moneys received from the issuance of  
10 Lifetime Hunting, Fishing or Sportsmen's Combination Licenses  
11 under Section 20-45 of the Fish and Aquatic Life Code shall be  
12 deposited into the Fish and Wildlife Endowment Fund. All  
13 interest earned and accrued from monies deposited in the Fish  
14 and Wildlife Endowment Fund shall be deposited monthly by the  
15 State Treasurer in the Fish and Wildlife Endowment Fund. The  
16 Treasurer upon request of the Director of the Department of  
17 Natural Resources from time to time may transfer amounts from  
18 the Fish and Wildlife Endowment Fund to the Wildlife ~~and Fish~~  
19 Fund, but the annual transfers shall not exceed the annual  
20 interest accrued to the Fish and Wildlife Endowment Fund.

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

22 Section 30. The Illinois Oil and Gas Act is amended by

1 changing Section 22.2 as follows:

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

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

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

8 (b) Except as provided in subsection (b-5), when 2 or more  
9 separately owned tracts of land are embraced within an  
10 established drilling unit, or when there are separately owned  
11 interests in all or a part of such units, the owners of all oil  
12 and gas interests therein may validly agree to integrate their  
13 interests and to develop their lands as a drilling unit. Where,  
14 however, such owners have not agreed to integrate their  
15 interests and where no action has been commenced seeking  
16 permission to drill pursuant to the provisions of "An Act in  
17 relation to oil and gas interests in land", approved July 1,  
18 1939, and where at least one of the owners has drilled or has  
19 proposed to drill a well on an established drilling unit the  
20 Department on the application of an owner shall, for the  
21 prevention of waste or to avoid the drilling of unnecessary  
22 wells, require such owners to do so and to develop their lands  
23 as a drilling unit. The Department, as a part of the order  
24 integrating interests, may prescribe the terms and conditions  
25 upon which the royalty interests in the unit or units shall, in

1 the absence of voluntary agreement, be determined to be  
2 integrated without the necessity of a subsequent separate order  
3 integrating the royalty interests. Each such integration order  
4 shall be upon terms and conditions that are just and  
5 reasonable.

6 (b-5) When 2 or more separately owned tracts of land are  
7 embraced within an established drilling unit, or when there are  
8 separately owned interests in all or a part of the unit, and  
9 one of the owners is the Department of Natural Resources,  
10 integration of the separate tracts shall be allowed only if,  
11 following a comprehensive environmental impact review  
12 performed by the Department, the Department determines that no  
13 substantial or irreversible detrimental harm will occur on  
14 Department lands as a result of any proposed activities  
15 relating to mineral extraction. The environmental impact  
16 review shall include but shall not be limited to an assessment  
17 of the potential destruction or depletion of flora and fauna,  
18 wildlife and its supporting habitat, surface and subsurface  
19 water supplies, aquatic life, and recreational activities  
20 located on the land proposed to be integrated. The Department  
21 shall adopt rules necessary to implement this subsection.

22 (b-6) All proceeds, bonuses, rentals, royalties, and other  
23 inducements and considerations received from the integration  
24 of Department of Natural Resources lands that have not been  
25 purchased by the Department of Natural Resources with moneys  
26 appropriated from the Wildlife ~~and Fish~~ Fund shall be deposited

1 as follows: at least 50% of the amounts received shall be  
2 deposited into the State Parks Fund and not more than 50% shall  
3 be deposited into the Plugging and Restoration Fund.

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

21 (d) All operations, including, but not limited to, the  
22 commencement, drilling, or operation of a well upon any portion  
23 of a drilling unit shall be deemed for all purposes the conduct  
24 of such operations upon each separately owned tract in the  
25 drilling unit by the several owners thereof. That portion of  
26 the production allocated to a separately owned tract included

1 in a drilling unit shall, when produced, be deemed, for all  
2 purposes, to have been actually produced from such tract by a  
3 well drilled thereon.

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

7 (1) the reasons requiring the integration of separate  
8 interests;

9 (2) the respective interests of the parties in the  
10 drilling unit sought to be established, and the pool or  
11 pools in the field where the proposed drilling unit is  
12 located;

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

15 (4) any other information relevant to protect the  
16 correlative rights of the parties sought to be affected by  
17 the integration order.

18 (f) Each such integration order shall authorize the  
19 drilling, testing, completing, equipping, and operation of a  
20 well on the drilling unit; provide who may drill and operate  
21 the well; prescribe the time and manner in which all the owners  
22 in the drilling unit may elect to participate therein; and make  
23 provision for the payment by all those who elect to participate  
24 therein of the reasonable actual cost thereof, plus a  
25 reasonable charge for supervision and interest. Should an owner  
26 not elect to voluntarily participate in the risk and costs of

1 the drilling, testing, completing and operation of a well as  
2 determined by the Department, the integration order shall  
3 provide either that:

4 (1) the nonparticipating owner shall surrender a  
5 leasehold interest to the participating owners on a basis  
6 and for such terms and consideration the Department finds  
7 fair and reasonable; or

8 (2) the nonparticipating owner shall share in a  
9 proportionate part of the production of oil and gas from  
10 the drilling unit determined by the Department, and pay a  
11 proportionate part of operation cost after the  
12 participating owners have recovered from the production of  
13 oil or gas from a well all actual costs in the drilling,  
14 testing, completing and operation of the well plus a  
15 penalty to be determined by the Department of not less than  
16 100% nor more than 300% of such actual costs.

17 (g) For the purpose of this Section, the owner or owners of  
18 oil and gas rights in and under an unleased tract of land shall  
19 be regarded as a lessee to the extent of a 7/8 interest in and  
20 to said rights and a lessor to the extent of the remaining 1/8  
21 interest therein.

22 (h) In the event of any dispute relative to costs and  
23 expenses of drilling, testing, equipping, completing and  
24 operating a well, the Department shall determine the proper  
25 costs after due notice to interested parties and a hearing  
26 thereon. The operator of such unit, in addition to any other



1 right provided by the integration order of the Department,  
2 shall have a lien on the mineral leasehold estate or rights  
3 owned by the other owners therein and upon their shares of the  
4 production from such unit to the extent that costs incurred in  
5 the development and operation upon said unit are a charge  
6 against such interest by order of the Department or by  
7 operation of law. Such liens shall be separable as to each  
8 separate owner within such unit, and shall remain liens until  
9 the owner or owners drilling or operating the well have been  
10 paid the amount due under the terms of the integration order.  
11 The Department is specifically authorized to provide that the  
12 owner or owners drilling, or paying for the drilling, or for  
13 the operation of a well for the benefit of all shall be  
14 entitled to production from such well which would be received  
15 by the owner or owners for whose benefit the well was drilled  
16 or operated, after payment of royalty, until the owner or  
17 owners drilling or operating the well have been paid the amount  
18 due under the terms of the integration order settling such  
19 dispute.

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

21 Section 35. The Environmental Protection Act is amended by  
22 changing Section 42 as follows:

23 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

24 Sec. 42. Civil penalties.

1           (a) Except as provided in this Section, any person that  
2 violates any provision of this Act or any regulation adopted by  
3 the Board, or any permit or term or condition thereof, or that  
4 violates any order of the Board pursuant to this Act, shall be  
5 liable for a civil penalty of not to exceed \$50,000 for the  
6 violation and an additional civil penalty of not to exceed  
7 \$10,000 for each day during which the violation continues; such  
8 penalties may, upon order of the Board or a court of competent  
9 jurisdiction, be made payable to the Environmental Protection  
10 Trust Fund, to be used in accordance with the provisions of the  
11 Environmental Protection Trust Fund Act.

12           (b) Notwithstanding the provisions of subsection (a) of  
13 this Section:

14           (1) Any person that violates Section 12(f) of this Act  
15 or any NPDES permit or term or condition thereof, or any  
16 filing requirement, regulation or order relating to the  
17 NPDES permit program, shall be liable to a civil penalty of  
18 not to exceed \$10,000 per day of violation.

19           (2) Any person that violates Section 12(g) of this Act  
20 or any UIC permit or term or condition thereof, or any  
21 filing requirement, regulation or order relating to the  
22 State UIC program for all wells, except Class II wells as  
23 defined by the Board under this Act, shall be liable to a  
24 civil penalty not to exceed \$2,500 per day of violation;  
25 provided, however, that any person who commits such  
26 violations relating to the State UIC program for Class II

1 wells, as defined by the Board under this Act, shall be  
2 liable to a civil penalty of not to exceed \$10,000 for the  
3 violation and an additional civil penalty of not to exceed  
4 \$1,000 for each day during which the violation continues.

5 (3) Any person that violates Sections 21(f), 21(g),  
6 21(h) or 21(i) of this Act, or any RCRA permit or term or  
7 condition thereof, or any filing requirement, regulation  
8 or order relating to the State RCRA program, shall be  
9 liable to a civil penalty of not to exceed \$25,000 per day  
10 of violation.

11 (4) In an administrative citation action under Section  
12 31.1 of this Act, any person found to have violated any  
13 provision of subsection (o) of Section 21 of this Act shall  
14 pay a civil penalty of \$500 for each violation of each such  
15 provision, plus any hearing costs incurred by the Board and  
16 the Agency. Such penalties shall be made payable to the  
17 Environmental Protection Trust Fund, to be used in  
18 accordance with the provisions of the Environmental  
19 Protection Trust Fund Act; except that if a unit of local  
20 government issued the administrative citation, 50% of the  
21 civil penalty shall be payable to the unit of local  
22 government.

23 (4-5) In an administrative citation action under  
24 Section 31.1 of this Act, any person found to have violated  
25 any provision of subsection (p) of Section 21, Section  
26 22.51, Section 22.51a, or subsection (k) of Section 55 of

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

15           (5) Any person who violates subsection 6 of Section  
16      39.5 of this Act or any CAAPP permit, or term or condition  
17      thereof, or any fee or filing requirement, or any duty to  
18      allow or carry out inspection, entry or monitoring  
19      activities, or any regulation or order relating to the  
20      CAAPP shall be liable for a civil penalty not to exceed  
21      \$10,000 per day of violation.

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

1 community water system.

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

16 (c) Any person that violates this Act, any rule or  
17 regulation adopted under this Act, any permit or term or  
18 condition of a permit, or any Board order and causes the death  
19 of fish or aquatic life shall, in addition to the other  
20 penalties provided by this Act, be liable to pay to the State  
21 an additional sum for the reasonable value of the fish or  
22 aquatic life destroyed. Any money so recovered shall be placed  
23 in the Wildlife ~~and Fish~~ Fund in the State Treasury.

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

26 (e) The State's Attorney of the county in which the

1 violation occurred, or the Attorney General, may, at the  
2 request of the Agency or on his own motion, institute a civil  
3 action for an injunction, prohibitory or mandatory, to restrain  
4 violations of this Act, any rule or regulation adopted under  
5 this Act, any permit or term or condition of a permit, or any  
6 Board order, or to require such other actions as may be  
7 necessary to address violations of this Act, any rule or  
8 regulation adopted under this Act, any permit or term or  
9 condition of a permit, or any Board order.

10 (f) The State's Attorney of the county in which the  
11 violation occurred, or the Attorney General, shall bring such  
12 actions in the name of the people of the State of Illinois.  
13 Without limiting any other authority which may exist for the  
14 awarding of attorney's fees and costs, the Board or a court of  
15 competent jurisdiction may award costs and reasonable  
16 attorney's fees, including the reasonable costs of expert  
17 witnesses and consultants, to the State's Attorney or the  
18 Attorney General in a case where he has prevailed against a  
19 person who has committed a wilful, knowing or repeated  
20 violation of this Act, any rule or regulation adopted under  
21 this Act, any permit or term or condition of a permit, or any  
22 Board order.

23 Any funds collected under this subsection (f) in which the  
24 Attorney General has prevailed shall be deposited in the  
25 Hazardous Waste Fund created in Section 22.2 of this Act. Any  
26 funds collected under this subsection (f) in which a State's

1 Attorney has prevailed shall be retained by the county in which  
2 he serves.

3 (g) All final orders imposing civil penalties pursuant to  
4 this Section shall prescribe the time for payment of such  
5 penalties. If any such penalty is not paid within the time  
6 prescribed, interest on such penalty at the rate set forth in  
7 subsection (a) of Section 1003 of the Illinois Income Tax Act,  
8 shall be paid for the period from the date payment is due until  
9 the date payment is received. However, if the time for payment  
10 is stayed during the pendency of an appeal, interest shall not  
11 accrue during such stay.

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

17 (1) the duration and gravity of the violation;

18 (2) the presence or absence of due diligence on the  
19 part of the respondent in attempting to comply with  
20 requirements of this Act and regulations thereunder or to  
21 secure relief therefrom as provided by this Act;

22 (3) any economic benefits accrued by the respondent  
23 because of delay in compliance with requirements, in which  
24 case the economic benefits shall be determined by the  
25 lowest cost alternative for achieving compliance;

26 (4) the amount of monetary penalty which will serve to

1           deter further violations by the respondent and to otherwise  
2           aid in enhancing voluntary compliance with this Act by the  
3           respondent and other persons similarly subject to the Act;

4           (5) the number, proximity in time, and gravity of  
5           previously adjudicated violations of this Act by the  
6           respondent;

7           (6) whether the respondent voluntarily self-disclosed,  
8           in accordance with subsection (i) of this Section, the  
9           non-compliance to the Agency;

10          (7) whether the respondent has agreed to undertake a  
11          "supplemental environmental project," which means an  
12          environmentally beneficial project that a respondent  
13          agrees to undertake in settlement of an enforcement action  
14          brought under this Act, but which the respondent is not  
15          otherwise legally required to perform; and

16          (8) whether the respondent has successfully completed  
17          a Compliance Commitment Agreement under subsection (a) of  
18          Section 31 of this Act to remedy the violations that are  
19          the subject of the complaint.

20          In determining the appropriate civil penalty to be imposed  
21          under subsection (a) or paragraph (1), (2), (3), or (5) of  
22          subsection (b) of this Section, the Board shall ensure, in all  
23          cases, that the penalty is at least as great as the economic  
24          benefits, if any, accrued by the respondent as a result of the  
25          violation, unless the Board finds that imposition of such  
26          penalty would result in an arbitrary or unreasonable financial



1 hardship. However, such civil penalty may be off-set in whole  
2 or in part pursuant to a supplemental environmental project  
3 agreed to by the complainant and the respondent.

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

9 (1) that the non-compliance was discovered through an  
10 environmental audit or a compliance management system  
11 documented by the regulated entity as reflecting the  
12 regulated entity's due diligence in preventing, detecting,  
13 and correcting violations;

14 (2) that the non-compliance was disclosed in writing  
15 within 30 days of the date on which the person discovered  
16 it;

17 (3) that the non-compliance was discovered and  
18 disclosed prior to:

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

21 (ii) notice of a citizen suit;

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

25 (iv) the reporting of the non-compliance by an  
26 employee of the person without that person's

1 knowledge; or

2 (v) imminent discovery of the non-compliance by  
3 the Agency;

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

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

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

12 (7) that the non-compliance did not result in serious  
13 actual harm or present an imminent and substantial  
14 endangerment to human health or the environment or violate  
15 the specific terms of any judicial or administrative order  
16 or consent agreement;

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

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

23 If a person can establish all of the elements under this  
24 subsection except the element set forth in paragraph (1) of  
25 this subsection, the person is entitled to a 75% reduction in  
26 the portion of the penalty that is not based upon the economic

1 benefit of non-compliance.

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

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

11 (Source: P.A. 96-603, eff. 8-24-09; 96-737, eff. 8-25-09;  
12 96-1000, eff. 7-2-10; 96-1416, eff. 7-30-10; 97-519, eff.  
13 8-23-11.)

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

16 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

17 Sec. 5. The Department of State Police shall either approve  
18 or deny all applications within 30 days from the date they are  
19 received, and every applicant found qualified under Section 8  
20 of this Act by the Department shall be entitled to a Firearm  
21 Owner's Identification Card upon the payment of a \$10 fee. Any  
22 applicant who is an active duty member of the Armed Forces of  
23 the United States, a member of the Illinois National Guard, or  
24 a member of the Reserve Forces of the United States is exempt

1 from the application fee. \$6 of each fee derived from the  
2 issuance of Firearm Owner's Identification Cards, or renewals  
3 thereof, shall be deposited in the Wildlife ~~and Fish~~ Fund in  
4 the State Treasury; \$1 of the fee shall be deposited in the  
5 State Police Services Fund and \$3 of the fee shall be deposited  
6 in the State Police Firearm Services Fund.

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

8 Section 45. The Fish and Aquatic Life Code is amended by  
9 changing Sections 1-155, 1-215, 1-230, 5-5, 20-45, 20-85, and  
10 30-15 and by adding Sections 1-43 and 1-231 as follows:

11 (515 ILCS 5/1-43 new)

12 Sec. 1-43. Fisheries Division Chief. "Fisheries Division  
13 Chief" means the top Administrator in the Division of Fisheries  
14 in the Department of Natural Resources.

15 (515 ILCS 5/1-155) (from Ch. 56, par. 1-155)

16 Sec. 1-155. Conservation training schools; public  
17 education. The Department may establish Conservation Training  
18 Schools and employ technicians and other help necessary for the  
19 purpose of teaching conservation methods to employees of the  
20 Department and other interested groups as the Department deems  
21 necessary or desirable to carry out the provisions and purposes  
22 of this Code.

23 In order to educate the citizens of this State in the

1 modern trends of conservation, the Department shall  
2 disseminate conservation information and the provisions of  
3 this Code through lectures, motion pictures, photographs,  
4 exhibits, radio, news items, pamphlets, and other media the  
5 Department may deem suitable for this purpose.

6 The Department may publish, periodically, a bulletin or  
7 magazine containing information concerning the work of the  
8 Department, the conservation and propagation of wildlife,  
9 hunting and fishing, and any other information as the  
10 Department deems to be of general or special interest to  
11 sportsmen and others affected by any law administered by the  
12 Department. A reasonable charge may be made for each copy of  
13 the publication. All funds derived from the sale of that  
14 publication shall be deposited into the Wildlife ~~and Fish~~ Fund  
15 in the State Treasury.

16 The Department shall provide and maintain management and  
17 habitat development on State controlled lands or waters used in  
18 propagating or breeding aquatic life as the Department deems  
19 necessary to conform with the most modern conservation methods.  
20 The Department may also cooperate in management and habitat  
21 development with any person propagating or breeding aquatic  
22 life on privately-owned lands or waters.

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

24 (515 ILCS 5/1-215) (from Ch. 56, par. 1-215)

25 Sec. 1-215. Illegal fishing devices; public nuisance.

1 Every fishing device, including seines, nets, or traps, or any  
2 electrical device or any other devices, including vehicles,  
3 watercraft, or aircraft, used or operated illegally or  
4 attempted to be used or operated illegally by any person in  
5 taking, transporting, holding, or conveying any aquatic life  
6 contrary to this Code, including administrative rules, shall be  
7 deemed a public nuisance and therefore illegal and subject to  
8 seizure and confiscation by any authorized employee of the  
9 Department. Upon the seizure of such an item the Department  
10 shall take and hold the item until disposed of as provided in  
11 this Code.

12 Upon the seizure of any device because of its illegal use,  
13 the officer or authorized employee of the Department making the  
14 seizure shall, as soon as reasonably possible, cause a  
15 complaint to be filed before the Circuit Court and a summons to  
16 be issued requiring the owner or person in possession of the  
17 property to appear in court and show cause why the device  
18 seized should not be forfeited to the State. Upon the return of  
19 the summons duly served or upon posting or publication of  
20 notice as provided in this Code, the court shall proceed to  
21 determine the question of the illegality of the use of the  
22 seized property. Upon judgment being entered to the effect that  
23 the property was illegally used, an order shall be entered  
24 providing for the forfeiture of the seized property to the  
25 State. The owner of the property, however, may have a jury  
26 determine the illegality of its use, and shall have the right

1 of an appeal as in other civil cases. Confiscation or  
2 forfeiture shall not preclude or mitigate against prosecution  
3 and assessment of penalties provided in Section 20-35 of this  
4 Code.

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

1 expenses of custody.

2 Any property forfeited to the State by court order under  
3 this Section may be disposed of by public auction, except that  
4 any property that is the subject of a court order shall not be  
5 disposed of pending appeal of the order. The proceeds of the  
6 sales at auction shall be deposited in the Illinois Fisheries  
7 Management Wildlife and Fish Fund.

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

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

11 (515 ILCS 5/1-230) (from Ch. 56, par. 1-230)

12 Sec. 1-230. Wildlife ~~and Fish~~ Fund; disposition of money  
13 received. All fees, fines, income of whatever kind or nature  
14 derived from hunting and fishing activities on lands, waters,  
15 or both under the jurisdiction or control of the Department,  
16 and all penalties collected under this Code shall be deposited  
17 into the State Treasury and shall be set apart in a special  
18 fund to be known as the Wildlife ~~and Fish~~ Fund; except that all  
19 fees and revenues from commercial fishing licenses, sport  
20 fishing licenses, inland trout stamps, reimbursements from  
21 sport fish restoration grants and Asian Carp and aquatic  
22 invasive species grants and other grants from the federal  
23 government, fines collected for fish kills and violations of  
24 the Fish and Aquatic Life Code, stamps issued for fish habitat,  
25 management, or angling events after January 1, 2015 shall be



1 deposited into the Illinois Fisheries Management Fund to be  
2 used as specified under Section 1-231 of this Code; except that  
3 fees derived solely from the sale of salmon stamps, income from  
4 art contests for the salmon stamp, including income from the  
5 sale of reprints, and gifts, donations, grants, and bequests of  
6 money for the conservation and propagation of salmon shall be  
7 deposited into the State Treasury and set apart in the special  
8 fund to be known as the Salmon Fund; and except that fees  
9 derived solely from the sale of state migratory waterfowl  
10 stamps, and gifts, donations, grants and bequests of money for  
11 the conservation and propagation of waterfowl, shall be  
12 deposited into the State Treasury and set apart in the special  
13 fund to be known as the State Migratory Waterfowl Stamp Fund.  
14 All interest that accrues from moneys in the Wildlife ~~and Fish~~  
15 Fund, the Illinois Fisheries Management Fund, the Salmon Fund,  
16 and the State Migratory Waterfowl Stamp Fund shall be retained  
17 in those funds respectively. Except for the additional moneys  
18 deposited under Section 805-550 of the Department of Natural  
19 Resources (Conservation) Law of the Civil Administrative Code  
20 of Illinois, appropriations from the Wildlife ~~and Fish~~ Fund and  
21 the Illinois Fisheries Management Fund shall be made only to  
22 the Department for the carrying out of the powers and functions  
23 vested by law in the Department for the administration and  
24 management of fish and wildlife resources of this State for  
25 such activities as (i) the purchase of land for fish  
26 hatcheries, wildlife refuges, preserves, and public shooting

1 and fishing grounds; (ii) the purchase and distribution of wild  
2 birds, the eggs of wild birds, and wild mammals; (iii) the  
3 rescuing, restoring and distributing of fish; (iv) the  
4 maintenance of wildlife refuges or preserves, public shooting  
5 grounds, public fishing grounds, and fish hatcheries; and (v)  
6 the feeding and care of wild birds, wild mammals, and fish.  
7 Appropriations from the Salmon Fund shall be made only to the  
8 Department to be used solely for the conservation and  
9 propagation of salmon, including construction, operation, and  
10 maintenance of a cold water hatchery, and for payment of the  
11 costs of printing salmon stamps, the expenses incurred in  
12 acquiring salmon stamp designs, and the expenses of producing  
13 reprints.

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

16 (515 ILCS 5/1-231 new)

17 Sec. 1-231. Illinois Fisheries Management Fund;  
18 disposition of money received. Beginning January 1, 2015, all  
19 fees or revenue collected from any resident or non-resident  
20 commercial licenses; any resident or non-resident sport  
21 fishing licenses; inland trout stamps; all reimbursements from  
22 sport fish restoration grants, Asian Carp and aquatic invasive  
23 species grants, and other grants from the federal government;  
24 finer collected from fish kills and violations of this Code;  
25 and any new revenues created from stamps issued for fish

1 habitat, management, or angling events shall be deposited into  
2 the Illinois Fisheries Management Fund to be used for the  
3 operation of the Division of Fisheries within the Department.  
4 The Fund may be used only for fish propagation, fish  
5 management, fish conservation, commercial fish evaluation and  
6 management, aquatic education projects and programs,  
7 enforcement of this Code, expenses of operating the Division of  
8 Fisheries within the Department of Natural Resources,  
9 maintenance of public fishing grounds, sale of fishing  
10 licenses, and land acquisition for the purposes of fish  
11 propagation and providing access to sport fishing. All  
12 expenditures must be approved by the Fisheries Division Chief.

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

14 Sec. 5-5. Ownership and title; violations; penalties. The  
15 ownership of and title to all aquatic life within the  
16 boundaries of the State, are hereby declared to be in the  
17 State, and no aquatic life shall be taken or killed, in any  
18 manner or at any time, unless the person or persons so taking  
19 or killing the aquatic life shall consent that the title to the  
20 aquatic life shall be and remain in the State for the purpose  
21 of regulating the taking, killing, possession, use, sale, and  
22 transportation of aquatic life after taking or killing, as set  
23 forth in this Code.

24 Aquatic products, as defined in the Aquaculture  
25 Development Act, bred, hatched, propagated, or raised by the

1 owner of a body of water, with the consent of the Department of  
2 Natural Resources through the issuance of an aquaculture permit  
3 and consistent with this Section, in permitted aquaculture  
4 facilities in or on that body of water are the property of the  
5 person who bred, hatched, propagated, or raised them or that  
6 person's successor in interest. Ownership of aquatic products  
7 reverts to the State upon revocation or expiration of an  
8 aquaculture permit as prescribed by administrative rule.

9 If any person causes any waste, sewage, thermal effluent,  
10 or any other pollutant to enter into, or causes or allows  
11 pollution of, any waters of this State so as to kill aquatic  
12 life, the Department, through the Attorney General, may bring  
13 an action against that person and recover the value of and the  
14 related costs in determining the value of the aquatic life  
15 destroyed by the waste, sewage, thermal effluent, or pollution.  
16 Any money so recovered shall be placed into the Wildlife ~~and~~  
17 ~~Fish~~ Fund in the State Treasury.

18 If any person shall abandon, deposit, or otherwise place  
19 any wire, can, bottle, glass, paper, trash, rubbish, cardboard,  
20 wood cartons, boxes, trees, parts of trees, brush, or other  
21 insoluble material, including animal or vegetable material,  
22 into the waters or upon the ice of any waters of this State, or  
23 in any place on the bank of waters of this State where it shall  
24 be liable to be washed into the waters either by storms,  
25 floods, or other causes, the person shall be in violation of  
26 the offense of polluting. Employees of the Department, however,

1 may place or direct the placement, in the waters of the State,  
2 of insoluble materials deemed suitable for the purposes of  
3 enhancing aquatic habitat. Any person who shall be found guilty  
4 under this Section shall be guilty of a petty offense, and the  
5 Court shall further order that the guilty person shall employ  
6 every practical means of removing the debris within a time  
7 specified by the Court. Failure to comply with an order under  
8 this Section shall constitute a Class B misdemeanor.

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

10 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

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

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

1 fishing licenses to resident veterans at a reduced fee.

2 (b) All residents before using any commercial fishing  
3 device shall obtain a commercial fishing license, the fee  
4 for which shall be \$60 and a resident fishing license, the  
5 fee for which is \$14.50. Each and every commercial device  
6 used shall be licensed by a resident commercial fisherman  
7 as follows:

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

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

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

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

22 (c) Residents of the State of Illinois may obtain a  
23 sportsmen's combination license that shall entitle the  
24 holder to the same non-commercial fishing privileges as  
25 residents holding a license as described in subsection (a)  
26 of this Section and to the same hunting privileges as

1 residents holding a license to hunt all species as  
2 described in Section 3.1 of the Wildlife Code. No  
3 sportsmen's combination license shall be issued to any  
4 individual who would be ineligible for either the fishing  
5 or hunting license separately. The sportsmen's combination  
6 license fee shall be \$25.50. For residents age 65 or older,  
7 the fee is one-half of the fee charged for a sportsmen's  
8 combination license. The portion of the sportsmen's  
9 combination license attributable to the fishing license  
10 shall be deposited into the Illinois Fisheries Management  
11 Fund, and the portion of the sportsmen's combination  
12 license attributable to the hunting license shall be  
13 deposited into the Wildlife Fund. For resident veterans of  
14 the United States Armed Forces after returning from service  
15 abroad or mobilization by the President of the United  
16 States, the fee, commencing with the 2012 license year, is  
17 one-half of the fee charged for a sportsmen's combination  
18 license. Veterans must provide to the Department, at one of  
19 the Department's 5 regional offices, verification of their  
20 service. The Department shall establish what constitutes  
21 suitable verification of service for the purpose of issuing  
22 sportsmen's combination licenses to resident veterans at a  
23 reduced fee.

24 (d) For 24 hours of fishing by sport fishing devices as  
25 defined in Section 10-95 or by spearing devices as defined  
26 in Section 10-110 the fee is \$5. This license does not

1 exempt the licensee from the requirement for a salmon or  
2 inland trout stamp. The licenses provided for by this  
3 subsection are not required for residents of the State of  
4 Illinois who have obtained the license provided for in  
5 subsection (a) of this Section.

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

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

25 (1) Lifetime fishing: 30 x the current fishing  
26 license fee.



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

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

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

23          Except for licenses issued under subsection (e) of this  
24          Section, all licenses provided for in this Section shall expire  
25          on March 31 of each year, except that the license provided for  
26          in subsection (d) of this Section shall expire 24 hours after

1 the effective date and time listed on the face of the license.

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

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

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

11 (515 ILCS 5/20-85) (from Ch. 56, par. 20-85)  
12 Sec. 20-85. Taxidermist license.

13 (a) Before engaging in the business of taxidermy of aquatic  
14 life, every person shall obtain a license for that purpose from  
15 the Department. Application for a license shall be filed with  
16 the Department and shall set forth the name of the applicant;  
17 its principal officers, if the applicant is a corporation, or  
18 the partners, if the applicant is a partnership; the location  
19 of the place of business; and any additional information the  
20 Department may require. The annual fee for each taxidermist  
21 license shall be \$25. All licenses issued to taxidermists are  
22 valid only at the location described and designated on the  
23 application for the license. All taxidermist licenses shall  
24 expire on January 31 of each year. Individuals employed by a  
25 licensed taxidermist shall not be required to possess a

1 taxidermist license while working for and at the place of  
2 business of the license holder.

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

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

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

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

14 (3) The number and species of all aquatic life  
15 received.

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

25 (c) All aquatic life or parts of aquatic life that have  
26 been received, preserved, mounted, or possessed by a

1 taxidermist are required to bear a coded origin tag or label.  
2 The coded origin tag or label shall correspond with written  
3 records containing more complete information as required by the  
4 Department.

5 (d) Taxidermy records shall be open for inspection by any  
6 peace officer at any reasonable hour. Taxidermists shall  
7 maintain records for a period of 2 years from the date of  
8 receipt of the aquatic life or for as long as the specimen or  
9 mount remains in the taxidermist's possession, whichever is  
10 longer.

11 The Department may require the taxidermist to submit to it  
12 any information it deems necessary.

13 (e) No taxidermist shall have in his or her possession any  
14 aquatic life that is not listed in his or her written records  
15 and properly tagged or labeled.

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

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

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

25 (515 ILCS 5/30-15) (from Ch. 56, par. 30-15)

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

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

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

9           (520 ILCS 5/1.11) (from Ch. 61, par. 1.11)

10          Sec. 1.11. The Department may establish Conservation  
11 Training Schools and employ technicians and such other help as  
12 may be necessary for the purpose of teaching conservation  
13 methods to employees of the Department, and such other  
14 interested groups as the Department shall deem necessary or  
15 desirable to carry out the provisions and purposes of this Act.

16          The Department shall, in order to educate the citizens of  
17 this State in the modern trends of conservation, disseminate  
18 conservation information and the provisions of this Act through  
19 the mediums of lectures, motion pictures, photographs,  
20 pictures, exhibits, radio, news items, pamphlets and other  
21 media the Department may deem suitable for this purpose.

22          The Department may publish, periodically, a bulletin or  
23 magazine containing information concerning the work of the  
24 Department, the conservation and propagation of wildlife,

1 hunting and fishing, and any such other information as the  
2 Department deems to be of general or special interest to  
3 sportsmen and others affected by any law administered by the  
4 Department. A reasonable charge may be made for each copy of  
5 such publication. All funds derived from the sale of such  
6 publication shall be deposited in the Wildlife Fund ~~and Fish~~  
7 ~~fund~~ in the State Treasury.

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

9 (520 ILCS 5/1.25) (from Ch. 61, par. 1.25)

10 Sec. 1.25. Every hunting or trapping device, vehicle or  
11 conveyance, when used or operated illegally, or attempted to be  
12 used or operated illegally by any person in taking,  
13 transporting, holding, or conveying any wild bird or wild  
14 mammal, contrary to the provisions of this Act, including  
15 administrative rules, is a public nuisance and subject to  
16 seizure and confiscation by any authorized employee of the  
17 Department; upon the seizure of such item the Department shall  
18 take and hold the same until disposed of as hereinafter  
19 provided.

20 Upon the seizure of any property as herein provided, the  
21 authorized employee of the Department making such seizure shall  
22 forthwith cause a complaint to be filed before the Circuit  
23 Court and a summons to be issued requiring the person who  
24 illegally used or operated or attempted to use or operate such  
25 property and the owner and person in possession of such

1 property to appear in court and show cause why the property  
2 seized should not be forfeited to the State. Upon the return of  
3 the summons duly served or other notice as herein provided, the  
4 court shall proceed to determine the question of the illegality  
5 of the use of the seized property and upon judgment being  
6 entered to the effect that such property was illegally used, an  
7 order may be entered providing for the forfeiture of such  
8 seized property to the Department and shall thereupon become  
9 the property of the Department; but the owner of such property  
10 may have a jury determine the illegality of its use, and shall  
11 have the right of an appeal, as in other cases. Such  
12 confiscation or forfeiture shall not preclude or mitigate  
13 against prosecution and assessment of penalties otherwise  
14 provided in this Act.

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

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

12 Any property, including guns, forfeited to the State by  
13 court order pursuant to this Section, may be disposed of by  
14 public auction, except that any property which is the subject  
15 of such a court order shall not be disposed of pending appeal  
16 of the order. The proceeds of the sales at auction shall be  
17 deposited in the Wildlife ~~and Fish~~ Fund.

18 The Department shall pay all costs of notices required by  
19 this Section.

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

21 (520 ILCS 5/1.28) (from Ch. 61, par. 1.28)

22 Sec. 1.28. Fees and fines; deposit in funds. All fees,  
23 fines, including bond forfeitures, income of whatsoever kind or  
24 nature derived from hunting and fishing activities on lands or  
25 waters or both under the jurisdiction or control of the



1 Department, and all penalties collected under this Act shall be  
2 deposited in the State Treasury and shall be set apart in a  
3 special fund to be known as the "Wildlife ~~and Fish~~ Fund";  
4 except that all fees and revenues from commercial fishing  
5 licenses, sport fishing licenses, inland trout stamps,  
6 reimbursements from sport fish restoration grants and Asian  
7 Carp and aquatic invasive species grants and other grants from  
8 the federal government, fines collected for fish kills and  
9 violations of the Fish and Aquatic Life Code, stamps issued for  
10 fish habitat, management, or angling events after January 1,  
11 2015 shall be deposited into the Illinois Fisheries Management  
12 Fund to be used as specified in Section 1-231 of the Fish and  
13 Aquatic Life Code; except that fees derived solely from the  
14 sale of salmon stamps, income from art contests for the salmon  
15 stamp, including income from the sale of reprints, and gifts,  
16 donations, grants and bequests of money for the conservation  
17 and propagation of salmon shall be deposited in the State  
18 Treasury and set apart in the special fund to be known as the  
19 "Salmon Fund"; and except that fees derived solely from the  
20 sale of state migratory waterfowl stamps, and gifts, donations,  
21 grants and bequests of money for the conservation and  
22 propagation of waterfowl shall be deposited in the special fund  
23 to be known as the "State Migratory Waterfowl Stamp Fund"; and  
24 except that, of fees derived solely from the sale of State  
25 Habitat Stamps, 64% shall be deposited into the Illinois  
26 Habitat Fund, 30% into the State Pheasant Fund, and 6% into the

1 State Furbearer Fund. Income generated from the sale of artwork  
2 associated with the State Habitat Stamps shall be deposited  
3 into the Illinois Habitat Fund. All interest that accrues from  
4 monies deposited into the Wildlife ~~and Fish~~ Fund, the Illinois  
5 Fisheries Management Fund, the Salmon Fund, the State Migratory  
6 Waterfowl Stamp Fund, the State Furbearer Fund, the State  
7 Pheasant Fund, and the Illinois Habitat Fund shall be deposited  
8 into those funds, respectively. Appropriations from the  
9 "Wildlife ~~and Fish~~ Fund" shall be made only to the Department  
10 for the carrying out of the powers and functions vested by law  
11 in the Department for the administration and management of ~~fish~~  
12 ~~and~~ wildlife resources of this State for such activities as the  
13 purchase of land for ~~fish hatcheries~~, wildlife refuges,  
14 preserves and public shooting ~~and fishing~~ grounds; the purchase  
15 and distribution of wild birds, the eggs of wild birds, and  
16 wild mammals ~~for rescuing, restoring and distributing fish~~; the  
17 maintenance of wildlife refuges, or preserves, public shooting  
18 grounds, ~~public fishing grounds and fish hatcheries~~; and the  
19 feeding and care of wild birds and ~~7~~ wild animals ~~and fish~~.

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

21 (520 ILCS 5/1.30) (from Ch. 61, par. 1.30)

22 Sec. 1.30. The Department has the authority to sell Federal  
23 Migratory Bird Hunting and Conservation Stamps. The Department  
24 may consign, issue or otherwise make available such stamps for  
25 sale by designated agents as authorized in Section 3.37 of this

1 Act. The income received from the sale of Federal Migratory  
2 Bird Hunting and Conservation Stamps shall be deposited in the  
3 Wildlife ~~and Fish~~ Fund. Proceeds collected, less  
4 administrative fees so authorized, shall be remitted to the  
5 United States Fish and Wildlife Services.

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

7 (520 ILCS 5/3.1-3)

8 Sec. 3.1-3. Deer and wild turkey outfitter permit;  
9 application and fees. Before any person provides or offers to  
10 provide, for compensation, outfitting services for deer or wild  
11 turkey hunting, that person must apply for and receive a permit  
12 from the Department. The annual fee for resident outfitter  
13 permits shall not exceed \$1,000. The annual fee for nonresident  
14 outfitter permits shall not exceed \$2,500. All outfitter permit  
15 fees shall be deposited into the Wildlife ~~and Fish~~ Fund. The  
16 criteria, definitions, application process, fees, and  
17 standards of outfitting services shall be provided by  
18 administrative rule.

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

20 (520 ILCS 5/3.39) (from Ch. 61, par. 3.39)

21 Sec. 3.39. Residents of the State of Illinois may obtain a  
22 Sportsmen's Combination License which shall entitle the holder  
23 to the same non-commercial fishing privileges as residents  
24 holding a fishing license described in subparagraph (a) of

1 Section 20-45 of the Fish and Aquatic Life Code, and to the  
2 same hunting privileges as residents holding a license to hunt  
3 all species, as described in Section 3.1 of this Act. The  
4 portion of the sportsmen's combination license attributable to  
5 the fishing license shall be deposited into the Illinois  
6 Fisheries Management Fund, and the portion of the sportsmen's  
7 combination license attributable to the hunting license shall  
8 be deposited into the Wildlife Fund. However, no Sportsmen's  
9 Combination License shall be issued to any person who would be  
10 ineligible for either the fishing or hunting license  
11 separately. The Sportsmen's Combination License fee shall be  
12 \$25.50. For residents age 65 or older, the fee is one-half of  
13 the fee charged for a Sportsmen's Combination License.

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

15 (520 ILCS 5/1.28a rep.)

16 Section 55. The Wildlife Code is amended by repealing  
17 Section 1.28a.

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

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

21 Sec. 2g. All fees, fines, and other income of whatsoever  
22 kind or nature derived from this Act shall be deposited in the  
23 Wildlife ~~and Fish~~ Fund in the State treasury.

1 (Source: P.A. 83-680.)".