



Rep. Jerry F. Costello, II

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09900HB3164ham001

LRB099 09661 MGM 32605 a

1 AMENDMENT TO HOUSE BILL 3164

2 AMENDMENT NO. _____. Amend House Bill 3164 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Fertilizer Act of 1961 is amended
5 by changing Sections 6a, 7, and 18a as follows:

6 (505 ILCS 80/6a) (from Ch. 5, par. 55.6a)

7 Sec. 6a. Nutrient Research and Education Council. The
8 Director is hereby authorized to ensure that distributors remit
9 a designated fertilizer tonnage assessment to the Nutrient
10 Research and Education Council (NREC) for the purpose of
11 pursuing nutrient research and providing educational programs
12 to ensure the adoption and implementation of practices that
13 optimize nutrient use efficiency, ensure soil fertility, and
14 address environmental concerns with regard to fertilizer use.
15 The NREC may also participate in relevant demonstration and
16 cost-share programs to enhance adoption and meet objectives of

1 nutrient efficiency and stewardship programs supported by the
2 NREC.

3 The NREC shall be comprised of 13 ~~9~~ voting members:~~7~~ 3
4 representing the fertilizer industry;~~7~~~~3~~ representing grower
5 organizations as follows: 2 members, ~~to include at least one~~
6 ~~member~~ of the State's largest farm organization, 2 from the
7 organization with the largest number of row crop acreage, 2
8 from the organization with the second largest number of row
9 crop acreage, and one from the organization with the third
10 largest number of row crop acreage; one person representing the
11 specialty fertilizer industry;~~7~~ one person representing a
12 certified agronomy organization;~~7~~ and the Director or his or
13 her designee and 4 non-voting members: 2 persons representing
14 environmental organizations, one person representing a State
15 or federal agriculture experiment station and the Director of
16 the Illinois Environmental Protection Agency or his or her
17 designee. In the appointment of persons to the NREC, the
18 organizations designated in this Section shall nominate, and
19 the Director shall select from these nominations,
20 representatives to this Council. Members of the Council shall
21 receive no compensation for their services, and the terms of
22 the Council members, appointment process, and conduct of the
23 meetings shall be outlined in the bylaws established by this
24 Council on their initial appointment by the Director and made
25 available to the industry organizations.

26 The responsibilities of the NREC are to:

1 (1) prioritize nutrient research needs and solicit
2 research proposals to generate findings and make
3 recommendations to the Council based on the findings;

4 (2) evaluate the proposed budget for each research
5 project and make recommendations as necessary;

6 (3) arrange for peer review of all research proposals
7 for scientific merit and methods;

8 (4) report the findings of all research projects at
9 industry conferences, publish the findings and implement
10 educational programs to apply the research recommendations
11 in agricultural production systems and in consumer use
12 markets where appropriate;

13 (5) engage in outreach and field level trials and
14 educational programs with growers and consumers and
15 publicize these events; and

16 (6) where practical, cooperate with other programs
17 with similar goals.

18 The Council shall recommend, and the Director shall set,
19 the fertilizer tonnage assessment for the purpose of funding
20 the NREC at no less than 50 cents per ton and no greater than \$3
21 per ton to fund, administer, publish, and implement the
22 research, education, and outreach programs designated each
23 year by the Council. A minimum of 20% of the funds shall be
24 designated for cost-share programs and on-farm demonstration
25 programs to study and address water quality issues. The Council
26 shall report to the Director by December 31 of each year the

1 recommended amount of annual tonnage assessment to be collected
2 the following year from distributors.

3 Assessments collected from distributors are payable
4 directly to the NREC on a semi-annual basis. This payment shall
5 coincide with the reporting of the tonnage data and the
6 remittance of the inspection fee to the Department. If the NREC
7 assessment is not made to the Council under this Section, then
8 the Director may rescind the license of the distributor. The
9 NREC may enter into contracts with other entities approved by
10 the Council for the purposes of fulfilling the objectives of
11 the NREC.

12 The NREC shall publish annually a financial and activities
13 report, including amount of funds collected and expenditures
14 for nutrient programs. The NREC shall be audited at least
15 annually by a certified public accountant and the audit made
16 available within 30 days after its completion to the Director
17 and each Council member for dissemination to their respective
18 organizations.

19 (Source: P.A. 97-960, eff. 8-15-12.)

20 (505 ILCS 80/7) (from Ch. 5, par. 55.7)

21 Sec. 7. Inspection, sampling, analysis.

22 (a) It is the duty of the Director, who may act through his
23 authorized agent, to sample, inspect, make analysis of, and
24 test fertilizers distributed within this State at a time and
25 place and to such an extent as the Director considers necessary

1 to determine whether such fertilizers are in compliance with
2 the provisions of this Act. The Director, individually or
3 through his agent, is authorized to enter upon any public or
4 private premises during regular business hours in order to have
5 access to fertilizers and to records relating to their
6 distribution subject to the provisions of this Act and the
7 rules and regulations pertaining thereto within constitutional
8 limitations.

9 (b) The methods of analysis and sampling shall be those
10 adopted by the official agency from sources such as those of
11 the Association of Official Analytical Chemists.

12 (c) The Director, in determining for administrative
13 purposes whether any fertilizer is deficient in plant food,
14 shall be guided solely by the official sample as defined in
15 Section 3, and obtained and analyzed as provided for in this
16 Section.

17 (d) The results of official analysis of any fertilizer
18 which has been found to be subject to penalty or other legal
19 action shall be forwarded by the Director to the registrant at
20 least 10 days before the report is submitted to the purchaser.
21 If during that period no adequate evidence to the contrary is
22 made available to the Director, the report shall become
23 official. Upon request the Director shall furnish to the
24 registrant a portion of any sample found subject to penalty or
25 other legal action.

26 (Source: P.A. 97-960, eff. 8-15-12.)

1 (505 ILCS 80/18a) (from Ch. 5, par. 55.18a)

2 Sec. 18a. Location and operation.

3 (a) Before installing fertilizer facilities for the
4 distribution or storage of anhydrous ammonia or low-pressure
5 nitrogen solutions, the owner shall apply to the Department for
6 approval of the location of the facilities. Distribution and
7 storage facilities shall be in compliance with local zoning
8 ordinances and the minimum distance requirements for safe
9 storage of anhydrous ammonia or low-pressure nitrogen
10 solutions as established by Department rule. Existing storage
11 tanks installed prior to the effective date of this amendatory
12 Act of 1983 shall be exempt from the requirements for location
13 approval. Prior to any expansion or modification of such
14 existing storage tanks, written approval shall be obtained from
15 the Department and such tanks shall meet current requirements
16 as established by Department rule.

17 (b) Authorized Department personnel may enter upon any
18 public or private premises during reasonable business hours and
19 inspect facilities, equipment and vehicles used in the storage,
20 application, and distribution of anhydrous ammonia and
21 low-pressure nitrogen solutions and observe operations as
22 necessary to determine compliance with the provisions of this
23 Act and the rules promulgated hereunder within constitutional
24 limitations. Department personnel may enter the premises at any
25 time when the health, safety or welfare of the public is

1 threatened by escaping gas, spills, fire, damaged or faulty
2 equipment, accident or act of God.

3 (c) It shall be unlawful for any entity to distribute,
4 store, transport, or use anhydrous ammonia or low-pressure
5 nitrogen solutions in violation of this Act or the rules
6 adopted by the Department or to violate a stop use order issued
7 by the Director.

8 (d) The Director or his authorized agent may issue and
9 enforce a written stop use order to the owner or custodian of
10 the facility upon a violation of this Act or the rules and
11 regulations. The Director shall terminate the stop use order
12 upon compliance with the requirements of this Act and rules and
13 regulations.

14 (e) (Blank).

15 (f) Nothing in this Section shall apply to facilities that
16 manufacture anhydrous ammonia subject to the OSHA Process
17 Safety Management regulations cited under 29 CFR 1910.119.

18 (Source: P.A. 97-960, eff. 8-15-12.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."