



## 95TH GENERAL ASSEMBLY

### State of Illinois

#### 2007 and 2008

##### HB3387

Introduced 2/26/2007, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.25	from Ch. 61, par. 2.25
520 ILCS 5/2.26	from Ch. 61, par. 2.26
30 ILCS 105/5.675 new	
30 ILCS 105/6z-69 new	

Amends the Wildlife Code. Creates a female-deer-only deer hunting season of not more than 7 days to begin 7 days before the beginning date of the open season set by the Director. Provides that any person attempting to take a female deer during the female-deer-only deer season shall first obtain a "Female Only Deer Hunting Permit". Sets out the fee for a Female Only Deer Hunting Permit. Creates the Hunting for Education Fund. Provides that 50% of the funds from the sale of Female Only Deer Hunting Permits in the State must be deposited into the Fund. Provides that moneys in the Fund, subject to appropriation, shall be distributed by the State Board of Education for the operation of public schools. Provides that distributions to school districts shall be based on sales of Female Only Deer Hunting Permits in the district. Sets out provisions for the administration of the Fund.

LRB095 06852 CMK 26970 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning wildlife.

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

4 Section 5. The Wildlife Code is amended by changing Section  
5 2.25, 2.26 as follows:

6 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

7 Sec. 2.25. It shall be unlawful for any person to take deer  
8 except (i) with a shotgun, handgun, or muzzleloading rifle; ~~or~~  
9 (ii) as provided by administrative rule, with a bow and arrow,  
10 or crossbow device for handicapped persons as defined in  
11 Section 2.33, during the open season of not more than 14 days  
12 which will be set annually by the Director between the dates of  
13 November 1st and December 31st, both inclusive; or (iii) a  
14 female deer with a shotgun, handgun, or muzzleloading rifle or  
15 as provided by administrative rule, with a bow and arrow, or  
16 crossbow device for handicapped persons as defined in Section  
17 2.33, during a female-deer-only deer season of not more than 7  
18 days to begin 7 days before the beginning date of the open  
19 season set by the Director under item (ii). For the purposes of  
20 this Section, legal handguns include any centerfire handguns of  
21 .30 caliber or larger with a minimum barrel length of 4 inches.  
22 The only legal ammunition for a centerfire handgun is a  
23 cartridge of .30 caliber or larger with a capability of at

1 least 500 foot pounds of energy at the muzzle. Full metal  
2 jacket bullets may not be used to harvest deer.

3 The Department shall make administrative rules concerning  
4 management restrictions applicable to the firearm and bow and  
5 arrow season.

6 It shall be unlawful for any person to take deer except  
7 with a bow and arrow, or crossbow device for handicapped  
8 persons (as defined in Section 2.33), during the open season  
9 for bow and arrow set annually by the Director between the  
10 dates of September 1st and January 31st, both inclusive.

11 It shall be unlawful for any person to take deer except  
12 with (i) a muzzleloading rifle, or (ii) bow and arrow, or  
13 crossbow device for handicapped persons as defined in Section  
14 2.33, during the open season for muzzleloading rifles set  
15 annually by the Director.

16 The Director shall cause an administrative rule setting  
17 forth the prescribed rules and regulations, including bag and  
18 possession limits and those counties of the State where open  
19 seasons are established, to be published in accordance with  
20 Sections 1.3 and 1.13 of this Act.

21 The Department may establish separate harvest periods for  
22 the purpose of managing or eradicating disease that has been  
23 found in the deer herd. This season shall be restricted to gun  
24 or bow and arrow hunting only. The Department shall publicly  
25 announce, via statewide news release, the season dates and  
26 shooting hours, the counties and sites open to hunting, permit

1 requirements, application dates, hunting rules, legal weapons,  
2 and reporting requirements.

3 The Department is authorized to establish a separate  
4 harvest period at specific sites within the State for the  
5 purpose of harvesting surplus deer that cannot be taken during  
6 the regular season provided for the taking of deer. This season  
7 shall be restricted to gun or bow and arrow hunting only and  
8 shall be established during the period of September 1st to  
9 February 15th, both inclusive. The Department shall publish  
10 suitable prescribed rules and regulations established by  
11 administrative rule pertaining to management restrictions  
12 applicable to this special harvest program. The Department  
13 shall allow unused gun deer permits that are left over from a  
14 regular season for the taking of deer to be rolled over and  
15 used during any separate harvest period held within 6 months of  
16 the season for which those tags were issued at no additional  
17 cost to the permit holder subject to the management  
18 restrictions applicable to the special harvest program.

19 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;  
20 94-919, eff. 6-26-06.)

21 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

22 Sec. 2.26. Deer hunting permits. In this Section, "bona  
23 fide equity shareholder" means an individual who (1) purchased,  
24 for market price, publicly sold stock shares in a corporation,  
25 purchased shares of a privately-held corporation for a value

1 equal to the percentage of the appraised value of the corporate  
2 assets represented by the ownership in the corporation, or is a  
3 member of a closely-held family-owned corporation and has  
4 purchased or been gifted with shares of stock in the  
5 corporation accurately reflecting his or her percentage of  
6 ownership and (2) intends to retain the ownership of the shares  
7 of stock for at least 5 years.

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

17 In this Section, "bona fide equity partner" means an  
18 individual who (1) (i) became a partner, either general or  
19 limited, upon the formation of a partnership or limited  
20 partnership, or (ii) has purchased, acquired, or been gifted a  
21 partnership interest accurately representing his or her  
22 percentage distributional interest in the profits, losses, and  
23 assets of a partnership or limited partnership, (2) intends to  
24 retain ownership of the partnership interest for at least 5  
25 years, and (3) is a resident of Illinois.

26 Any person attempting to take deer shall first obtain a

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

15 (a) Illinois landowners residing in Illinois who own at  
16 least 40 acres of Illinois land and wish to hunt their land  
17 only,

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

20 (c) Bona fide equity shareholders of a corporation,  
21 bona fide equity members of a limited liability company, or  
22 bona fide equity partners of a general or limited  
23 partnership which owns at least 40 acres of land in a  
24 county in Illinois who wish to hunt on the corporation's,  
25 company's, or partnership's land only. One permit shall be  
26 issued without charge to one bona fide equity shareholder,

1 one bona fide equity member, or one bona fide equity  
2 partner for each 40 acres of land owned by the corporation,  
3 company, or partnership in a county; however, the number of  
4 permits issued without charge to bona fide equity  
5 shareholders of any corporation or bona fide equity members  
6 of a limited liability company in any county shall not  
7 exceed 15, and shall not exceed 3 in the case of bona fide  
8 equity partners of a partnership.

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

21 The deer hunting permit issued without fee shall be valid  
22 on all farm lands which the person to whom it is issued owns,  
23 leases or rents, except that in the case of a permit issued to  
24 a bona fide equity shareholder, bona fide equity member, or  
25 bona fide equity partner, the permit shall be valid on all  
26 lands owned by the corporation, limited liability company, or

1 partnership in the county.

2 Any person attempting to take a female deer, during the  
3 female-deer-only deer season created in Section 2.25 shall  
4 first obtain a "Female Only Deer Hunting Permit" in accordance  
5 with prescribed regulations set forth in an administrative  
6 rule. Female Only Deer Hunting Permits shall be issued by the  
7 Department. The fee for a Female Only Deer Hunting Permit to  
8 take deer with either bow and arrow or gun shall not exceed \$15  
9 for residents of the State. Fifty percent of the fees from the  
10 sale of Female Only Deer Hunting Permits shall be deposited  
11 into the Hunting for Education Fund.

12 The standards and specifications for use of guns and bow  
13 and arrow for deer hunting shall be established by  
14 administrative rule.

15 No person may have in his possession any firearm not  
16 authorized by administrative rule for a specific hunting season  
17 when taking deer.

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

23 Persons having an archery deer hunting permit shall be  
24 permitted to take deer only during the period from 1/2 hour  
25 before sunrise to 1/2 hour after sunset, and only during those  
26 days for which an open season is established for the taking of



1 deer by use of bow and arrow.

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

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

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

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

4           It shall be unlawful for any person, having taken the legal  
5 limit of deer by bow and arrow, to further participate with bow  
6 and arrow in any deer hunting party.

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

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

11           It shall be legal for handicapped persons, as defined in  
12 Section 2.33, to utilize a crossbow device, as defined in  
13 Department rules, to take deer.

14           Any person who violates any of the provisions of this  
15 Section, including administrative rules, shall be guilty of a  
16 Class B misdemeanor.

17           (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;  
18 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

19           Section 10. The State Finance Act is amended by adding  
20 Sections 5.675 and 6z-69 as follows:

21           (30 ILCS 105/5.675 new)

22           Sec. 5.675. The Hunting for Education Fund.

23           (30 ILCS 105/6z-69 new)

1       Sec. 6z-69. The Hunting for Education Fund. The Hunting for  
2       Education Fund is created as a special fund in the State  
3       treasury. This fund is established to receive 50% of the funds  
4       from the sale of Female Only Deer Hunting Permits in the State.  
5       Subject to appropriation, moneys in the Fund shall be  
6       distributed by the State Board of Education for the operation  
7       of public schools. Any interest earned on moneys in the Fund  
8       must be deposited into the Fund.

9       Each school district shall receive the moneys deposited in  
10       the Fund from sales of Female Only Deer Hunting Permits in that  
11       school district. The Department of Natural Resources shall  
12       collaborate with the State Board of Education annually to  
13       determine the amount of moneys each school district is entitled  
14       to from the Fund.