

HB2861



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2861

Introduced 2/22/2011, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that resident deer hunters shall receive a deer hunting permit without charge if the field-dressed deer is donated to the Illinois Sportsmen Against Hunger Program. Makes other changes. Effective immediately.

LRB097 08753 CEL 48882 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 2.26 as follows:

6 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

18 In this Section, "bona fide equity member" means an
19 individual who (1) (i) became a member upon the formation of
20 the limited liability company or (ii) has purchased a
21 distributional interest in a limited liability company for a
22 value equal to the percentage of the appraised value of the LLC
23 assets represented by the distributional interest in the LLC

1 and subsequently becomes a member of the company pursuant to
2 Article 30 of the Limited Liability Company Act and who (2)
3 intends to retain the membership for at least 5 years.

4 In this Section, "bona fide equity partner" means an
5 individual who (1) (i) became a partner, either general or
6 limited, upon the formation of a partnership or limited
7 partnership, or (ii) has purchased, acquired, or been gifted a
8 partnership interest accurately representing his or her
9 percentage distributional interest in the profits, losses, and
10 assets of a partnership or limited partnership, (2) intends to
11 retain ownership of the partnership interest for at least 5
12 years, and (3) is a resident of Illinois.

13 Any person attempting to take deer shall first obtain a
14 "Deer Hunting Permit" issued by the Department in accordance
15 with its administrative rules. Those rules must provide for the
16 issuance of the following types of resident deer archery
17 permits: (i) a combination permit, consisting of one either-sex
18 permit and one antlerless-only permit, (ii) a single
19 antlerless-only permit, and (iii) a single either-sex permit.
20 The fee for a Deer Hunting Permit to take deer with either bow
21 and arrow or gun shall not exceed \$25.00 for residents of the
22 State. The Department may by administrative rule provide for
23 non-resident deer hunting permits for which the fee will not
24 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and
25 thereafter except as provided below for non-resident
26 landowners and non-resident archery hunters. The Department

1 may by administrative rule provide for a non-resident archery
2 deer permit consisting of not more than 2 harvest tags at a
3 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425
4 in 2007 and thereafter. Permits shall be issued without charge
5 to:

6 (a) Illinois landowners residing in Illinois who own at
7 least 40 acres of Illinois land and wish to hunt their land
8 only,

9 (a-5) resident hunters that donate a field-dressed
10 deer to the Illinois Sportsmen Against Hunger Program,

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

13 (c) Bona fide equity shareholders of a corporation,
14 bona fide equity members of a limited liability company, or
15 bona fide equity partners of a general or limited
16 partnership which owns at least 40 acres of land in a
17 county in Illinois who wish to hunt on the corporation's,
18 company's, or partnership's land only. One permit shall be
19 issued without charge to one bona fide equity shareholder,
20 one bona fide equity member, or one bona fide equity
21 partner for each 40 acres of land owned by the corporation,
22 company, or partnership in a county; however, the number of
23 permits issued without charge to bona fide equity
24 shareholders of any corporation or bona fide equity members
25 of a limited liability company in any county shall not
26 exceed 15, and shall not exceed 3 in the case of bona fide

1 equity partners of a partnership.

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

14 The deer hunting permit issued without fee shall be valid
15 on all farm lands which the person to whom it is issued owns,
16 leases or rents, except that in the case of a permit issued to
17 a bona fide equity shareholder, bona fide equity member, or
18 bona fide equity partner, the permit shall be valid on all
19 lands owned by the corporation, limited liability company, or
20 partnership in the county.

21 The standards and specifications for use of guns and bow
22 and arrow for deer hunting shall be established by
23 administrative rule.

24 No person may have in his possession any firearm not
25 authorized by administrative rule for a specific hunting season
26 when taking deer.

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

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

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

1 requirements so long as they are accompanied by the licensed
2 deer hunter who wounded the deer.

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

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

10 It shall be unlawful for any person, having taken the legal
11 limit of deer by gun, to further participate with gun in any
12 deer hunting party unless the person receives a permit issued
13 without charge provided the person donates the deer to the
14 Illinois Sportsmen Against Hunger Program.

15 It shall be unlawful for any person, having taken the legal
16 limit of deer by bow and arrow, to further participate with bow
17 and arrow in any deer hunting party unless the person receives
18 a permit issued without charge provided the person donates the
19 deer to the Illinois Sportsmen Against Hunger Program.

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

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

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

1 Any person who violates any of the provisions of this
2 Section, including administrative rules, shall be guilty of a
3 Class B misdemeanor.

4 For the purposes of calculating acreage under this Section,
5 the Department shall, after determining the total acreage of
6 the applicable tract or tracts of land, round remaining
7 fractional portions of an acre greater than or equal to half of
8 an acre up to the next whole acre.

9 (Source: P.A. 95-289, eff. 8-20-07; 95-329, eff. 8-21-07;
10 95-876, eff. 8-21-08; 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;
11 96-1042, eff. 1-1-11.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.