



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5353

Introduced 2/15/2012, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.11	from Ch. 61, par. 2.11
520 ILCS 5/2.26	from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that wild turkey and deer hunting permits shall be issued without charge to children, grandchildren, parents, grandparents, brothers, or sisters that permanently reside on lands with an Illinois landowner who owns or a resident tenant that resides on at least 40 acres of Illinois land.

LRB097 19233 CEL 64475 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  
5 Sections 2.11 and 2.26 as follows:

6 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

7 Sec. 2.11. Before any person may lawfully hunt wild turkey,  
8 he shall first obtain a "Wild Turkey Hunting Permit" in  
9 accordance with the prescribed regulations set forth in an  
10 administrative rule of the Department. The fee for a Resident  
11 Wild Turkey Hunting Permit shall not exceed \$15.

12 Upon submitting suitable evidence of legal residence in any  
13 other state, non-residents shall be charged a fee not to exceed  
14 \$125 for wild turkey hunting permits, except as provided below  
15 for non-resident land owners.

16 Permits shall be issued without charge to:

17 (a) Illinois landowners residing in Illinois who own at  
18 least 40 acres of Illinois land and wish to hunt on their  
19 land only; ~~τ~~

20 (b) resident tenants of at least 40 acres of commercial  
21 agricultural land; ~~τ and~~

22 (c) bona fide equity shareholders of a corporation,  
23 bona fide equity members of a limited liability company, or

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

14 (d) children, grandchildren, parents, grandparents,  
15 brothers, or sisters that permanently reside on lands with  
16 an Illinois landowner who owns or a resident tenant that  
17 resides on at least 40 acres of Illinois land.

18 The turkey hunting permit issued without fee shall be valid  
19 on all lands upon which the person to whom it is issued owns,  
20 leases or rents, except that in the case of a permit issued  
21 without charge to a shareholder of a corporation, the permit  
22 shall be valid on all lands owned by the corporation in the  
23 county.

24 The Department may by administrative rule allocate and  
25 issue non-resident Wild Turkey Permits and establish fees for  
26 such permits.

1           It shall be unlawful to take wild turkey except by use of a  
2 bow and arrow or a shotgun of not larger than 10 nor smaller  
3 than 20 gauge with shot size not larger than No. 4, and no  
4 person while attempting to so take wild turkey may have in his  
5 possession any other gun.

6           It shall be unlawful to take, or attempt to take wild  
7 turkey except during the time from 1/2 hour before sunrise to  
8 1/2 hour after sunset or during such lesser period of time as  
9 may be specified by administrative rule, during those days for  
10 which an open season is established.

11           It shall be unlawful for any person to take, or attempt to  
12 take, wild turkey by use of dogs, horses, automobiles, aircraft  
13 or other vehicles, or conveyances, or by the use or aid of bait  
14 or baiting of any kind. For the purposes of this Section,  
15 "bait" means any material, whether liquid or solid, including  
16 food, salt, minerals, and other products that can be ingested,  
17 placed, or scattered in such a manner as to attract or lure  
18 wild turkeys. "Baiting" means the placement or scattering of  
19 bait to attract wild turkeys. An area is considered as baited  
20 during the presence of and for 10 consecutive days following  
21 the removal of the bait.

22           It is unlawful for any person to take in Illinois or have  
23 in his possession more than one wild turkey per valid permit.

24           For purposes of this Section "bona fide equity  
25 shareholder", "bona fide equity member", and "bona fide equity  
26 partner" shall have the same meaning as provided in Section

1 2.26 of this Act.

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

7 For the purposes of taking wild turkey, nothing in this  
8 Section shall be construed to prevent the manipulation,  
9 including mowing or cutting, of standing crops as a normal  
10 agricultural or soil stabilization practice, food plots, or  
11 normal agricultural practices, including planting, harvesting,  
12 and maintenance such as cultivating. Such manipulation for the  
13 purpose of taking wild turkey may be further modified by  
14 administrative rule.

15 (Source: P.A. 96-162, eff. 1-1-10; 97-564, eff. 8-25-11.)

16 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

17 Sec. 2.26. Deer hunting permits. In this Section, "bona  
18 fide equity shareholder" means an individual who (1) purchased,  
19 for market price, publicly sold stock shares in a corporation,  
20 purchased shares of a privately-held corporation for a value  
21 equal to the percentage of the appraised value of the corporate  
22 assets represented by the ownership in the corporation, or is a  
23 member of a closely-held family-owned corporation and has  
24 purchased or been gifted with shares of stock in the  
25 corporation accurately reflecting his or her percentage of

1 ownership and (2) intends to retain the ownership of the shares  
2 of stock for at least 5 years.

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

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

21 Any person attempting to take deer shall first obtain a  
22 "Deer Hunting Permit" issued by the Department in accordance  
23 with its administrative rules. Those rules must provide for the  
24 issuance of the following types of resident deer archery  
25 permits: (i) a combination permit, consisting of one either-sex  
26 permit and one antlerless-only permit, (ii) a single

1 antlerless-only permit, and (iii) a single either-sex permit.  
2 The fee for a Deer Hunting Permit to take deer with either bow  
3 and arrow or gun shall not exceed \$25.00 for residents of the  
4 State. The Department may by administrative rule provide for  
5 non-resident deer hunting permits for which the fee will not  
6 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and  
7 thereafter except as provided below for non-resident  
8 landowners and non-resident archery hunters. The Department  
9 may by administrative rule provide for a non-resident archery  
10 deer permit consisting of not more than 2 harvest tags at a  
11 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425  
12 in 2007 and thereafter. Permits shall be issued without charge  
13 to:

14 (a) Illinois landowners residing in Illinois who own at  
15 least 40 acres of Illinois land and wish to hunt their land  
16 only; ~~τ~~

17 (b) resident tenants of at least 40 acres of commercial  
18 agricultural land where they will hunt; ~~τ and~~

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

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

8 (d) children, grandchildren, parents, grandparents,  
9 brothers, or sisters that permanently reside on lands with  
10 an Illinois landowner who owns or a resident tenant that  
11 resides on at least 40 acres of Illinois land.

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

24 The deer hunting permit issued without fee shall be valid  
25 on all farm lands which the person to whom it is issued owns,  
26 leases or rents, except that in the case of a permit issued to



1 a bona fide equity shareholder, bona fide equity member, or  
2 bona fide equity partner, the permit shall be valid on all  
3 lands owned by the corporation, limited liability company, or  
4 partnership in the county.

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

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

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

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

21 It shall be unlawful for any person to take deer by use of  
22 dogs, horses, automobiles, aircraft or other vehicles, or by  
23 the use or aid of bait or baiting of any kind. For the purposes  
24 of this Section, "bait" means any material, whether liquid or  
25 solid, including food, salt, minerals, and other products that  
26 can be ingested, placed, or scattered in such a manner as to

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

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

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

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

1 deer hunting party.

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

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

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

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

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

15 For the purposes of calculating acreage under this Section,  
16 the Department shall, after determining the total acreage of  
17 the applicable tract or tracts of land, round remaining  
18 fractional portions of an acre greater than or equal to half of  
19 an acre up to the next whole acre.

20 For the purposes of taking white-tailed deer, nothing in  
21 this Section shall be construed to prevent the manipulation,  
22 including mowing or cutting, of standing crops as a normal  
23 agricultural or soil stabilization practice, food plots, or  
24 normal agricultural practices, including planting, harvesting,  
25 and maintenance such as cultivating or the use of products  
26 designed for scent only and not capable of ingestion, solid or

1 liquid, placed or scattered, in such a manner as to attract or  
2 lure deer. Such manipulation for the purpose of taking  
3 white-tailed deer may be further modified by administrative  
4 rule.

5 (Source: P.A. 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;  
6 96-1042, eff. 1-1-11; 97-564, eff. 8-25-11.)