

HB1161



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1161

Introduced 02/08/05, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that there shall not be a limit on the number of resident or non-resident archery deer hunting permits. Effective immediately.

LRB094 05954 JAM 36010 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
24 and subsequently becomes a member of the company pursuant to
25 Article 30 of the Limited Liability Company Act and who (2)
26 intends to retain the membership for at least 5 years.

27 In this Section, "bona fide equity partner" means an
28 individual who (1) (i) became a partner, either general or
29 limited, upon the formation of a partnership or limited
30 partnership, or (ii) has purchased, acquired, or been gifted a
31 partnership interest accurately representing his or her
32 percentage distributional interest in the profits, losses, and

1 assets of a partnership or limited partnership, (2) intends to
2 retain ownership of the partnership interest for at least 5
3 years, and (3) is a resident of Illinois.

4 Any person attempting to take deer shall first obtain a
5 "Deer Hunting Permit" in accordance with prescribed
6 regulations set forth in an Administrative Rule. Deer Hunting
7 Permits shall be issued by the Department. The fee for a Deer
8 Hunting Permit to take deer with either bow and arrow or gun
9 shall not exceed \$15.00 for residents of the State. The
10 Department may by administrative rule provide for non-resident
11 deer hunting permits for which the fee will not exceed \$200
12 except as provided below for non-resident landowners and
13 non-resident archery hunters. The Department may by
14 administrative rule provide for a non-resident archery deer
15 permit consisting of not more than 2 harvest tags at a total
16 cost not to exceed \$225. Permits shall be issued without charge
17 to:

18 (a) Illinois landowners residing in Illinois who own at
19 least 40 acres of Illinois land and wish to hunt their land
20 only,

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

23 (c) Bona fide equity shareholders of a corporation,
24 bona fide equity members of a limited liability company, or
25 bona fide equity partners of a general or limited
26 partnership which owns at least 40 acres of land in a
27 county in Illinois who wish to hunt on the corporation's,
28 company's, or partnership's land only. One permit shall be
29 issued without charge to one bona fide equity shareholder,
30 one bona fide equity member, or one bona fide equity
31 partner for each 40 acres of land owned by the corporation,
32 company, or partnership in a county; however, the number of
33 permits issued without charge to bona fide equity
34 shareholders of any corporation or bona fide equity members
35 of a limited liability company in any county shall not
36 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.

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

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

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

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

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

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

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

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

34 The Department shall not limit the number of resident or
35 non-resident archery deer hunting permits.

36 It shall be legal for handicapped persons, as defined in

1 Section 2.33, to utilize a crossbow device, as defined in
2 Department rules, to take deer.

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

6 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
7 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
8 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.