



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4721

Introduced 1/4/2010, by Rep. Jack D. Franks, Mark L. Walker and Michael K. Smith

#### SYNOPSIS AS INTRODUCED:

515 ILCS 5/20-45  
520 ILCS 5/3.1

from Ch. 56, par. 20-45  
from Ch. 61, par. 3.1

Amends the Fish and Aquatic Life Code. Provides that any person on active duty with the Armed Forces of the United States who (i) is now and was at the time of entering the Armed Forces a resident of Illinois, (ii) entered the Armed Forces from this State, and (iii) is presently on leave from the Armed Forces may fish as permitted by the Code without procuring a license, but only during such period of time and only with sport fishing devices as are permitted by the Code. Amends the Wildlife Code. Provides that any person on active duty with the Armed Forces of the United States who (i) is now and who was at the time of entering the Armed Forces a resident of Illinois, (ii) entered the Armed Forces from this State, and (iii) is presently on leave (rather than on "ordinary leave") from the Armed Forces may hunt certain protected species without procuring a hunting license, but the hunting shall be done only during such periods of time and with devices and by methods as are permitted by the Act.

LRB096 15792 JDS 31032 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 Fish and Aquatic Life Code is amended by  
5 changing Section 20-45 as follows:

6 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

7 Sec. 20-45. License fees for residents. Fees for licenses  
8 for residents of the State of Illinois shall be as follows:

9 (a) Except as otherwise provided in this Section, for  
10 sport fishing devices as defined in Section 10-95 or  
11 spearing devices as defined in Section 10-110 the fee is  
12 \$14.50 for individuals 16 to 64 years old, and one-half of  
13 the current fishing license fee for individuals age 65 or  
14 older, commencing with the 1994 license year.

15 (b) All residents before using any commercial fishing  
16 device shall obtain a commercial fishing license, the fee  
17 for which shall be \$35. Each and every commercial device  
18 used shall be licensed by a resident commercial fisherman  
19 as follows:

20 (1) For each 100 lineal yards, or fraction thereof,  
21 of seine the fee is \$18. For each minnow seine, minnow  
22 trap, or net for commercial purposes the fee is \$20.

23 (2) For each device to fish with a 100 hook trot

1 line device, basket trap, hoop net, or dip net the fee  
2 is \$3.

3 (3) When used in the waters of Lake Michigan, for  
4 the first 2000 lineal feet, or fraction thereof, of  
5 gill net the fee is \$10; and for each 1000 additional  
6 lineal feet, or fraction thereof, the fee is \$10. These  
7 fees shall apply to all gill nets in use in the water  
8 or on drying reels on the shore.

9 (4) For each 100 lineal yards, or fraction thereof,  
10 of gill net or trammel net the fee is \$18.

11 (c) Residents of the State of Illinois may obtain a  
12 sportsmen's combination license that shall entitle the  
13 holder to the same non-commercial fishing privileges as  
14 residents holding a license as described in subsection (a)  
15 of this Section and to the same hunting privileges as  
16 residents holding a license to hunt all species as  
17 described in Section 3.1 of the Wildlife Code. No  
18 sportsmen's combination license shall be issued to any  
19 individual who would be ineligible for either the fishing  
20 or hunting license separately. The sportsmen's combination  
21 license fee shall be \$25.50. For residents age 65 or older,  
22 the fee is one-half of the fee charged for a sportsmen's  
23 combination license.

24 (d) For 24 hours of fishing by sport fishing devices as  
25 defined in Section 10-95 or by spearing devices as defined  
26 in Section 10-110 the fee is \$5. This license exempts the

1 licensee from the requirement for a salmon or inland trout  
2 stamp. The licenses provided for by this subsection are not  
3 required for residents of the State of Illinois who have  
4 obtained the license provided for in subsection (a) of this  
5 Section.

6 (e) All residents before using any commercial mussel  
7 device shall obtain a commercial mussel license, the fee  
8 for which shall be \$50.

9 (f) Residents of this State, upon establishing  
10 residency as required by the Department, may obtain a  
11 lifetime hunting or fishing license or lifetime  
12 sportsmen's combination license which shall entitle the  
13 holder to the same non-commercial fishing privileges as  
14 residents holding a license as described in paragraph (a)  
15 of this Section and to the same hunting privileges as  
16 residents holding a license to hunt all species as  
17 described in Section 3.1 of the Wildlife Code. No lifetime  
18 sportsmen's combination license shall be issued to or  
19 retained by any individual who would be ineligible for  
20 either the fishing or hunting license separately, either  
21 upon issuance, or in any year a violation would subject an  
22 individual to have either or both fishing or hunting  
23 privileges rescinded. The lifetime hunting and fishing  
24 license fees shall be as follows:

25 (1) Lifetime fishing: 30 x the current fishing  
26 license fee.

1                   (2) Lifetime hunting: 30 x the current hunting  
2                   license fee.

3                   (3) Lifetime sportsmen's combination license: 30 x  
4                   the current sportsmen's combination license fee.

5                   Lifetime licenses shall not be refundable. A \$10 fee shall  
6                   be charged for reissuing any lifetime license. The Department  
7                   may establish rules and regulations for the issuance and use of  
8                   lifetime licenses and may suspend or revoke any lifetime  
9                   license issued under this Section for violations of those rules  
10                  or regulations or other provisions under this Code or the  
11                  Wildlife Code. Individuals under 16 years of age who possess a  
12                  lifetime hunting or sportsmen's combination license shall have  
13                  in their possession, while in the field, a certificate of  
14                  competency as required under Section 3.2 of the Wildlife Code.  
15                  Any lifetime license issued under this Section shall not exempt  
16                  individuals from obtaining additional stamps or permits  
17                  required under the provisions of this Code or the Wildlife  
18                  Code. Individuals required to purchase additional stamps shall  
19                  sign the stamps and have them in their possession while fishing  
20                  or hunting with a lifetime license. All fees received from the  
21                  issuance of lifetime licenses shall be deposited in the Fish  
22                  and Wildlife Endowment Fund.

23                  Except for licenses issued under subsection (e) of this  
24                  Section, all licenses provided for in this Section shall expire  
25                  on March 31 of each year, except that the license provided for  
26                  in subsection (d) of this Section shall expire 24 hours after

1 the effective date and time listed on the face of the license.

2 Any person on active duty with the Armed Forces of the  
3 United States who (i) is now and was at the time of entering  
4 the Armed Forces a resident of Illinois, (ii) entered the Armed  
5 Forces from this State, and (iii) is presently on leave from  
6 the Armed Forces may fish as permitted by this Code without  
7 procuring a license, but only during such period of time and  
8 only with sport fishing devices as are permitted by this Code.

9 All individuals required to have and failing to have the  
10 license provided for in subsection (a) or (d) of this Section  
11 shall be fined according to the provisions of Section 20-35 of  
12 this Code.

13 All individuals required to have and failing to have the  
14 licenses provided for in subsections (b) and (e) of this  
15 Section shall be guilty of a Class B misdemeanor.

16 (Source: P.A. 96-831, eff. 1-1-10.)

17 Section 10. The Wildlife Code is amended by changing  
18 Section 3.1 as follows:

19 (520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

20 Sec. 3.1. License and stamps required.

21 (a) Before any person shall take or attempt to take any of  
22 the species protected by Section 2.2 for which an open season  
23 is established under this Act, he shall first have procured and  
24 possess a valid hunting license, except as provided in Section

1 3.1-5 of this Code.

2 Before any person 16 years of age or older shall take or  
3 attempt to take any bird of the species defined as migratory  
4 waterfowl by Section 2.2, including coots, he shall first have  
5 procured a State Migratory Waterfowl Stamp.

6 Before any person 16 years of age or older takes, attempts  
7 to take, or pursues any species of wildlife protected by this  
8 Code, except migratory waterfowl, coots, and hand-reared birds  
9 on licensed game breeding and hunting preserve areas and state  
10 controlled pheasant hunting areas, he or she shall first obtain  
11 a State Habitat Stamp. Disabled veterans and former prisoners  
12 of war shall not be required to obtain State Habitat Stamps.  
13 Any person who obtained a lifetime license before January 1,  
14 1993, shall not be required to obtain State Habitat Stamps.  
15 Income from the sale of State Furbearer Stamps and State  
16 Pheasant Stamps received after the effective date of this  
17 amendatory Act of 1992 shall be deposited into the State  
18 Furbearer Fund and State Pheasant Fund, respectively.

19 Before any person 16 years of age or older shall take,  
20 attempt to take, or sell the green hide of any mammal of the  
21 species defined as fur-bearing mammals by Section 2.2 for which  
22 an open season is established under this Act, he shall first  
23 have procured a State Habitat Stamp.

24 (b) Before any person who is a non-resident of the State of  
25 Illinois shall take or attempt to take any of the species  
26 protected by Section 2.2 for which an open season is

1 established under this Act, he shall, unless specifically  
2 exempted by law, first procure a non-resident license as  
3 provided by this Act for the taking of any wild game.

4 Before a nonresident shall take or attempt to take  
5 white-tailed deer, he shall first have procured a Deer Hunting  
6 Permit as defined in Section 2.26 of this Code.

7 Before a nonresident shall take or attempt to take wild  
8 turkeys, he shall have procured a Wild Turkey Hunting Permit as  
9 defined in Section 2.11 of this Code.

10 (c) The owners residing on, or bona fide tenants of, farm  
11 lands and their children, parents, brothers, and sisters  
12 actually permanently residing on their lands shall have the  
13 right to hunt any of the species protected by Section 2.2 upon  
14 their lands and waters without procuring hunting licenses; but  
15 the hunting shall be done only during periods of time and with  
16 devices and by methods as are permitted by this Act. Any person  
17 on active duty with the Armed Forces of the United States who  
18 is now and who was at the time of entering the Armed Forces a  
19 resident of Illinois and who entered the Armed Forces from this  
20 State, and who is presently on ~~ordinary~~ leave from the Armed  
21 Forces, and any resident of Illinois who is disabled may hunt  
22 any of the species protected by Section 2.2 without procuring a  
23 hunting license, but the hunting shall be done only during such  
24 periods of time and with devices and by methods as are  
25 permitted by this Act. For the purpose of this Section a person  
26 is disabled when that person has a Type 1 or Type 4, Class 2



1 disability as defined in Section 4A of the Illinois  
2 Identification Card Act. For purposes of this Section, an  
3 Illinois Disabled Person Identification Card issued pursuant  
4 to the Illinois Identification Card Act indicating that the  
5 person named has a Type 1 or Type 4, Class 2 disability shall  
6 be adequate documentation of the disability.

7 (d) A courtesy non-resident license, permit, or stamp for  
8 taking game may be issued at the discretion of the Director,  
9 without fee, to any person officially employed in the game and  
10 fish or conservation department of another state or of the  
11 United States who is within the State to assist or consult or  
12 cooperate with the Director; or to the officials of other  
13 states, the United States, foreign countries, or officers or  
14 representatives of conservation organizations or publications  
15 while in the State as guests of the Governor or Director. The  
16 Director may provide to nonresident participants and official  
17 gunners at field trials an exemption from licensure while  
18 participating in a field trial.

19 (e) State Migratory Waterfowl Stamps shall be required for  
20 those persons qualifying under subsections (c) and (d) who  
21 intend to hunt migratory waterfowl, including coots, to the  
22 extent that hunting licenses of the various types are  
23 authorized and required by this Section for those persons.

24 (f) Registration in the U.S. Fish and Wildlife Migratory  
25 Bird Harvest Information Program shall be required for those  
26 persons who are required to have a hunting license before

1 taking or attempting to take any bird of the species defined as  
2 migratory game birds by Section 2.2, except that this  
3 subsection shall not apply to crows in this State or  
4 hand-reared birds on licensed game breeding and hunting  
5 preserve areas, for which an open season is established by this  
6 Act. Persons registering with the Program must carry proof of  
7 registration with them while migratory bird hunting.

8 The Department shall publish suitable prescribed  
9 regulations pertaining to registration by the migratory bird  
10 hunter in the U.S. Fish and Wildlife Service Migratory Bird  
11 Harvest Information Program.

12 (Source: P.A. 94-1024, eff. 7-14-06.)