



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5121

Introduced 1/29/2010, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

520 ILCS 5/3.2

from Ch. 61, par. 3.2

Amends the Wildlife Code. Requires the Department of Natural Resources to place the following warning on all Deer Hunting Permits: "To lawfully hunt deer in the State of Illinois, a hunter may need to acquire a hunting license as well as this permit.". Requires the Department to place the following warning on all hunting licenses and Sportsmen's Combination Licenses: "To lawfully hunt certain species in the State of Illinois, such as deer, migratory waterfowl, and wild turkey, it may be necessary to acquire an additional permit, stamp, or both."

LRB096 19388 JDS 34779 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 10. The Wildlife Code is amended by changing
5 Sections 2.26 and 3.2 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" in accordance with prescribed
15 regulations set forth in an Administrative Rule. Deer Hunting
16 Permits shall be issued by the Department. The fee for a Deer
17 Hunting Permit to take deer with either bow and arrow or gun
18 shall not exceed \$25.00 for residents of the State. The
19 Department may by administrative rule provide for non-resident
20 deer hunting permits for which the fee will not exceed \$300 in
21 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
22 provided below for non-resident landowners and non-resident
23 archery hunters. The Department may by administrative rule
24 provide for a non-resident archery deer permit consisting of
25 not more than 2 harvest tags at a total cost not to exceed \$325
26 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits

1 shall be issued without charge to:

2 (a) Illinois landowners residing in Illinois who own at
3 least 40 acres of Illinois land and wish to hunt their land
4 only,

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

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

22 Bona fide landowners or tenants who do not wish to hunt
23 only on the land they own, rent, or lease or bona fide equity
24 shareholders, bona fide equity members, or bona fide equity
25 partners who do not wish to hunt only on the land owned by the
26 corporation, limited liability company, or partnership shall

1 be charged the same fee as the applicant who is not a
2 landowner, tenant, bona fide equity shareholder, bona fide
3 equity member, or bona fide equity partner. Nonresidents of
4 Illinois who own at least 40 acres of land and wish to hunt on
5 their land only shall be charged a fee set by administrative
6 rule. The method for obtaining these permits shall be
7 prescribed by administrative rule.

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

15 The standards and specifications for use of guns and bow
16 and arrow for deer hunting shall be established by
17 administrative rule.

18 No person may have in his possession any firearm not
19 authorized by administrative rule for a specific hunting season
20 when taking deer.

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

26 Persons having an archery deer hunting permit shall be

1 permitted to take deer only during the period from 1/2 hour
2 before sunrise to 1/2 hour after sunset, and only during those
3 days for which an open season is established for the taking of
4 deer by use of bow and arrow.

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

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

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

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

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

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

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

14 The Department shall place the following warning in
15 conspicuous, easy-to-read letters on each deer permit issued
16 under the authority of this Section: "To lawfully hunt deer in
17 the State of Illinois, a hunter may need to acquire a hunting
18 license as well as this permit."

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

22 Any person who violates any of the provisions of this
23 Section, including administrative rules, shall be guilty of a
24 Class B misdemeanor.

25 For the purposes of calculating acreage under this Section,
26 the Department shall, after determining the total acreage of

1 the applicable tract or tracts of land, round remaining
2 fractional portions of an acre greater than or equal to half of
3 an acre up to the next whole acre.

4 (Source: P.A. 95-289, eff. 8-20-07; 95-329, eff. 8-21-07;
5 95-876, eff. 8-21-08; 96-162, eff. 1-1-10; 96-831, eff.
6 1-1-10.)

7 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

8 Sec. 3.2. Hunting license; application; instruction.
9 Before the Department or any county, city, village, township,
10 incorporated town clerk or his duly designated agent or any
11 other person authorized or designated by the Department to
12 issue hunting licenses shall issue a hunting license to any
13 person, the person shall file his application with the
14 Department or other party authorized to issue licenses on a
15 form provided by the Department and further give definite proof
16 of identity and place of legal residence. Each clerk
17 designating agents to issue licenses and stamps shall furnish
18 the Department, within 10 days following the appointment, the
19 names and mailing addresses of the agents. Each clerk or his
20 duly designated agent shall be authorized to sell licenses and
21 stamps only within the territorial area for which he was
22 elected or appointed. No duly designated agent is authorized to
23 furnish licenses or stamps for issuance by any other business
24 establishment. Each application shall be executed and sworn to
25 and shall set forth the name and description of the applicant

1 and place of residence.

2 No hunting license shall be issued to any person born on or
3 after January 1, 1980 unless he presents the person authorized
4 to issue the license evidence that he has held a hunting
5 license issued by the State of Illinois or another state in a
6 prior year, or a certificate of competency as provided in this
7 Section. Persons under 16 years of age may be issued a Lifetime
8 Hunting or Sportsmen's Combination License as provided under
9 Section 20-45 of the Fish and Aquatic Life Code but shall not
10 be entitled to hunt unless they have a certificate of
11 competency as provided in this Section and they shall have the
12 certificate in their possession while hunting.

13 The Department of Natural Resources shall authorize
14 personnel of the Department or certified volunteer instructors
15 to conduct courses, of not less than 10 hours in length, in
16 firearms and hunter safety, which may include training in bow
17 and arrow safety, at regularly specified intervals throughout
18 the State. Persons successfully completing the course shall
19 receive a certificate of competency. The Department of Natural
20 Resources may further cooperate with any reputable association
21 or organization in establishing courses if the organization has
22 as one of its objectives the promotion of safety in the
23 handling of firearms or bow and arrow.

24 The Department of Natural Resources shall designate any
25 person found by it to be competent to give instruction in the
26 handling of firearms, hunter safety, and bow and arrow. The

1 persons so appointed shall give the course of instruction and
2 upon the successful completion shall issue to the person
3 instructed a certificate of competency in the safe handling of
4 firearms, hunter safety, and bow and arrow. No charge shall be
5 made for any course of instruction except for materials or
6 ammunition consumed. The Department of Natural Resources shall
7 furnish information on the requirements of hunter safety
8 education programs to be distributed free of charge to
9 applicants for hunting licenses by the persons appointed and
10 authorized to issue licenses. Funds for the conducting of
11 firearms and hunter safety courses shall be taken from the fee
12 charged for the Firearm Owners Identification Card.

13 The fee for a hunting license to hunt all species for a
14 resident of Illinois is \$12. For residents age 65 or older, the
15 fee is one-half of the fee charged for a hunting license to
16 hunt all species for a resident of Illinois. Nonresidents shall
17 be charged \$57 for a hunting license.

18 Nonresidents may be issued a nonresident hunting license
19 for a period not to exceed 10 consecutive days' hunting in the
20 State and shall be charged a fee of \$35.

21 A special nonresident hunting license authorizing a
22 nonresident to take game birds by hunting on a game breeding
23 and hunting preserve area only, established under Section 3.27,
24 shall be issued upon proper application being made and payment
25 of a fee equal to that for a resident hunting license. The
26 expiration date of this license shall be on the same date each

1 year that game breeding and hunting preserve area licenses
2 expire.

3 Each applicant for a State Migratory Waterfowl Stamp,
4 regardless of his residence or other condition, shall pay a fee
5 of \$15 and shall receive a stamp. Except as provided under
6 Section 20-45 of the Fish and Aquatic Life Code, the stamp
7 shall be signed by the person or affixed to his license or
8 permit in a space designated by the Department for that
9 purpose.

10 Each applicant for a State Habitat Stamp, regardless of his
11 residence or other condition, shall pay a fee of \$5 and shall
12 receive a stamp. Except as provided under Section 20-45 of the
13 Fish and Aquatic Life Code, the stamp shall be signed by the
14 person or affixed to his license or permit in a space
15 designated by the Department for that purpose.

16 Nothing in this Section shall be construed as to require
17 the purchase of more than one State Habitat Stamp by any person
18 in any one license year.

19 The Department shall furnish the holders of hunting
20 licenses and stamps with an insignia as evidence of possession
21 of license, or license and stamp, as the Department may
22 consider advisable. The insignia shall be exhibited and used as
23 the Department may order. The Department shall also place the
24 following warning in conspicuous, easy-to-read letters on each
25 license issued under this Section and each Sportsmen's
26 Combination License issued under Section 20-45 of the Fish and

1 Aquatic Life Code: "To lawfully hunt certain species in the
2 State of Illinois, such as deer, migratory waterfowl, and wild
3 turkey, it may be necessary to acquire an additional permit,
4 stamp, or both."

5 All other hunting licenses and all State stamps shall
6 expire upon March 31 of each year.

7 Every person holding any license, permit, or stamp issued
8 under the provisions of this Act shall have it in his
9 possession for immediate presentation for inspection to the
10 officers and authorized employees of the Department, any
11 sheriff, deputy sheriff, or any other peace officer making a
12 demand for it. This provision shall not apply to Department
13 owned or managed sites where it is required that all hunters
14 deposit their license, permit, or Firearm Owner's
15 Identification Card at the check station upon entering the
16 hunting areas.

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