



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

HB4402

Introduced 2/3/2004, by Rep. Keith P. Sommer

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Defines "bona fide equity partner". Provides that bona fide equity partners of a general partnership or limited partnership that owns at least 40 acres of land in a county in Illinois may obtain one free deer hunting permit for every 40 acres of land owned by the partnership in that county for the purpose of deer hunting on the partnership's land.

LRB093 15620 RAS 41228 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning hunting.

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, and (2) intends  
2 to retain ownership of the partnership interest for at least 5  
3 years.

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, ~~or~~  
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, ~~or~~  
28 ~~company's,~~ or partnership's land only. One permit shall  
29 be issued without charge to one bona fide equity  
30 shareholder, ~~or~~ one bona fide equity member, or one bona  
31 fide equity partner for each 40 acres of land owned by the  
32 corporation, ~~or~~ company, or partnership in a county;  
33 however, the number of permits issued without charge to  
34 bona fide equity shareholders of any corporation, ~~or~~ bona  
35 fide equity members of a limited liability company, or bona  
36 fide equity partners of a partnership in any county shall

1 not exceed 15.

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, ~~or~~ 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, ~~or~~ limited liability company, or partnership  
7 shall be charged the same fee as the applicant who is not a  
8 landowner, tenant, bona fide equity shareholder, ~~or~~ 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, ~~or~~ bona fide equity member, or  
18 bona fide equity partner, the permit shall be valid on all  
19 lands owned by the corporation, ~~or~~ 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.

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

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

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

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

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

21           It shall be legal for handicapped persons, as defined in  
22 Section 2.33, to utilize a crossbow device, as defined in  
23 Department rules, to take deer.

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

27           (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;  
28 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)