

1 AN ACT concerning natural resources.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 10. The Fish and Aquatic Life Code is amended by
5 changing Section 1-75 as follows:

6 (515 ILCS 5/1-75) (from Ch. 56, par. 1-75)

7 Sec. 1-75. Resident. "Resident" means a person who in good
8 faith makes application for any license or permit and verifies
9 by statement that he or she has maintained his or her permanent
10 abode in this State for a period of at least 30 consecutive
11 days immediately preceding the person's application, and who
12 does not maintain permanent abode or claim residency in another
13 state for the purposes of obtaining any of the same or similar
14 licenses or permits covered by this Code ~~actually resided in~~
15 ~~this State for at least the 30 consecutive days before the date~~
16 ~~of application and that his or her residence or permanent abode~~
17 ~~is, at the time of making application, in this State. A~~
18 person's permanent abode is his or her fixed and permanent
19 dwelling place, as distinguished from a temporary or transient
20 place of residence. Domiciliary intent is required to establish
21 that the person is maintaining his or her permanent abode in
22 this State. Evidence of domiciliary intent includes, but is not
23 limited to, the location where the person votes, pays personal
24 income tax, or obtains a drivers license. Except for the
25 purposes of obtaining a Lifetime License, any ~~Any~~ person on
26 active duty in the Armed Forces shall be considered a resident
27 of Illinois during his or her period of military duty.

28 (Source: P.A. 87-833.)

29 Section 15. The Wildlife Code is amended by changing
30 Sections 1.2m and 2.26 as follows:

1 (520 ILCS 5/1.2m) (from Ch. 61, par. 1.2m)

2 Sec. 1.2m. "Resident" means a person who in good faith
3 makes application for any license or permit and verifies by
4 statement that he or she has maintained his or her permanent
5 abode in this State for a period of at least 30 consecutive
6 days immediately preceding the person's application, and who
7 does not maintain permanent abode or claim residency in another
8 state for the purposes of obtaining any of the same or similar
9 licenses or permits covered by this Code ~~actually resided in~~
10 ~~this State at least 30 days consecutively preceding the date of~~
11 ~~his application and that his residence or permanent abode is,~~
12 ~~at the time of making application, in this State. A person's~~
13 permanent abode is his or her fixed and permanent dwelling
14 place, as distinguished from a temporary or transient place of
15 residence. Domiciliary intent is required to establish that the
16 person is maintaining his or her permanent abode in this State.
17 Evidence of domiciliary intent includes, but is not limited to,
18 the location where the person votes, pays personal income tax,
19 or obtains a drivers license. Except for the purposes of
20 obtaining a Lifetime License, any ~~Any~~ person on active duty in
21 the Armed Forces shall be considered a resident of Illinois
22 during his or her period of military duty.

23 (Source: P.A. 81-382.)

24 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

25 Sec. 2.26. Deer hunting permits. In this Section, "bona
26 fide equity shareholder" means an individual who (1) purchased,
27 for market price, publicly sold stock shares in a corporation,
28 purchased shares of a privately-held corporation for a value
29 equal to the percentage of the appraised value of the corporate
30 assets represented by the ownership in the corporation, or is a
31 member of a closely-held family-owned corporation and has
32 purchased or been gifted with shares of stock in the
33 corporation accurately reflecting his or her percentage of
34 ownership and (2) intends to retain the ownership of the shares
35 of stock for at least 5 years.

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

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

19 Any person attempting to take deer shall first obtain a
20 "Deer Hunting Permit" in accordance with prescribed
21 regulations set forth in an Administrative Rule. Deer Hunting
22 Permits shall be issued by the Department. The fee for a Deer
23 Hunting Permit to take deer with either bow and arrow or gun
24 shall not exceed \$15.00 for residents of the State. The
25 Department may by administrative rule provide for non-resident
26 deer hunting permits for which the fee will not exceed \$300 in
27 2005, \$350 in 2006, and \$400 in 2007 and thereafter ~~\$200~~ except
28 as provided below for non-resident landowners and non-resident
29 archery hunters. The Department may by administrative rule
30 provide for a non-resident archery deer permit consisting of
31 not more than 2 harvest tags at a total cost not to exceed \$325
32 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter ~~\$225~~.
33 Permits shall be issued without charge to:

34 (a) Illinois landowners residing in Illinois who own at
35 least 40 acres of Illinois land and wish to hunt their land
36 only,

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

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

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

30 The deer hunting permit issued without fee shall be valid
31 on all farm lands which the person to whom it is issued owns,
32 leases or rents, except that in the case of a permit issued to
33 a bona fide equity shareholder, bona fide equity member, or
34 bona fide equity partner, the permit shall be valid on all
35 lands owned by the corporation, limited liability company, or
36 partnership in the county.

1 The standards and specifications for use of guns and bow
2 and arrow for deer hunting shall be established by
3 administrative rule.

4 No person may have in his possession any firearm not
5 authorized by administrative rule for a specific hunting season
6 when taking deer.

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

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

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

35 It shall be unlawful to possess or transport any wild deer
36 which has been injured or killed in any manner upon a public

1 highway or public right-of-way of this State unless exempted by
2 administrative rule.

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

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

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

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

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

16 It shall be legal for handicapped persons, as defined in
17 Section 2.33, to utilize a crossbow device, as defined in
18 Department rules, to take deer.

19 Any person who violates any of the provisions of this
20 Section, including administrative rules, shall be guilty of a
21 Class B misdemeanor.

22 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
23 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
24 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.