

95TH GENERAL ASSEMBLY State of Illinois 2007 and 2008 HB0331

Introduced 1/22/2007, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

515 ILCS 5/20-45	from Ch. 5	6, par. 20-45
515 ILCS 5/20-50	from Ch. 5	6, par. 20-50
515 ILCS 5/20-51		
520 ILCS 5/2.11	from Ch. 6	1, par. 2.11
520 ILCS 5/2.26	from Ch. 6	1, par. 2.26
520 ILCS 5/3.2	from Ch. 6	1, par. 3.2
520 ILCS 5/3.39	from Ch. 6	1, par. 3.39

Amends the Fish and Aquatic Life Code and the Wildlife Code. Provides that State residents, age 65 or older, may not be charged a fee for: (1) a non-commercial sport fishing or spearing license, (2) a salmon stamp, (3) an inland trout stamp, (4) a Deer Hunting Permit, (5) a hunting license to hunt all species, (6) a State Migratory Waterfowl Stamp, (7) a State Habitat Stamp, or (8) a sportsmen's combination license. Effective immediately.

LRB095 05310 CMK 25388 b

FISCAL NOTE ACT MAY APPLY 1 AN ACT concerning wildlife.

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

- Section 5. The Fish and Aquatic Life Code is amended by changing Sections 20-45, 20-50, and 20-51 as follows:
- 6 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)
- Sec. 20-45. License fees for residents. Fees for licenses for residents of the State of Illinois shall be as follows:
 - (a) Except as otherwise provided in this Section, for sport fishing devices as defined in Section 10-95 or spearing devices as defined in Section 10-110 the fee is \$12.50 for individuals 16 to 64 years old, and one-half of the current fishing license fee for individuals age 65 or older, commencing with the 1994 license year. For residents age 65 or older, no fee shall be charged for a sport fishing or spearing license.
 - (b) All residents before using any commercial fishing device shall obtain a commercial fishing license, the fee for which shall be \$35. Each and every commercial device used shall be licensed by a resident commercial fisherman as follows:
- 22 (1) For each 100 lineal yards, or fraction thereof, 23 of seine the fee is \$18. For each minnow seine, minnow

trap, or net for commercial purposes the fee is \$20.

- (2) For each device to fish with a 100 hook trot line device, basket trap, hoop net, or dip net the fee is \$3.
- (3) When used in the waters of Lake Michigan, for the first 2000 lineal feet, or fraction thereof, of gill net the fee is \$10; and for each 1000 additional lineal feet, or fraction thereof, the fee is \$10. These fees shall apply to all gill nets in use in the water or on drying reels on the shore.
- (4) For each 100 lineal yards, or fraction thereof, of gill net or trammel net the fee is \$18.
- (c) Residents of the State of Illinois may obtain a sportsmen's combination license that shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in subsection (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. No sportsmen's combination license shall be issued to any individual who would be ineligible for either the fishing or hunting license separately. The sportsmen's combination license fee shall be \$18.50. For residents age 65 or older, no fee shall be the fee is one-half of the fee charged for a sportsmen's combination license.
 - (d) For 24 hours of fishing by sport fishing devices as

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defined in Section 10-95 or by spearing devices as defined in Section 10-110 the fee is \$5. This license exempts the licensee from the requirement for a salmon or inland trout stamp. The licenses provided for by this subsection are not required for residents of the State of Illinois who have obtained the license provided for in subsection (a) of this Section.

- (e) All residents before using any commercial mussel device shall obtain a commercial mussel license, the fee for which shall be \$50.
- (f) Residents of this State, upon establishing residency as required by the Department, may obtain a fishing lifetime hunting or license lifetime or sportsmen's combination license which shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in paragraph (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species described in Section 3.1 of the Wildlife Code. No lifetime sportsmen's combination license shall be issued to or retained by any individual who would be ineligible for either the fishing or hunting license separately, either upon issuance, or in any year a violation would subject an individual to have either or both fishing or hunting privileges rescinded. The lifetime hunting and fishing license fees shall be as follows:

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1	(1)	Lifetime	fishing:	30	X	the	current	fishing
2	license	fee.						

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

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

Except for licenses issued under subsection (e) of this Section, all licenses provided for in this Section shall expire

- on March 31 of each year, except that the license provided for
- 2 in subsection (d) of this Section shall expire 24 hours after
- 3 the effective date and time listed on the face of the license.
- All individuals required to have and failing to have the
- 5 license provided for in subsection (a) or (d) of this Section
- 6 shall be fined according to the provisions of Section 20-35 of
- 7 this Code.
- 8 All individuals required to have and failing to have the
- 9 licenses provided for in subsections (b) and (e) of this
- 10 Section shall be quilty of a Class B misdemeanor.
- 11 (Source: P.A. 89-66, eff. 1-1-96; 90-225, eff. 7-25-97; 90-743,
- 12 eff. 1-1-99.)
- 13 (515 ILCS 5/20-50) (from Ch. 56, par. 20-50)
- 14 Sec. 20-50. Salmon stamp fee. The fee for a salmon stamp
- shall be \$6 for both resident and non-resident licensees. Every
- person shall sign the salmon stamp or affix the salmon stamp to
- 17 his or her license. These stamps shall expire on March 31 of
- 18 each year. All individuals required to have and failing to have
- 19 a salmon stamp as provided in Section 20-10 of this Code shall
- 20 be guilty of a petty offense. For residents age 65 or older, no
- 21 fee shall be charged for a salmon stamp under this Section.
- 22 (Source: P.A. 87-833; 88-91.)
- 23 (515 ILCS 5/20-51)
- 24 Sec. 20-51. Inland trout stamp. The fee for an inland trout

- 1 stamp shall be \$6 for both resident and nonresident licensees.
- 2 These stamps shall expire on March 31 of each year. All
- 3 individuals required to have and who fail to have an inland
- 4 trout stamp, as provided in Section 20-11 of this Code, shall
- 5 be guilty of a petty offense. For residents age 65 or older, no
- 6 fee shall be charged for an inland trout stamp under this
- 7 <u>Section</u>.
- 8 (Source: P.A. 88-91.)
- 9 Section 10. The Wildlife Code is amended by changing
- 10 Sections 2.11, 2.26, 3.2 and 3.39 as follows:
- 11 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)
- Sec. 2.11. Before any person may lawfully hunt wild turkey,
- 13 he shall first obtain a "Wild Turkey Hunting Permit" in
- 14 accordance with the prescribed regulations set forth in an
- administrative rule of the Department. The fee for a Resident
- Wild Turkey Hunting Permit shall not exceed \$15. For residents
- 17 age 65 or older, no fee shall be charged for a Resident Wild
- 18 Turkey Hunting Permit under this Section.
- 19 Upon submitting suitable evidence of legal residence in any
- 20 other state, non-residents shall be charged a fee not to exceed
- \$125 for wild turkey hunting permits, except as provided below
- for non-resident land owners.
- 23 Permits shall be issued without charge to:
- 24 (a) Illinois landowners residing in Illinois who own at

- least 40 acres of Illinois land and wish to hunt on their land only,
 - (b) resident tenants of at least 40 acres of commercial agricultural land, and
 - (c) bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

The turkey hunting permit issued without fee shall be valid on all lands upon which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued without charge to a shareholder of a corporation, the permit shall be valid on all lands owned by the corporation in the county.

The Department may by administrative rule allocate and

- 1 issue non-resident Wild Turkey Permits and establish fees for
- 2 such permits.
- 3 It shall be unlawful to take wild turkey except by use of a
- 4 bow and arrow or a shotgun of not larger than 10 nor smaller
- 5 than 20 gauge with shot size not larger than No. 4, and no
- 6 person while attempting to so take wild turkey may have in his
- 7 possession any other gun.
- 8 It shall be unlawful to take, or attempt to take wild
- 9 turkey except during the time from 1/2 hour before sunrise to
- 10 1/2 hour after sunset or during such lesser period of time as
- 11 may be specified by administrative rule, during those days for
- which an open season is established.
- 13 It shall be unlawful for any person to take, or attempt to
- 14 take, wild turkey by use of dogs, horses, automobiles, aircraft
- or other vehicles, or conveyances, or by the use of bait of any
- 16 kind.
- 17 It is unlawful for any person to take in Illinois or have
- in his possession more than one wild turkey per valid permit.
- 19 For purposes of this Section "bona fide equity
- shareholder", "bona fide equity member", and "bona fide equity
- 21 partner" shall have the same meaning as provided in Section
- 22 2.26 of this Act.
- 23 (Source: P.A. 94-753, eff. 5-10-06.)
- 24 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)
- 25 Sec. 2.26. Deer hunting permits. In this Section, "bona

fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

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

In this Section, "bona fide equity partner" means an individual who (1) (i) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or (ii) has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership, (2) intends to

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retain ownership of the partnership interest for at least 5 years, and (3) is a resident of Illinois.

Any person attempting to take deer shall first obtain a with Hunting Permit" in accordance prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed \$15.00 for residents of the State. residents age 65 or older, no fee shall be charged for a Deer Hunting Permit under this Section. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits shall be issued without charge to:

- (a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,
- (b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and
 - (c) Bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or

bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

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

The deer hunting permit issued without fee shall be valid

- on all farm lands which the person to whom it is issued owns,
- leases or rents, except that in the case of a permit issued to
- 3 a bona fide equity shareholder, bona fide equity member, or
- 4 bona fide equity partner, the permit shall be valid on all
- 5 lands owned by the corporation, limited liability company, or
- 6 partnership in the county.
- 7 The standards and specifications for use of guns and bow
- 8 and arrow for deer hunting shall be established b
- 9 administrative rule.
- 10 No person may have in his possession any firearm not
- 11 authorized by administrative rule for a specific hunting season
- 12 when taking deer.
- Persons having a firearm deer hunting permit shall be
- 14 permitted to take deer only during the period from 1/2 hour
- before sunrise to sunset, and only during those days for which
- an open season is established for the taking of deer by use of
- shotgun, handgun, or muzzle loading rifle.
- Persons having an archery deer hunting permit shall be
- 19 permitted to take deer only during the period from 1/2 hour
- 20 before sunrise to 1/2 hour after sunset, and only during those
- 21 days for which an open season is established for the taking of
- deer by use of bow and arrow.
- It shall be unlawful for any person to take deer by use of
- dogs, horses, automobiles, aircraft or other vehicles, or by
- 25 the use of salt or bait of any kind. An area is considered as
- 26 baited during the presence of and for 10 consecutive days

following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog's collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange as required. Dog handlers tracking wounded deer with a dog are exempt from hunting license and deer permit requirements so long as they are accompanied by the licensed deer hunter who wounded the deer.

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

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

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

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow

- 1 and arrow in any deer hunting party.
- 2 The Department may prohibit upland game hunting during the
- 3 gun deer season by administrative rule.
- 4 The Department shall not limit the number of non-resident
- 5 either sex archery deer hunting permits to less than 20,000.
- It shall be legal for handicapped persons, as defined in
- 7 Section 2.33, to utilize a crossbow device, as defined in
- 8 Department rules, to take deer.
- 9 Any person who violates any of the provisions of this
- 10 Section, including administrative rules, shall be guilty of a
- 11 Class B misdemeanor.
- 12 (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;
- 13 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)
- 14 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)
- 15 Sec. 3.2. Hunting license; application; instruction.
- Before the Department or any county, city, village, township,
- incorporated town clerk or his duly designated agent or any
- 18 other person authorized or designated by the Department to
- 19 issue hunting licenses shall issue a hunting license to any
- 20 person, the person shall file his application with the
- 21 Department or other party authorized to issue licenses on a
- form provided by the Department and further give definite proof
- 23 of identity and place of legal residence. Each clerk
- 24 designating agents to issue licenses and stamps shall furnish
- 25 the Department, within 10 days following the appointment, the

names and mailing addresses of the agents. Each clerk or his duly designated agent shall be authorized to sell licenses and stamps only within the territorial area for which he was elected or appointed. No duly designated agent is authorized to furnish licenses or stamps for issuance by any other business establishment. Each application shall be executed and sworn to and shall set forth the name and description of the applicant and place of residence.

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

The Department of Natural Resources shall authorize personnel of the Department or certified volunteer instructors to conduct courses, of not less than 10 hours in length, in firearms and hunter safety, which may include training in bow and arrow safety, at regularly specified intervals throughout the State. Persons successfully completing the course shall receive a certificate of competency. The Department of Natural

Resources may further cooperate with any reputable association or organization in establishing courses if the organization has as one of its objectives the promotion of safety in the handling of firearms or bow and arrow.

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

The fee for a hunting license to hunt all species for a resident of Illinois is \$7. For residents age 65 or older, no fee shall be the fee is one-half of the fee charged for a hunting license to hunt all species for a resident of Illinois. Nonresidents shall be charged \$50 for a hunting license.

Nonresidents may be issued a nonresident hunting license for a period not to exceed 10 consecutive days' hunting in the

1 State and shall be charged a fee of \$28.

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

Each applicant for a State Migratory Waterfowl Stamp, regardless of his residence or other condition, shall pay a fee of \$10 and shall receive a stamp. For residents age 65 or older, no fee shall be charged for a State Migratory Waterfowl Stamp under this Section. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Each applicant for a State Habitat Stamp, regardless of his residence or other condition, shall pay a fee of \$5 and shall receive a stamp. For residents age 65 or older, no fee shall be charged for a State Habitat Stamp under this Section. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Nothing in this Section shall be construed as to require

- 1 the purchase of more than one State Habitat Stamp by any person
- 2 in any one license year.
- 3 The Department shall furnish the holders of hunting
- 4 licenses and stamps with an insignia as evidence of possession
- of license, or license and stamp, as the Department may
- 6 consider advisable. The insignia shall be exhibited and used as
- 7 the Department may order.
- 8 All other hunting licenses and all State stamps shall
- 9 expire upon March 31 of each year.
- 10 Every person holding any license, permit, or stamp issued
- 11 under the provisions of this Act shall have it in his
- 12 possession for immediate presentation for inspection to the
- officers and authorized employees of the Department, any
- sheriff, deputy sheriff, or any other peace officer making a
- demand for it. This provision shall not apply to Department
- owned or managed sites where it is required that all hunters
- 17 deposit their license, permit, or Firearm Owner's
- 18 Identification Card at the check station upon entering the
- 19 hunting areas.
- 20 (Source: P.A. 93-554, eff. 8-20-03.)
- 21 (520 ILCS 5/3.39) (from Ch. 61, par. 3.39)
- Sec. 3.39. Residents of the State of Illinois may obtain a
- 23 Sportsmen's Combination License which shall entitle the holder
- 24 to the same non-commercial fishing privileges as residents
- 25 holding a fishing license described in subparagraph (a) of

- 1 Section 20-45 of the Fish and Aquatic Life Code, and to the
- 2 same hunting privileges as residents holding a license to hunt
- 3 all species, as described in Section 3.1 of this Act. However,
- 4 no Sportsmen's Combination License shall be issued to any
- 5 person who would be ineligible for either the fishing or
- 6 hunting license separately. The Sportsmen's Combination
- 7 License fee shall be \$18.50. For residents age 65 or older, \underline{no}
- 8 <u>fee shall be</u> the fee is one half of the fee charged for a
- 9 Sportsmen's Combination License.
- 10 (Source: P.A. 90-743, eff. 1-1-99.)
- 11 Section 99. Effective date. This Act takes effect upon
- 12 becoming law.