

# HB1204



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1204

Introduced 2/18/2009, by Rep. Jay C. Hoffman

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Requires the Department of Natural Resources to issue free deer hunting permits to veterans who, according to the determination of the Veterans' Administration, as certified by the Department of Veterans' Affairs, are at least 30% disabled with service-related disabilities or in receipt of total disability pensions. Effective immediately.

LRB096 10039 JDS 20203 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 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

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 \$15.00 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 (d) Veterans who, according to the determination of the  
23 Veterans' Administration as certified by the Department of  
24 Veterans' Affairs, are at least 30% disabled with  
25 service-related disabilities or in receipt of total  
26 disability pensions.

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

13           The deer hunting permit issued without fee shall be valid  
14 on all farm lands which the person to whom it is issued owns,  
15 leases or rents, except that: (i) in the case of a permit  
16 issued to a bona fide equity shareholder, bona fide equity  
17 member, or bona fide equity partner, the permit shall be valid  
18 on all lands owned by the corporation, limited liability  
19 company, or partnership in the county, and (ii) in the case of  
20 a permit issued to a disabled veteran pursuant to paragraph (d)  
21 of this Section, the permit shall be valid on any land in this  
22 State on which deer hunting is otherwise permitted.

23           The standards and specifications for use of guns and bow  
24 and arrow for deer hunting shall be established by  
25 administrative rule.

26           No person may have in his possession any firearm not

1 authorized by administrative rule for a specific hunting season  
2 when taking deer.

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

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

13 It shall be unlawful for any person to take deer by use of  
14 dogs, horses, automobiles, aircraft or other vehicles, or by  
15 the use of salt or bait of any kind. An area is considered as  
16 baited during the presence of and for 10 consecutive days  
17 following the removal of bait. Nothing in this Section shall  
18 prohibit the use of a dog to track wounded deer. Any person  
19 using a dog for tracking wounded deer must maintain physical  
20 control of the dog at all times by means of a maximum 50 foot  
21 lead attached to the dog's collar or harness. Tracking wounded  
22 deer is permissible at night, but at no time outside of legal  
23 deer hunting hours or seasons shall any person handling or  
24 accompanying a dog being used for tracking wounded deer be in  
25 possession of any firearm or archery device. Persons tracking  
26 wounded deer with a dog during the firearm deer seasons shall

1 wear blaze orange as required. Dog handlers tracking wounded  
2 deer with a dog are exempt from hunting license and deer permit  
3 requirements so long as they are accompanied by the licensed  
4 deer hunter who wounded the deer.

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

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

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

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

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

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

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

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

1 Class B misdemeanor.

2 (Source: P.A. 94-10, eff. 6-7-05; 95-289, eff. 8-20-07; 95-329,  
3 eff. 8-21-07; 95-876, eff. 8-21-08.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.