



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5307

Introduced 2/3/2010, by Rep. David R. Leitch

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Requires the Department's rules concerning the issuance of Deer Hunting Permits to provide for the issuance of the following types of resident deer archery permits: (i) a combination permit, consisting of one either-sex permit and one antlerless-only permit, (ii) a single antlerless-only permit, and (iii) a single either-sex permit. Also makes technical changes. Effective January 1, 2011.

LRB096 19802 JDS 35249 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" issued by the Department in accordance
15 with its administrative rules ~~prescribed regulations set forth~~
16 ~~in an Administrative Rule. Deer Hunting Permits shall be issued~~
17 ~~by the Department. Those rules must provide for the issuance of~~
18 the following types of resident deer archery permits: (i) a
19 combination permit, consisting of one either-sex permit and one
20 antlerless-only permit, (ii) a single antlerless-only permit,
21 and (iii) a single either-sex permit. The fee for a Deer
22 Hunting Permit to take deer with either bow and arrow or gun
23 shall not exceed \$25.00 for residents of the State. The
24 Department may by administrative rule provide for non-resident
25 deer hunting permits for which the fee will not exceed \$300 in
26 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as

1 provided below for non-resident landowners and non-resident
2 archery hunters. The Department may by administrative rule
3 provide for a non-resident archery deer permit consisting of
4 not more than 2 harvest tags at a total cost not to exceed \$325
5 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits
6 shall be issued without charge to:

7 (a) Illinois landowners residing in Illinois who own at
8 least 40 acres of Illinois land and wish to hunt their land
9 only,

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

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

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 in the case of a permit issued to
16 a bona fide equity shareholder, bona fide equity member, or
17 bona fide equity partner, the permit shall be valid on all
18 lands owned by the corporation, limited liability company, or
19 partnership in the county.

20 The standards and specifications for use of guns and bow
21 and arrow for deer hunting shall be established by
22 administrative rule.

23 No person may have in his possession any firearm not
24 authorized by administrative rule for a specific hunting season
25 when taking deer.

26 Persons having a firearm 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 shotgun, handgun, or muzzle loading rifle.

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

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

1 deer hunter who wounded the deer.

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

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

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

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

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

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

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 Section 99. Effective date. This Act takes effect January
8 1, 2011.