



Rep. Norine Hammond

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LRB097 06794 CEL 52684 a

1 AMENDMENT TO HOUSE BILL 2094

2 AMENDMENT NO. _____. Amend House Bill 2094 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing
5 Sections 2.11 and 2.26 as follows:

6 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

7 Sec. 2.11. Before any person may lawfully hunt wild turkey,
8 he shall first obtain a "Wild Turkey Hunting Permit" in
9 accordance with the prescribed regulations set forth in an
10 administrative rule of the Department. The fee for a Resident
11 Wild Turkey Hunting Permit shall not exceed \$15.

12 Upon submitting suitable evidence of legal residence in any
13 other state, non-residents shall be charged a fee not to exceed
14 \$125 for wild turkey hunting permits, except as provided below
15 for non-resident land owners.

16 Permits shall be issued without charge to:

1 (a) Illinois landowners residing in Illinois who own at
2 least 40 acres of Illinois land and wish to hunt on their
3 land only,

4 (b) resident tenants of at least 40 acres of commercial
5 agricultural land, and

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

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

1 The Department may by administrative rule allocate and
2 issue non-resident Wild Turkey Permits and establish fees for
3 such permits.

4 It shall be unlawful to take wild turkey except by use of a
5 bow and arrow or a shotgun of not larger than 10 nor smaller
6 than 20 gauge with shot size not larger than No. 4, and no
7 person while attempting to so take wild turkey may have in his
8 possession any other gun.

9 It shall be unlawful to take, or attempt to take wild
10 turkey except during the time from 1/2 hour before sunrise to
11 1/2 hour after sunset or during such lesser period of time as
12 may be specified by administrative rule, during those days for
13 which an open season is established.

14 It shall be unlawful for any person to take, or attempt to
15 take, wild turkey by use of dogs, horses, automobiles, aircraft
16 or other vehicles, or conveyances, or by the use or aid of bait
17 or baiting of any kind. For the purposes of this Section,
18 "bait" means any material, whether liquid or solid, including
19 food, salt, minerals, and other products that can be ingested,
20 placed, or scattered in such a manner as to attract or lure
21 wild turkeys. "Baiting" means the placement or scattering of
22 bait to attract wild turkeys. An area is considered as baited
23 during the presence of and for 10 consecutive days following
24 the removal of the bait.

25 It is unlawful for any person to take in Illinois or have
26 in his possession more than one wild turkey per valid permit.

1 For purposes of this Section "bona fide equity
2 shareholder", "bona fide equity member", and "bona fide equity
3 partner" shall have the same meaning as provided in Section
4 2.26 of this Act.

5 For the purposes of calculating acreage under this Section,
6 the Department shall, after determining the total acreage of
7 the applicable tract or tracts of land, round remaining
8 fractional portions of an acre greater than or equal to half of
9 an acre up to the next whole acre.

10 For the purposes of taking wild turkey, nothing in this
11 Section shall be construed to prevent the manipulation,
12 including mowing or cutting, of standing crops as a normal
13 agricultural or soil stabilization practice, food plots, or
14 normal agricultural practices, including planting, harvesting,
15 and maintenance such as cultivating. Such manipulation for the
16 purpose of taking wild turkey may be further modified by
17 administrative rule.

18 (Source: P.A. 96-162, eff. 1-1-10.)

19 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

20 Sec. 2.26. Deer hunting permits. In this Section, "bona
21 fide equity shareholder" means an individual who (1) purchased,
22 for market price, publicly sold stock shares in a corporation,
23 purchased shares of a privately-held corporation for a value
24 equal to the percentage of the appraised value of the corporate
25 assets represented by the ownership in the corporation, or is a

1 member of a closely-held family-owned corporation and has
2 purchased or been gifted with shares of stock in the
3 corporation accurately reflecting his or her percentage of
4 ownership and (2) intends to retain the ownership of the shares
5 of stock for at least 5 years.

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

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

24 Any person attempting to take deer shall first obtain a
25 "Deer Hunting Permit" issued by the Department in accordance
26 with its administrative rules. Those rules must provide for the

1 issuance of the following types of resident deer archery
2 permits: (i) a combination permit, consisting of one either-sex
3 permit and one antlerless-only permit, (ii) a single
4 antlerless-only permit, and (iii) a single either-sex permit.

5 The fee for a Deer Hunting Permit to take deer with either bow
6 and arrow or gun shall not exceed \$25.00 for residents of the
7 State. The Department may by administrative rule provide for
8 non-resident deer hunting permits for which the fee will not
9 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and
10 thereafter except as provided below for non-resident
11 landowners and non-resident archery hunters. The Department
12 may by administrative rule provide for a non-resident archery
13 deer permit consisting of not more than 2 harvest tags at a
14 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425
15 in 2007 and thereafter. Permits shall be issued without charge
16 to:

17 (a) Illinois landowners residing in Illinois who own at
18 least 40 acres of Illinois land and wish to hunt their land
19 only,

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

22 (c) Bona fide equity shareholders of a corporation,
23 bona fide equity members of a limited liability company, or
24 bona fide equity partners of a general or limited
25 partnership which owns at least 40 acres of land in a
26 county in Illinois who wish to hunt on the corporation's,

1 company's, or partnership's land only. One permit shall be
2 issued without charge to one bona fide equity shareholder,
3 one bona fide equity member, or one bona fide equity
4 partner for each 40 acres of land owned by the corporation,
5 company, or partnership in a county; however, the number of
6 permits issued without charge to bona fide equity
7 shareholders of any corporation or bona fide equity members
8 of a limited liability company in any county shall not
9 exceed 15, and shall not exceed 3 in the case of bona fide
10 equity partners of a partnership.

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

23 The deer hunting permit issued without fee shall be valid
24 on all farm lands which the person to whom it is issued owns,
25 leases or rents, except that in the case of a permit issued to
26 a bona fide equity shareholder, bona fide equity member, or

1 bona fide equity partner, the permit shall be valid on all
2 lands owned by the corporation, limited liability company, or
3 partnership in the county.

4 The standards and specifications for use of guns and bow
5 and arrow for deer hunting shall be established by
6 administrative rule.

7 No person may have in his possession any firearm not
8 authorized by administrative rule for a specific hunting season
9 when taking deer.

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

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

20 It shall be unlawful for any person to take deer by use of
21 dogs, horses, automobiles, aircraft or other vehicles, or by
22 the use ~~of salt~~ or aid of bait or baiting of any kind. For the
23 purposes of this Section, "bait" means any material, whether
24 liquid or solid, including food, salt, minerals, and other
25 products that can be ingested, placed, or scattered in such a
26 manner as to attract or lure white-tailed deer. "Baiting" means

1 the placement or scattering of bait to attract wild turkeys. An
2 area is considered as baited during the presence of and for 10
3 consecutive days following the removal of the bait. An area is
4 considered as baited during the presence of and for 10
5 consecutive days following the removal of bait. Nothing in this
6 Section shall prohibit the use of a dog to track wounded deer.
7 Any person using a dog for tracking wounded deer must maintain
8 physical control of the dog at all times by means of a maximum
9 50 foot lead attached to the dog's collar or harness. Tracking
10 wounded deer is permissible at night, but at no time outside of
11 legal deer hunting hours or seasons shall any person handling
12 or accompanying a dog being used for tracking wounded deer be
13 in possession of any firearm or archery device. Persons
14 tracking wounded deer with a dog during the firearm deer
15 seasons shall wear blaze orange as required. Dog handlers
16 tracking wounded deer with a dog are exempt from hunting
17 license and deer permit requirements so long as they are
18 accompanied by the licensed deer hunter who wounded the deer.

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

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

26 It shall be unlawful for any person, having taken the legal

1 limit of deer by gun, to further participate with gun in any
2 deer hunting party.

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

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

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

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

13 Any person who violates any of the provisions of this
14 Section, including administrative rules, shall be guilty of a
15 Class B misdemeanor.

16 For the purposes of calculating acreage under this Section,
17 the Department shall, after determining the total acreage of
18 the applicable tract or tracts of land, round remaining
19 fractional portions of an acre greater than or equal to half of
20 an acre up to the next whole acre.

21 For the purposes of taking white-tailed deer, nothing in
22 this Section shall be construed to prevent the manipulation,
23 including mowing or cutting, of standing crops as a normal
24 agricultural or soil stabilization practice, food plots, or
25 normal agricultural practices, including planting, harvesting,
26 and maintenance such as cultivating or the use of products

1 designed for scent only and not capable of ingestion, solid or
2 liquid, placed or scattered, in such a manner as to attract or
3 lure deer. Such manipulation for the purpose of taking
4 white-tailed deer may be further modified by administrative
5 rule.

6 (Source: P.A. 95-289, eff. 8-20-07; 95-329, eff. 8-21-07;
7 95-876, eff. 8-21-08; 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;
8 96-1042, eff. 1-1-11.)".