

HB2841



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2841

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.11	from Ch. 61, par. 2.11
520 ILCS 5/2.26	from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that permits for wild turkey hunting and deer hunting shall be issued without charge to certain individuals or groups provided that the individual or group owns or is a resident tenant of at least 20 acres (instead of 40 acres) of Illinois land.

LRB098 09812 CEL 39963 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
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:

17 (a) Illinois landowners residing in Illinois who own at
18 least 20 ~~40~~ acres of Illinois land and wish to hunt on
19 their land only,

20 (b) resident tenants of at least 20 ~~40~~ acres of
21 commercial agricultural land, and

22 (c) bona fide equity shareholders of a corporation,
23 bona fide equity members of a limited liability company, or

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

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

20 The Department may by administrative rule allocate and
21 issue non-resident Wild Turkey Permits and establish fees for
22 such permits.

23 It shall be unlawful to take wild turkey except by use of a
24 bow and arrow or a shotgun of not larger than 10 nor smaller
25 than 20 gauge with shot size not larger than No. 4, and no
26 person while attempting to so take wild turkey may have in his

1 possession any other gun.

2 It shall be unlawful to take, or attempt to take wild
3 turkey except during the time from 1/2 hour before sunrise to
4 1/2 hour after sunset or during such lesser period of time as
5 may be specified by administrative rule, during those days for
6 which an open season is established.

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

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

20 For purposes of this Section "bona fide equity
21 shareholder", "bona fide equity member", and "bona fide equity
22 partner" shall have the same meaning as provided in Section
23 2.26 of this Act.

24 For the purposes of calculating acreage under this Section,
25 the Department shall, after determining the total acreage of
26 the applicable tract or tracts of land, round remaining

1 fractional portions of an acre greater than or equal to half of
2 an acre up to the next whole acre.

3 For the purposes of taking wild turkey, nothing in this
4 Section shall be construed to prevent the manipulation,
5 including mowing or cutting, of standing crops as a normal
6 agricultural or soil stabilization practice, food plots, or
7 normal agricultural practices, including planting, harvesting,
8 and maintenance such as cultivating. Such manipulation for the
9 purpose of taking wild turkey may be further modified by
10 administrative rule.

11 (Source: P.A. 96-162, eff. 1-1-10; 97-564, eff. 8-25-11.)

12 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

13 Sec. 2.26. Deer hunting permits. In this Section, "bona
14 fide equity shareholder" means an individual who (1) purchased,
15 for market price, publicly sold stock shares in a corporation,
16 purchased shares of a privately-held corporation for a value
17 equal to the percentage of the appraised value of the corporate
18 assets represented by the ownership in the corporation, or is a
19 member of a closely-held family-owned corporation and has
20 purchased or been gifted with shares of stock in the
21 corporation accurately reflecting his or her percentage of
22 ownership and (2) intends to retain the ownership of the shares
23 of stock for at least 5 years.

24 In this Section, "bona fide equity member" means an
25 individual who (1) (i) became a member upon the formation of

1 the limited liability company or (ii) has purchased a
2 distributional interest in a limited liability company for a
3 value equal to the percentage of the appraised value of the LLC
4 assets represented by the distributional interest in the LLC
5 and subsequently becomes a member of the company pursuant to
6 Article 30 of the Limited Liability Company Act and who (2)
7 intends to retain the membership for at least 5 years.

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

17 Any person attempting to take deer shall first obtain a
18 "Deer Hunting Permit" issued by the Department in accordance
19 with its administrative rules. Those rules must provide for the
20 issuance of the following types of resident deer archery
21 permits: (i) a combination permit, consisting of one either-sex
22 permit and one antlerless-only permit, (ii) a single
23 antlerless-only permit, and (iii) a single either-sex permit.
24 The fee for a Deer Hunting Permit to take deer with either bow
25 and arrow or gun shall not exceed \$25.00 for residents of the
26 State. The Department may by administrative rule provide for

1 non-resident deer hunting permits for which the fee will not
2 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and
3 thereafter except as provided below for non-resident
4 landowners and non-resident archery hunters. The Department
5 may by administrative rule provide for a non-resident archery
6 deer permit consisting of not more than 2 harvest tags at a
7 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425
8 in 2007 and thereafter. Permits shall be issued without charge
9 to:

10 (a) Illinois landowners residing in Illinois who own at
11 least 20 ~~40~~ acres of Illinois land and wish to hunt their
12 land only,

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

15 (c) Bona fide equity shareholders of a corporation,
16 bona fide equity members of a limited liability company, or
17 bona fide equity partners of a general or limited
18 partnership which owns at least 20 ~~40~~ acres of land in a
19 county in Illinois who wish to hunt on the corporation's,
20 company's, or partnership's land only. One permit shall be
21 issued without charge to one bona fide equity shareholder,
22 one bona fide equity member, or one bona fide equity
23 partner for each 20 ~~40~~ acres of land owned by the
24 corporation, company, or partnership in a county; however,
25 the number of permits issued without charge to bona fide
26 equity shareholders of any corporation or bona fide equity

1 members of a limited liability company in any county shall
2 not exceed 15, and shall not exceed 3 in the case of bona
3 fide equity partners of a partnership.

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

16 The deer hunting permit issued without fee shall be valid
17 on all farm lands which the person to whom it is issued owns,
18 leases or rents, except that in the case of a permit issued to
19 a bona fide equity shareholder, bona fide equity member, or
20 bona fide equity partner, the permit shall be valid on all
21 lands owned by the corporation, limited liability company, or
22 partnership in the county.

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 or aid of bait or baiting of any kind. For the purposes
16 of this Section, "bait" means any material, whether liquid or
17 solid, including food, salt, minerals, and other products that
18 can be ingested, placed, or scattered in such a manner as to
19 attract or lure white-tailed deer. "Baiting" means the
20 placement or scattering of bait to attract deer. An area is
21 considered as baited during the presence of and for 10
22 consecutive days following the removal of bait. Nothing in this
23 Section shall prohibit the use of a dog to track wounded deer.
24 Any person using a dog for tracking wounded deer must maintain
25 physical control of the dog at all times by means of a maximum
26 50 foot lead attached to the dog's collar or harness. Tracking

1 wounded deer is permissible at night, but at no time outside of
2 legal deer hunting hours or seasons shall any person handling
3 or accompanying a dog being used for tracking wounded deer be
4 in possession of any firearm or archery device. Persons
5 tracking wounded deer with a dog during the firearm deer
6 seasons shall wear blaze orange as required. Dog handlers
7 tracking wounded deer with a dog are exempt from hunting
8 license and deer permit requirements so long as they are
9 accompanied by the licensed deer hunter who wounded the deer.

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

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

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

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

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

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

1 Any person who violates any of the provisions of this
2 Section, including administrative rules, shall be guilty of a
3 Class B misdemeanor.

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

9 For the purposes of taking white-tailed deer, nothing in
10 this Section shall be construed to prevent the manipulation,
11 including mowing or cutting, of standing crops as a normal
12 agricultural or soil stabilization practice, food plots, or
13 normal agricultural practices, including planting, harvesting,
14 and maintenance such as cultivating or the use of products
15 designed for scent only and not capable of ingestion, solid or
16 liquid, placed or scattered, in such a manner as to attract or
17 lure deer. Such manipulation for the purpose of taking
18 white-tailed deer may be further modified by administrative
19 rule.

20 (Source: P.A. 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;
21 96-1042, eff. 1-1-11; 97-564, eff. 8-25-11; 97-907, eff.
22 8-7-12.)