

SB2587



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2587

Introduced 1/21/2010, by Sen. David Luechtefeld

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.11
520 ILCS 5/2.26

from Ch. 61, par. 2.11
from Ch. 61, par. 2.26

Amends the Wildlife Code. Requires one Deer Hunting Permit and one Wild Turkey Hunting Permit to be issued without charge to each person who is a current income beneficiary of a trust that holds 40 or more acres of land in a county in Illinois and who wishes to hunt only on that land held in trust. Authorizes current income beneficiaries to assign their right to receive a free permit to their immediate family members who wish to hunt only on that land held in trust. Provides that the number of permits issued without charge to income beneficiaries and their immediate family members may not exceed 15 for each 40 acres of that land held in trust in a county. Makes other technical changes. Defines "immediate family" and "income beneficiary". Effective January 1, 2011.

LRB096 16502 JDS 31772 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 40 acres of Illinois land and wish to hunt on their
19 land only. ~~7~~

20 (b) Resident ~~resident~~ tenants of at least 40 acres of
21 commercial agricultural land. ~~7~~ ~~and~~

22 (c) Bona ~~bona~~ fide equity shareholders of a
23 corporation, bona fide equity members of a limited

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

14 (d) Persons who are current income beneficiaries of a
15 trust that holds 40 or more acres of land in a county in
16 Illinois and who wish to hunt only on that land held in
17 trust. One permit shall be issued without charge to each
18 current income beneficiary for each 40 acres of that land
19 held in trust in a county. Current income beneficiaries may
20 assign their right to receive a free permit to their
21 immediate family members who wish to hunt only on that land
22 held in trust. The number of permits issued without charge
23 to current income beneficiaries and their immediate family
24 members may not exceed 15 for each 40 acres of that land
25 held in trust in a county.

26 The turkey hunting permit issued without fee shall be valid

1 on all lands upon which the person to whom it is issued owns,
2 leases, or rents, except that in the case of a permit issued
3 without charge to a bona fide equity shareholder, bona fide
4 equity member, bona fide equity partner, current income
5 beneficiary, or immediate family member of a current income
6 beneficiary ~~shareholder of a corporation~~, the permit shall be
7 valid on all lands owned by the corporation, limited liability
8 company, partnership, or trust in the county.

9 The Department may by administrative rule allocate and
10 issue non-resident Wild Turkey Permits and establish fees for
11 such permits.

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

17 It shall be unlawful to take, or attempt to take, wild
18 turkey except during the time from 1/2 hour before sunrise to
19 1/2 hour after sunset or during such lesser period of time as
20 may be specified by administrative rule, during those days for
21 which an open season is established.

22 It shall be unlawful for any person to take, or attempt to
23 take, wild turkey by use of dogs, horses, automobiles, aircraft
24 or other vehicles, or conveyances, or by the use of bait of any
25 kind.

26 It is unlawful for any person to take in Illinois or have

1 in his possession more than one wild turkey per valid permit.

2 For purposes of this Section, "bona fide equity
3 shareholder", "bona fide equity member", ~~and~~ "bona fide equity
4 partner", "immediate family member", and "income beneficiary"
5 shall have the same meaning as provided in Section 2.26 of this
6 Act.

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

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

13 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

25 In this Section, "bona fide equity member" means an

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

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

18 In this Section, "immediate family member" means a spouse,
19 parent, or child, including an adopted child.

20 In this Section, "income beneficiary" means an individual
21 who, at the time of applying for a permit, is an Illinois
22 resident and receives income from a trust.

23 Any person attempting to take deer shall first obtain a
24 "Deer Hunting Permit" in accordance with prescribed
25 regulations set forth in an Administrative Rule. Deer Hunting
26 Permits shall be issued by the Department. The fee for a Deer

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

12 (a) Illinois landowners residing in Illinois who own at
13 least 40 acres of Illinois land and wish to hunt their land
14 only. ~~τ~~

15 (b) Resident ~~resident~~ tenants of at least 40 acres of
16 commercial agricultural land where they will hunt. ~~τ~~ ~~and~~

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

1 permits issued without charge to bona fide equity
2 shareholders of any corporation or bona fide equity members
3 of a limited liability company in any county shall not
4 exceed 15, and shall not exceed 3 in the case of bona fide
5 equity partners of a partnership.

6 (d) Persons who are current income beneficiaries of a
7 trust that holds 40 or more acres of land in a county in
8 Illinois and who wish to hunt only on that land held in
9 trust. One permit shall be issued without charge to each
10 current income beneficiary for each 40 acres of that land
11 held in trust in a county. Current income beneficiaries may
12 assign their right to receive a free permit to their
13 immediate family members who wish to hunt only on that land
14 held in trust. The number of permits issued without charge
15 to current income beneficiaries and their immediate family
16 members may not exceed 15 for each 40 acres of that land
17 held in trust in a county.

18 Bona fide landowners or tenants who do not wish to hunt
19 only on the land they own, rent, or lease; ~~or~~ bona fide equity
20 shareholders, bona fide equity members, or bona fide equity
21 partners who do not wish to hunt only on the land owned by the
22 corporation, limited liability company, or partnership; and
23 current income beneficiaries and immediate family members of
24 current income beneficiaries who do not wish to hunt only on
25 the land held in trust shall be charged the same fee as the
26 applicant who is not a landowner, tenant, bona fide equity

1 shareholder, bona fide equity member, ~~or~~ bona fide equity
2 partner, or current income beneficiary. Nonresidents of
3 Illinois who own at least 40 acres of land and wish to hunt on
4 their land only shall be charged a fee set by administrative
5 rule. The method for obtaining these permits shall be
6 prescribed by administrative rule.

7 The deer hunting permit issued without fee shall be valid
8 on all farm lands which the person to whom it is issued owns,
9 leases, or rents, except that in the case of a permit issued to
10 a bona fide equity shareholder, bona fide equity member, ~~or~~
11 bona fide equity partner, current income beneficiary, or
12 immediate family member of a current income beneficiary, the
13 permit shall be valid on all lands owned by the corporation,
14 limited liability company, ~~or~~ partnership, or trust in the
15 county.

16 The standards and specifications for use of guns and bow
17 and arrow for deer hunting shall be established by
18 administrative rule.

19 No person may have in his possession any firearm not
20 authorized by administrative rule for a specific hunting season
21 when taking deer.

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

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

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

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

1 administrative rule.

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

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

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

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

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

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

18 Any person who violates any of the provisions of this
19 Section, including administrative rules, shall be guilty of a
20 Class B misdemeanor.

21 For the purposes of calculating acreage under this Section,
22 the Department shall, after determining the total acreage of
23 the applicable tract or tracts of land, round remaining
24 fractional portions of an acre greater than or equal to half of
25 an acre up to the next whole acre.

26 (Source: P.A. 95-289, eff. 8-20-07; 95-329, eff. 8-21-07;

1 95-876, eff. 8-21-08; 96-162, eff. 1-1-10; 96-831, eff.
2 1-1-10.)

3 Section 99. Effective date. This Act takes effect January
4 1, 2011.