



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1074

Introduced 2/8/2005, by Rep. Dan Reitz - Mark H. Beaubien, Jr.
- Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.640 new	
515 ILCS 5/1-75	from Ch. 56, par. 1-75
520 ILCS 5/1.2m	from Ch. 61, par. 1.2m
520 ILCS 5/2.25	from Ch. 61, par. 2.25
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/3.37	from Ch. 61, par. 3.37

Amends the Fish and Aquatic Life Code and the Wildlife Code. Defines "resident" to require permanent abode in this State rather than actual residency. Requires domiciliary intent. Amends the Wildlife Code. Authorizes open deer season to be set between September 1 and February 15 (now no more than 14 days between November 1 and December 31). Provides that legal handguns need not be centerfire. Increases deer hunting fees. Authorizes DNR to set fees for processing and handling of applications and provides for the deposit and use of receipts. Amends the State Finance Act to create a special fund. Makes other changes. Effective immediately.

LRB094 08799 RCE 39016 b

1 AN ACT concerning natural resources.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.640 as follows:

6 (30 ILCS 105/5.640 new)

7 Sec. 5.640. The Illinois Department of Natural Resources
8 Permitting Revolving Fund.

9 Section 10. The Fish and Aquatic Life Code is amended by
10 changing Section 1-75 as follows:

11 (515 ILCS 5/1-75) (from Ch. 56, par. 1-75)

12 Sec. 1-75. Resident. "Resident" means a person who in good
13 faith makes application for any license or permit and verifies
14 by statement that he or she has maintained his or her permanent
15 abode in this State for a period of at least 30 consecutive
16 days immediately preceding the person's application, and who
17 does not maintain permanent abode or claim residency in another
18 state for the purposes of obtaining any of the same or similar
19 licenses or permits covered by this Code ~~actually resided in~~
20 ~~this State for at least the 30 consecutive days before the date~~
21 ~~of application and that his or her residence or permanent abode~~
22 ~~is, at the time of making application, in this State. A~~
23 person's permanent abode is his or her fixed and permanent
24 dwelling place, as distinguished from a temporary or transient
25 place of residence. Domiciliary intent is required to establish
26 that the person is maintaining his or her permanent abode in
27 this State. Evidence of domiciliary intent includes, but is not
28 limited to, the location where the person votes, pays personal
29 income tax, or obtains a drivers license. Except for the
30 purposes of obtaining a Lifetime License, any ~~Any~~ person on

1 active duty in the Armed Forces shall be considered a resident
2 of Illinois during his or her period of military duty.

3 (Source: P.A. 87-833.)

4 Section 15. The Wildlife Code is amended by changing
5 Sections 1.2m, 2.25, 2.26 and 3.37 as follows:

6 (520 ILCS 5/1.2m) (from Ch. 61, par. 1.2m)

7 Sec. 1.2m. "Resident" means a person who in good faith
8 makes application for any license or permit and verifies by
9 statement that he or she has maintained his or her permanent
10 abode in this State for a period of at least 30 consecutive
11 days immediately preceding the person's application, and who
12 does not maintain permanent abode or claim residency in another
13 state for the purposes of obtaining any of the same or similar
14 licenses or permits covered by this Code ~~actually resided in~~
15 ~~this State at least 30 days consecutively preceding the date of~~
16 ~~his application and that his residence or permanent abode is,~~
17 ~~at the time of making application, in this State. A person's~~
18 permanent abode is his or her fixed and permanent dwelling
19 place, as distinguished from a temporary or transient place of
20 residence. Domiciliary intent is required to establish that the
21 person is maintaining his or her permanent abode in this State.
22 Evidence of domiciliary intent includes, but is not limited to,
23 the location where the person votes, pays personal income tax,
24 or obtains a drivers license. Except for the purposes of
25 obtaining a Lifetime License, any ~~Any~~ person on active duty in
26 the Armed Forces shall be considered a resident of Illinois
27 during his or her period of military duty.

28 (Source: P.A. 81-382.)

29 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

30 Sec. 2.25. It shall be unlawful for any person to take deer
31 except (i) with a shotgun, handgun, or muzzleloading rifle or
32 (ii) as provided by administrative rule, with a bow and arrow,
33 or crossbow device for handicapped persons as defined in

1 Section 2.33, during the open season of ~~not more than 14 days~~
2 which will be set annually by the Director between the dates of
3 September 1st and February 15th ~~November 1st and December 31st,~~
4 both inclusive. For the purposes of this Section, legal
5 handguns include ~~any centerfire~~ handguns of .30 caliber or
6 larger with a minimum barrel length of 4 inches. The only legal
7 ammunition for a centerfire handgun is a cartridge of .30
8 caliber or larger with a capability of at least 500 foot pounds
9 of energy at the muzzle. Full metal jacket bullets may not be
10 used to harvest deer.

11 The Department shall make administrative rules concerning
12 management restrictions applicable to the firearm and bow and
13 arrow season.

14 It shall be unlawful for any person to take deer except
15 with a bow and arrow, or crossbow device for handicapped
16 persons (as defined in Section 2.33), during the open season
17 for bow and arrow set annually by the Director between the
18 dates of September 1st and January 31st, both inclusive.

19 It shall be unlawful for any person to take deer except
20 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
21 crossbow device for handicapped persons as defined in Section
22 2.33, during the open season for muzzleloading rifles set
23 annually by the Director.

24 The Director shall cause an administrative rule setting
25 forth the prescribed rules and regulations, including bag and
26 possession limits and those counties of the State where open
27 seasons are established, to be published in accordance with
28 Sections 1.3 and 1.13 of this Act.

29 The Department may establish separate harvest periods for
30 the purpose of managing or eradicating disease that has been
31 found in the deer herd. This season shall be restricted to gun
32 or bow and arrow hunting only. The Department shall publicly
33 announce, via statewide news release, the season dates and
34 shooting hours, the counties and sites open to hunting, permit
35 requirements, application dates, hunting rules, legal weapons,
36 and reporting requirements.

1 The Department is authorized to establish a separate
2 harvest period at specific sites within the State for the
3 purpose of harvesting surplus deer that cannot be taken during
4 the regular season provided for the taking of deer. This season
5 shall be restricted to gun or bow and arrow hunting only and
6 shall be established during the period of September 1st to
7 February 15th, both inclusive. The Department shall publish
8 suitable prescribed rules and regulations established by
9 administrative rule pertaining to management restrictions
10 applicable to this special harvest program.

11 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
12 revised 9-15-03.)

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

34 In this Section, "bona fide equity partner" means an
35 individual who (1) (i) became a partner, either general or

1 limited, upon the formation of a partnership or limited
2 partnership, or (ii) has purchased, acquired, or been gifted a
3 partnership interest accurately representing his or her
4 percentage distributional interest in the profits, losses, and
5 assets of a partnership or limited partnership, (2) intends to
6 retain ownership of the partnership interest for at least 5
7 years, and (3) is a resident of Illinois.

8 Any person attempting to take deer shall first obtain a
9 "Deer Hunting Permit" in accordance with prescribed
10 regulations set forth in an Administrative Rule. Deer Hunting
11 Permits shall be issued by the Department. The fee for a Deer
12 Hunting Permit to take deer with either bow and arrow or gun
13 shall not exceed \$15.00 for residents of the State. The
14 Department may by administrative rule provide for non-resident
15 deer hunting permits for which the fee will not exceed \$395
16 ~~\$200~~ except as provided below for non-resident landowners and
17 non-resident archery hunters. The Department may by
18 administrative rule provide for a non-resident archery deer
19 permit consisting of not more than 2 harvest tags at a total
20 cost not to exceed \$420 ~~\$225~~. Permits shall be issued without
21 charge to:

22 (a) Illinois landowners residing in Illinois who own at
23 least 40 acres of Illinois land and wish to hunt their land
24 only,

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

27 (c) Bona fide equity shareholders of a corporation,
28 bona fide equity members of a limited liability company, or
29 bona fide equity partners of a general or limited
30 partnership which owns at least 40 acres of land in a
31 county in Illinois who wish to hunt on the corporation's,
32 company's, or partnership's land only. One permit shall be
33 issued without charge to one bona fide equity shareholder,
34 one bona fide equity member, or one bona fide equity
35 partner for each 40 acres of land owned by the corporation,
36 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 Bona fide landowners or tenants who do not wish to hunt
7 only on the land they own, rent, or lease or bona fide equity
8 shareholders, bona fide equity members, or bona fide equity
9 partners who do not wish to hunt only on the land owned by the
10 corporation, limited liability company, or partnership shall
11 be charged the same fee as the applicant who is not a
12 landowner, tenant, bona fide equity shareholder, bona fide
13 equity member, or bona fide equity partner. Nonresidents of
14 Illinois who own at least 40 acres of land and wish to hunt on
15 their land only shall be charged a fee set by administrative
16 rule. The method for obtaining these permits shall be
17 prescribed by administrative rule.

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

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

28 No person may have in his possession any firearm not
29 authorized by administrative rule for a specific hunting season
30 when taking deer.

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

36 Persons having an archery 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 bow and arrow.

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

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

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

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

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

36 The Department may prohibit upland game hunting during the

1 gun deer season by administrative rule.

2 It shall be legal for handicapped persons, as defined in
3 Section 2.33, to utilize a crossbow device, as defined in
4 Department rules, to take deer.

5 Any person who violates any of the provisions of this
6 Section, including administrative rules, shall be guilty of a
7 Class B misdemeanor.

8 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
9 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
10 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)

11 (520 ILCS 5/3.37) (from Ch. 61, par. 3.37)

12 Sec. 3.37. The Department of Natural Resources has the
13 authority to designate agents to sell licenses, stamps and
14 permits on behalf of the Department. Any person receiving
15 licenses from the Department for sale as provided for in this
16 Section, shall execute and deliver receipts therefor; and shall
17 on dates specified by the Department report in writing to the
18 Department the number and kind of licenses sold, and shall,
19 with such reports, make remittances to the Department covering
20 the amounts received from such sales. Failure on the part of
21 any clerk or agent to fully comply with this Act, including
22 administrative rules, shall be justification for the
23 Department to cancel or withdraw the issuance of licenses
24 through such clerks or agents. A Federal Migratory Bird Hunting
25 and Conservation Stamp shall be deemed a license for the
26 purpose of this Section. Any person authorized by the
27 Department including any county, city, village, township, or
28 incorporated town clerk issuing licenses, permits or stamps
29 provided for in this Act, may add the following as the fees for
30 issuing such licenses: 75 cents in the case of Sportsmen's
31 Combination Licenses or nonresident hunting licenses, and 50
32 cents in the case of all other licenses, permits and stamps.
33 However, such clerks shall remit to the treasurer of the
34 political subdivision of which he is an officer or employee,
35 the added fees or any portion thereof he or she collects

1 provided in this Section. Issuing fees may be divided between
2 such clerks and their appointed subagents other than employees
3 of the clerk's office, but in no case may any clerk or subagent
4 charge an issuing fee or fees totaling more than the issuing
5 fee set out in this Section. No person, or subagent of any
6 county, city, village, township or incorporated town clerk may
7 charge a service fee for issuing licenses provided for in this
8 Act, and the charging of fees for issuing such licenses in
9 excess of the fees authorized is a petty offense. All fees,
10 less issuing fees, collected from the sale of licenses and
11 permits and not remitted to the Department as provided in this
12 Section, shall be deemed to have been embezzled and the person
13 or officer responsible for such remittance is subject to
14 prosecution. Any person authorized to issue licenses by
15 telephone and electronic transmission or incurring costs for
16 customer convenience may charge in addition to the "issuing
17 fee" authorized by this Section a fee not to exceed an amount
18 set by the Department, by administrative rule, to cover the
19 transaction cost.

20 The Department may establish and collect a reasonable fee
21 (application fee) for the processing and handling of
22 applications for permits and licenses. The fees collected shall
23 be deposited into the Illinois Department of Natural Resources
24 Permitting Revolving Fund and are not to exceed an amount set
25 by administrative rule. The moneys collected through the
26 administration of the application fee shall be appropriated
27 from the Illinois Department of Natural Resources Permitting
28 Fund solely for the purpose of defraying costs associated with
29 processing, handling, and mailing of refunds of permits and
30 licenses and costs associated with automated fish and wildlife
31 data systems.

32 (Source: P.A. 89-445, eff. 2-7-96; 90-225, eff. 7-25-97;
33 90-743, eff. 1-1-99.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.