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09400HB1074ham001

LRB094 08799 JAM 42862 a

1 AMENDMENT TO HOUSE BILL 1074

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1074 by replacing  
3 everything after the enacting clause with the following:

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~~

1 person's permanent abode is his or her fixed and permanent  
2 dwelling place, as distinguished from a temporary or transient  
3 place of residence. Domiciliary intent is required to establish  
4 that the person is maintaining his or her permanent abode in  
5 this State. Evidence of domiciliary intent includes, but is not  
6 limited to, the location where the person votes, pays personal  
7 income tax, or obtains a drivers license. Except for the  
8 purposes of obtaining a Lifetime License, any ~~Any~~ person on  
9 active duty in the Armed Forces shall be considered a resident  
10 of Illinois during his or her period of military duty.

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

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

14 (520 ILCS 5/1.2m) (from Ch. 61, par. 1.2m)

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

1 obtaining a Lifetime License, any ~~any~~ person on active duty in  
2 the Armed Forces shall be considered a resident of Illinois  
3 during his or her period of military duty.

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

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

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

17 In this Section, "bona fide equity member" means an  
18 individual who (1) (i) became a member upon the formation of  
19 the limited liability company or (ii) has purchased a  
20 distributional interest in a limited liability company for a  
21 value equal to the percentage of the appraised value of the LLC  
22 assets represented by the distributional interest in the LLC  
23 and subsequently becomes a member of the company pursuant to  
24 Article 30 of the Limited Liability Company Act and who (2)  
25 intends to retain the membership for at least 5 years.

26 In this Section, "bona fide equity partner" means an  
27 individual who (1) (i) became a partner, either general or  
28 limited, upon the formation of a partnership or limited  
29 partnership, or (ii) has purchased, acquired, or been gifted a  
30 partnership interest accurately representing his or her  
31 percentage distributional interest in the profits, losses, and  
32 assets of a partnership or limited partnership, (2) intends to  
33 retain ownership of the partnership interest for at least 5

1 years, and (3) is a resident of Illinois.

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

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

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

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

1 equity partners of a partnership.

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

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

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

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

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

32 Persons having an archery deer hunting permit shall be  
33 permitted to take deer only during the period from 1/2 hour  
34 before sunrise to 1/2 hour after sunset, and only during those

1 days for which an open season is established for the taking of  
2 deer by use of bow and arrow.

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

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

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

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

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

34 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

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

22 The Department may establish and collect a reasonable fee  
23 (application fee) for the processing and handling of  
24 applications for permits and licenses. The fees collected shall  
25 be deposited into the Illinois Department of Natural Resources  
26 Permitting Revolving Fund and are not to exceed defraying costs  
27 associated with processing, handling, and mailing of refunds of  
28 permits and licenses and costs associated with automated fish  
29 and wildlife data systems. Fees collected by the Department  
30 shall not exceed 5% of the costs of fees charged for the  
31 purchase of permits or licenses.

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



1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".