



Rep. Shane Cultra

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09400HB2521ham003

LRB094 10696 JAM 45105 a

1 AMENDMENT TO HOUSE BILL 2521

2 AMENDMENT NO. _____. Amend House Bill 2521, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Wildlife Code is amended by changing
6 Section 2.26 as follows:

7 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

19 In this Section, "bona fide equity member" means an
20 individual who (1) (i) became a member upon the formation of
21 the limited liability company or (ii) has purchased a
22 distributional interest in a limited liability company for a
23 value equal to the percentage of the appraised value of the LLC
24 assets represented by the distributional interest in the LLC

1 and subsequently becomes a member of the company pursuant to
2 Article 30 of the Limited Liability Company Act and who (2)
3 intends to retain the membership for at least 5 years.

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

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

27 (a) Illinois landowners residing in Illinois who own at
28 least 40 acres of Illinois land and wish to hunt their land
29 only,

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

32 (c) Bona fide equity shareholders of a corporation,
33 bona fide equity members of a limited liability company, or
34 bona fide equity partners of a general or limited

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

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

25 The deer hunting permit issued without fee shall be valid
26 on all farm lands which the person to whom it is issued owns,
27 leases or rents, except that in the case of a permit issued to
28 a bona fide equity shareholder, bona fide equity member, or
29 bona fide equity partner, the permit shall be valid on all
30 lands owned by the corporation, limited liability company, or
31 partnership in the county.

32 The Department of Natural Resources shall conduct a
33 one-year pilot program with respect to the 2006 deer hunting
34 season under which a landowner described in paragraph (a) may

1 purchase up to 4 additional deer hunting permits at the
2 appropriate resident or non-resident permit rate for hunting by
3 his or her lineal descendants who do not reside with the
4 landowner. At the time of purchase, the landowner must provide
5 a notarized affidavit signed by the landowner and the lineal
6 descendant stating that the persons for whom the landowner is
7 purchasing the permits are his or her lineal descendants. A
8 landowner who obtains or attempts to obtain one or more
9 additional permits under the program for persons who are not
10 his or her lineal descendants shall lose deer hunting permit
11 privileges for 3 years from discovery by the Department of the
12 false claim of lineal descent. Permits issued under the program
13 are in addition to any limit on deer hunting permits for the
14 relevant county or counties and shall allow the permittee to
15 take antlerless deer only.

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 sunset, and only during those days for which
25 an open season is established for the taking of deer by use of
26 shotgun, handgun, or muzzle loading rifle.

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

32 It shall be unlawful for any person to take deer by use of
33 dogs, horses, automobiles, aircraft or other vehicles, or by
34 the use of salt or bait of any kind. An area is considered as

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

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

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

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

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

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

31 It shall be legal for handicapped persons, as defined in
32 Section 2.33, to utilize a crossbow device, as defined in
33 Department rules, to take deer.

34 Any person who violates any of the provisions of this

1 Section, including administrative rules, shall be guilty of a
2 Class B misdemeanor.

3 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
4 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
5 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)".