



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4429

Introduced 1/6/2006, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

515 ILCS 5/20-45	from Ch. 56, par. 20-45
515 ILCS 5/20-50	from Ch. 56, par. 20-50
515 ILCS 5/20-51	
520 ILCS 5/2.11	from Ch. 61, par. 2.11
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/3.2	from Ch. 61, par. 3.2
520 ILCS 5/3.39	from Ch. 61, par. 3.39

Amends the Fish and Aquatic Life Code and the Wildlife Code. Provides that residents, age 65 or older, may not be charged a license fee for: (1) a non-commercial sport fishing or spearing license, (2) a salmon stamp, (3) an inland trout stamp, (4) a Deer Hunting Permit, (5) a hunting license to hunt all species, (6) a State Migratory Waterfowl Stamp, (7) a State Habitat Stamp, or (8) a sportsmen's combination license. Effective immediately.

LRB094 16668 RSP 51936 b

FISCAL NOTE ACT
MAY APPLY

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 Fish and Aquatic Life Code is amended by
5 changing Sections 20-45, 20-50, and 20-51 as follows:

6 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

7 Sec. 20-45. License fees for residents. Fees for licenses
8 for residents of the State of Illinois shall be as follows:

9 (a) Except as otherwise provided in this Section, for
10 sport fishing devices as defined in Section 10-95 or
11 spearing devices as defined in Section 10-110 the fee is
12 \$12.50 for individuals 16 to 64 years old, ~~and one half of~~
13 ~~the current fishing license fee for individuals age 65 or~~
14 ~~older, commencing with the 1994 license year. For residents~~
15 age 65 or older, no fee shall be charged for a sport
16 fishing or spearing license.

17 (b) All residents before using any commercial fishing
18 device shall obtain a commercial fishing license, the fee
19 for which shall be \$35. Each and every commercial device
20 used shall be licensed by a resident commercial fisherman
21 as follows:

22 (1) For each 100 lineal yards, or fraction thereof,
23 of seine the fee is \$18. For each minnow seine, minnow
24 trap, or net for commercial purposes the fee is \$20.

25 (2) For each device to fish with a 100 hook trot
26 line device, basket trap, hoop net, or dip net the fee
27 is \$3.

28 (3) When used in the waters of Lake Michigan, for
29 the first 2000 lineal feet, or fraction thereof, of
30 gill net the fee is \$10; and for each 1000 additional
31 lineal feet, or fraction thereof, the fee is \$10. These
32 fees shall apply to all gill nets in use in the water

1 or on drying reels on the shore.

2 (4) For each 100 lineal yards, or fraction thereof,
3 of gill net or trammel net the fee is \$18.

4 (c) Residents of the State of Illinois may obtain a
5 sportsmen's combination license that shall entitle the
6 holder to the same non-commercial fishing privileges as
7 residents holding a license as described in subsection (a)
8 of this Section and to the same hunting privileges as
9 residents holding a license to hunt all species as
10 described in Section 3.1 of the Wildlife Code. No
11 sportsmen's combination license shall be issued to any
12 individual who would be ineligible for either the fishing
13 or hunting license separately. The sportsmen's combination
14 license fee shall be \$18.50. For residents age 65 or older,
15 no fee shall be ~~the fee is one half of the fee~~ charged for
16 a sportsmen's combination license.

17 (d) For 24 hours of fishing by sport fishing devices as
18 defined in Section 10-95 or by spearing devices as defined
19 in Section 10-110 the fee is \$5. This license exempts the
20 licensee from the requirement for a salmon or inland trout
21 stamp. The licenses provided for by this subsection are not
22 required for residents of the State of Illinois who have
23 obtained the license provided for in subsection (a) of this
24 Section.

25 (e) All residents before using any commercial mussel
26 device shall obtain a commercial mussel license, the fee
27 for which shall be \$50.

28 (f) Residents of this State, upon establishing
29 residency as required by the Department, may obtain a
30 lifetime hunting or fishing license or lifetime
31 sportsmen's combination license which shall entitle the
32 holder to the same non-commercial fishing privileges as
33 residents holding a license as described in paragraph (a)
34 of this Section and to the same hunting privileges as
35 residents holding a license to hunt all species as
36 described in Section 3.1 of the Wildlife Code. No lifetime

1 sportsmen's combination license shall be issued to or
2 retained by any individual who would be ineligible for
3 either the fishing or hunting license separately, either
4 upon issuance, or in any year a violation would subject an
5 individual to have either or both fishing or hunting
6 privileges rescinded. The lifetime hunting and fishing
7 license fees shall be as follows:

8 (1) Lifetime fishing: 30 x the current fishing
9 license fee.

10 (2) Lifetime hunting: 30 x the current hunting
11 license fee.

12 (3) Lifetime sportsmen's combination license: 30 x
13 the current sportsmen's combination license fee.

14 Lifetime licenses shall not be refundable. A \$10 fee shall
15 be charged for reissuing any lifetime license. The Department
16 may establish rules and regulations for the issuance and use of
17 lifetime licenses and may suspend or revoke any lifetime
18 license issued under this Section for violations of those rules
19 or regulations or other provisions under this Code or the
20 Wildlife Code. Individuals under 16 years of age who possess a
21 lifetime hunting or sportsmen's combination license shall have
22 in their possession, while in the field, a certificate of
23 competency as required under Section 3.2 of the Wildlife Code.
24 Any lifetime license issued under this Section shall not exempt
25 individuals from obtaining additional stamps or permits
26 required under the provisions of this Code or the Wildlife
27 Code. Individuals required to purchase additional stamps shall
28 sign the stamps and have them in their possession while fishing
29 or hunting with a lifetime license. All fees received from the
30 issuance of lifetime licenses shall be deposited in the Fish
31 and Wildlife Endowment Fund.

32 Except for licenses issued under subsection (e) of this
33 Section, all licenses provided for in this Section shall expire
34 on March 31 of each year, except that the license provided for
35 in subsection (d) of this Section shall expire 24 hours after
36 the effective date and time listed on the face of the license.

1 All individuals required to have and failing to have the
2 license provided for in subsection (a) or (d) of this Section
3 shall be fined according to the provisions of Section 20-35 of
4 this Code.

5 All individuals required to have and failing to have the
6 licenses provided for in subsections (b) and (e) of this
7 Section shall be guilty of a Class B misdemeanor.

8 (Source: P.A. 89-66, eff. 1-1-96; 90-225, eff. 7-25-97; 90-743,
9 eff. 1-1-99.)

10 (515 ILCS 5/20-50) (from Ch. 56, par. 20-50)

11 Sec. 20-50. Salmon stamp fee. The fee for a salmon stamp
12 shall be \$6 for both resident and non-resident licensees. Every
13 person shall sign the salmon stamp or affix the salmon stamp to
14 his or her license. These stamps shall expire on March 31 of
15 each year. All individuals required to have and failing to have
16 a salmon stamp as provided in Section 20-10 of this Code shall
17 be guilty of a petty offense. For residents age 65 or older, no
18 fee shall be charged for a salmon stamp under this Section.

19 (Source: P.A. 87-833; 88-91.)

20 (515 ILCS 5/20-51)

21 Sec. 20-51. Inland trout stamp. The fee for an inland trout
22 stamp shall be \$6 for both resident and nonresident licensees.
23 These stamps shall expire on March 31 of each year. All
24 individuals required to have and who fail to have an inland
25 trout stamp, as provided in Section 20-11 of this Code, shall
26 be guilty of a petty offense. For residents age 65 or older, no
27 fee shall be charged for an inland trout stamp under this
28 Section.

29 (Source: P.A. 88-91.)

30 Section 10. The Wildlife Code is amended by changing
31 Sections 2.11, 2.26, 3.2 and 3.39 as follows:

32 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

1 Sec. 2.11. Before any person may lawfully hunt wild turkey,
2 he shall first obtain a "Wild Turkey Hunting Permit" in
3 accordance with the prescribed regulations set forth in an
4 administrative rule of the Department. The fee for a Resident
5 Wild Turkey Hunting Permit shall not exceed \$15. For residents
6 age 65 or older, no fee shall be charged for a Resident Wild
7 Turkey Hunting Permit under this Section.

8 Upon submitting suitable evidence of legal residence in any
9 other state, non-residents shall be charged a fee not to exceed
10 \$125 for wild turkey hunting permits, except as provided below
11 for non-resident land owners.

12 Permits shall be issued without charge to:

13 (a) Illinois landowners residing in Illinois who own at
14 least 40 acres of Illinois land and wish to hunt on their
15 land only,

16 (b) resident tenants of at least 40 acres of commercial
17 agricultural land, and

18 (c) shareholders of a corporation which owns at least
19 40 acres of land in a county in Illinois who wish to hunt
20 on the corporation's land only. One permit shall be issued
21 without charge to one shareholder for each 40 acres of land
22 owned by the corporation in a county; however, the number
23 of permits issued without charge to shareholders of any
24 corporation in any county shall not exceed 15.

25 The turkey hunting permit issued without fee shall be valid
26 on all lands upon which the person to whom it is issued owns,
27 leases or rents, except that in the case of a permit issued
28 without charge to a shareholder of a corporation, the permit
29 shall be valid on all lands owned by the corporation in the
30 county.

31 The Department may by administrative rule allocate and
32 issue non-resident Wild Turkey Permits and establish fees for
33 such permits.

34 It shall be unlawful to take wild turkey except by use of a
35 bow and arrow or a shotgun of not larger than 10 nor smaller
36 than 20 gauge with shot size not larger than No. 4, and no

1 person while attempting to so take wild turkey may have in his
2 possession any other gun.

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

8 It shall be unlawful for any person to take, or attempt to
9 take, wild turkey by use of dogs, horses, automobiles, aircraft
10 or other vehicles, or conveyances, or by the use of bait of any
11 kind.

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

14 (Source: P.A. 92-177, eff. 7-27-01.)

15 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

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

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

10 Any person attempting to take deer shall first obtain a
11 "Deer Hunting Permit" in accordance with prescribed
12 regulations set forth in an Administrative Rule. Deer Hunting
13 Permits shall be issued by the Department. The fee for a Deer
14 Hunting Permit to take deer with either bow and arrow or gun
15 shall not exceed \$15.00 for residents of the State. For
16 residents age 65 or older, no fee shall be charged for a Deer
17 Hunting Permit under this Section. The Department may by
18 administrative rule provide for non-resident deer hunting
19 permits for which the fee will not exceed \$300 in 2005, \$350 in
20 2006, and \$400 in 2007 and thereafter except as provided below
21 for non-resident landowners and non-resident archery hunters.
22 The Department may by administrative rule provide for a
23 non-resident archery deer permit consisting of not more than 2
24 harvest tags at a total cost not to exceed \$325 in 2005, \$375
25 in 2006, and \$425 in 2007 and thereafter. Permits shall be
26 issued without charge 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
35 partnership which owns at least 40 acres of land in a
36 county in Illinois who wish to hunt on the corporation's,

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

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

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

30 The standards and specifications for use of guns and bow
31 and arrow for deer hunting shall be established by
32 administrative rule.

33 No person may have in his possession any firearm not
34 authorized by administrative rule for a specific hunting season
35 when taking deer.

36 Persons having a firearm deer hunting permit shall be

1 permitted to take deer only during the period from 1/2 hour
2 before sunrise to sunset, and only during those days for which
3 an open season is established for the taking of deer by use of
4 shotgun, handgun, or muzzle loading rifle.

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

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

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

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

35 It shall be unlawful for any person, having taken the legal
36 limit of deer by gun, to further participate with gun in any

1 deer hunting party.

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

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

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

9 It shall be legal for handicapped persons, as defined in
10 Section 2.33, to utilize a crossbow device, as defined in
11 Department rules, to take deer.

12 Any person who violates any of the provisions of this
13 Section, including administrative rules, shall be guilty of a
14 Class B misdemeanor.

15 (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;
16 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

17 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

18 Sec. 3.2. Hunting license; application; instruction.
19 Before the Department or any county, city, village, township,
20 incorporated town clerk or his duly designated agent or any
21 other person authorized or designated by the Department to
22 issue hunting licenses shall issue a hunting license to any
23 person, the person shall file his application with the
24 Department or other party authorized to issue licenses on a
25 form provided by the Department and further give definite proof
26 of identity and place of legal residence. Each clerk
27 designating agents to issue licenses and stamps shall furnish
28 the Department, within 10 days following the appointment, the
29 names and mailing addresses of the agents. Each clerk or his
30 duly designated agent shall be authorized to sell licenses and
31 stamps only within the territorial area for which he was
32 elected or appointed. No duly designated agent is authorized to
33 furnish licenses or stamps for issuance by any other business
34 establishment. Each application shall be executed and sworn to
35 and shall set forth the name and description of the applicant

1 and place of residence.

2 No hunting license shall be issued to any person born on or
3 after January 1, 1980 unless he presents the person authorized
4 to issue the license evidence that he has held a hunting
5 license issued by the State of Illinois or another state in a
6 prior year, or a certificate of competency as provided in this
7 Section. Persons under 16 years of age may be issued a Lifetime
8 Hunting or Sportsmen's Combination License as provided under
9 Section 20-45 of the Fish and Aquatic Life Code but shall not
10 be entitled to hunt unless they have a certificate of
11 competency as provided in this Section and they shall have the
12 certificate in their possession while hunting.

13 The Department of Natural Resources shall authorize
14 personnel of the Department or certified volunteer instructors
15 to conduct courses, of not less than 10 hours in length, in
16 firearms and hunter safety, which may include training in bow
17 and arrow safety, at regularly specified intervals throughout
18 the State. Persons successfully completing the course shall
19 receive a certificate of competency. The Department of Natural
20 Resources may further cooperate with any reputable association
21 or organization in establishing courses if the organization has
22 as one of its objectives the promotion of safety in the
23 handling of firearms or bow and arrow.

24 The Department of Natural Resources shall designate any
25 person found by it to be competent to give instruction in the
26 handling of firearms, hunter safety, and bow and arrow. The
27 persons so appointed shall give the course of instruction and
28 upon the successful completion shall issue to the person
29 instructed a certificate of competency in the safe handling of
30 firearms, hunter safety, and bow and arrow. No charge shall be
31 made for any course of instruction except for materials or
32 ammunition consumed. The Department of Natural Resources shall
33 furnish information on the requirements of hunter safety
34 education programs to be distributed free of charge to
35 applicants for hunting licenses by the persons appointed and
36 authorized to issue licenses. Funds for the conducting of

1 firearms and hunter safety courses shall be taken from the fee
2 charged for the Firearm Owners Identification Card.

3 The fee for a hunting license to hunt all species for a
4 resident of Illinois is \$7. For residents age 65 or older, no
5 fee shall be ~~the fee is one half of the fee~~ charged for a
6 hunting license to hunt all species for a resident of Illinois.
7 Nonresidents shall be charged \$50 for a hunting license.

8 Nonresidents may be issued a nonresident hunting license
9 for a period not to exceed 10 consecutive days' hunting in the
10 State and shall be charged a fee of \$28.

11 A special nonresident hunting license authorizing a
12 nonresident to take game birds by hunting on a game breeding
13 and hunting preserve area only, established under Section 3.27,
14 shall be issued upon proper application being made and payment
15 of a fee equal to that for a resident hunting license. The
16 expiration date of this license shall be on the same date each
17 year that game breeding and hunting preserve area licenses
18 expire.

19 Each applicant for a State Migratory Waterfowl Stamp,
20 regardless of his residence or other condition, shall pay a fee
21 of \$10 and shall receive a stamp. For residents age 65 or
22 older, no fee shall be charged for a State Migratory Waterfowl
23 Stamp under this Section. Except as provided under Section
24 20-45 of the Fish and Aquatic Life Code, the stamp shall be
25 signed by the person or affixed to his license or permit in a
26 space designated by the Department for that purpose.

27 Each applicant for a State Habitat Stamp, regardless of his
28 residence or other condition, shall pay a fee of \$5 and shall
29 receive a stamp. For residents age 65 or older, no fee shall be
30 charged for a State Habitat Stamp under this Section. Except as
31 provided under Section 20-45 of the Fish and Aquatic Life Code,
32 the stamp shall be signed by the person or affixed to his
33 license or permit in a space designated by the Department for
34 that purpose.

35 Nothing in this Section shall be construed as to require
36 the purchase of more than one State Habitat Stamp by any person

1 in any one license year.

2 The Department shall furnish the holders of hunting
3 licenses and stamps with an insignia as evidence of possession
4 of license, or license and stamp, as the Department may
5 consider advisable. The insignia shall be exhibited and used as
6 the Department may order.

7 All other hunting licenses and all State stamps shall
8 expire upon March 31 of each year.

9 Every person holding any license, permit, or stamp issued
10 under the provisions of this Act shall have it in his
11 possession for immediate presentation for inspection to the
12 officers and authorized employees of the Department, any
13 sheriff, deputy sheriff, or any other peace officer making a
14 demand for it. This provision shall not apply to Department
15 owned or managed sites where it is required that all hunters
16 deposit their license, permit, or Firearm Owner's
17 Identification Card at the check station upon entering the
18 hunting areas.

19 (Source: P.A. 93-554, eff. 8-20-03.)

20 (520 ILCS 5/3.39) (from Ch. 61, par. 3.39)

21 Sec. 3.39. Residents of the State of Illinois may obtain a
22 Sportsmen's Combination License which shall entitle the holder
23 to the same non-commercial fishing privileges as residents
24 holding a fishing license described in subparagraph (a) of
25 Section 20-45 of the Fish and Aquatic Life Code, and to the
26 same hunting privileges as residents holding a license to hunt
27 all species, as described in Section 3.1 of this Act. However,
28 no Sportsmen's Combination License shall be issued to any
29 person who would be ineligible for either the fishing or
30 hunting license separately. The Sportsmen's Combination
31 License fee shall be \$18.50. For residents age 65 or older, no
32 fee shall be ~~the fee is one-half of the fee~~ charged for a
33 Sportsmen's Combination License.

34 (Source: P.A. 90-743, eff. 1-1-99.)

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