



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1696

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.28	from Ch. 61, par. 1.28
520 ILCS 5/3.1	from Ch. 61, par. 3.1
30 ILCS 105/5.305 rep.	
520 ILCS 5/1.31 rep.	

Amends the Wildlife Code. Repeals the provision concerning the pheasant fund. Makes corresponding changes. Amends the State Finance Act and makes corresponding changes. Effective January 1, 2012.

LRB097 08545 CEL 48672 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 Section
5 1.28 as follows:

6 (520 ILCS 5/1.28) (from Ch. 61, par. 1.28)

7 Sec. 1.28. Fees and fines; deposit in funds. All fees,
8 fines, including bond forfeitures, income of whatsoever kind or
9 nature derived from hunting and fishing activities on lands or
10 waters or both under the jurisdiction or control of the
11 Department, and all penalties collected under this Act shall be
12 deposited in the State Treasury and shall be set apart in a
13 special fund to be known as the "Wildlife and Fish Fund";
14 except that fees derived solely from the sale of salmon stamps,
15 income from art contests for the salmon stamp, including income
16 from the sale of reprints, and gifts, donations, grants and
17 bequests of money for the conservation and propagation of
18 salmon shall be deposited in the State Treasury and set apart
19 in the special fund to be known as the "Salmon Fund"; and
20 except that fees derived solely from the sale of state
21 migratory waterfowl stamps, and gifts, donations, grants and
22 bequests of money for the conservation and propagation of
23 waterfowl shall be deposited in the special fund to be known as

1 the "State Migratory Waterfowl Stamp Fund"; and except that, of
2 fees derived solely from the sale of State Habitat Stamps, 79%
3 ~~64%~~ shall be deposited into the Illinois Habitat Fund, ~~30%~~ into
4 ~~the State Pheasant Fund,~~ and 21% ~~6%~~ into the State Furbearer
5 Fund. Income generated from the sale of artwork associated with
6 the State Habitat Stamps shall be deposited into the Illinois
7 Habitat Fund. All interest that accrues from monies deposited
8 into the Wildlife and Fish Fund, the Salmon Fund, the State
9 Migratory Waterfowl Stamp Fund, the State Furbearer Fund, ~~the~~
10 ~~State Pheasant Fund,~~ and the Illinois Habitat Fund shall be
11 deposited into those funds, respectively. Appropriations from
12 the "Wildlife and Fish Fund" shall be made only to the
13 Department for the carrying out of the powers and functions
14 vested by law in the Department for the administration and
15 management of fish and wildlife resources of this State for
16 such activities as the purchase of land for fish hatcheries,
17 wildlife refuges, preserves and public shooting and fishing
18 grounds; the purchase and distribution of wild birds, the eggs
19 of wild birds, and wild mammals for rescuing, restoring and
20 distributing fish; the maintenance of wildlife refuges, or
21 preserves, public shooting grounds, public fishing grounds and
22 fish hatcheries; and the feeding and care of wild birds, wild
23 animals and fish.

24 (Source: P.A. 95-853, eff. 8-18-08.)

25 Section 10. The Wildlife Code is amended by changing

1 Section 3.1 as follows:

2 (520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

3 Sec. 3.1. License and stamps required.

4 (a) Before any person shall take or attempt to take any of
5 the species protected by Section 2.2 for which an open season
6 is established under this Act, he shall first have procured and
7 possess a valid hunting license, except as provided in Section
8 3.1-5 of this Code.

9 Before any person 16 years of age or older shall take or
10 attempt to take any bird of the species defined as migratory
11 waterfowl by Section 2.2, including coots, he shall first have
12 procured a State Migratory Waterfowl Stamp.

13 Before any person 16 years of age or older takes, attempts
14 to take, or pursues any species of wildlife protected by this
15 Code, except migratory waterfowl, coots, and hand-reared birds
16 on licensed game breeding and hunting preserve areas and state
17 controlled pheasant hunting areas, he or she shall first obtain
18 a State Habitat Stamp. Disabled veterans and former prisoners
19 of war shall not be required to obtain State Habitat Stamps.
20 Any person who obtained a lifetime license before January 1,
21 1993, shall not be required to obtain State Habitat Stamps.
22 Income from the sale of State Furbearer Stamps and State
23 Pheasant Stamps received after the effective date of this
24 amendatory Act of 1992 shall be deposited into the State
25 Furbearer Fund ~~and State Pheasant Fund, respectively.~~

1 Before any person 16 years of age or older shall take,
2 attempt to take, or sell the green hide of any mammal of the
3 species defined as fur-bearing mammals by Section 2.2 for which
4 an open season is established under this Act, he shall first
5 have procured a State Habitat Stamp.

6 (b) Before any person who is a non-resident of the State of
7 Illinois shall take or attempt to take any of the species
8 protected by Section 2.2 for which an open season is
9 established under this Act, he shall, unless specifically
10 exempted by law, first procure a non-resident license as
11 provided by this Act for the taking of any wild game.

12 Before a nonresident shall take or attempt to take
13 white-tailed deer, he shall first have procured a Deer Hunting
14 Permit as defined in Section 2.26 of this Code.

15 Before a nonresident shall take or attempt to take wild
16 turkeys, he shall have procured a Wild Turkey Hunting Permit as
17 defined in Section 2.11 of this Code.

18 (c) The owners residing on, or bona fide tenants of, farm
19 lands and their children, parents, brothers, and sisters
20 actually permanently residing on their lands shall have the
21 right to hunt any of the species protected by Section 2.2 upon
22 their lands and waters without procuring hunting licenses; but
23 the hunting shall be done only during periods of time and with
24 devices and by methods as are permitted by this Act. Any person
25 on active duty with the Armed Forces of the United States who
26 is now and who was at the time of entering the Armed Forces a

1 resident of Illinois and who entered the Armed Forces from this
2 State, and who is presently on ordinary or emergency leave from
3 the Armed Forces, and any resident of Illinois who is disabled
4 may hunt any of the species protected by Section 2.2 without
5 procuring a hunting license, but the hunting shall be done only
6 during such periods of time and with devices and by methods as
7 are permitted by this Act. For the purpose of this Section a
8 person is disabled when that person has a Type 1 or Type 4,
9 Class 2 disability as defined in Section 4A of the Illinois
10 Identification Card Act. For purposes of this Section, an
11 Illinois Disabled Person Identification Card issued pursuant
12 to the Illinois Identification Card Act indicating that the
13 person named has a Type 1 or Type 4, Class 2 disability shall
14 be adequate documentation of the disability.

15 (d) A courtesy non-resident license, permit, or stamp for
16 taking game may be issued at the discretion of the Director,
17 without fee, to any person officially employed in the game and
18 fish or conservation department of another state or of the
19 United States who is within the State to assist or consult or
20 cooperate with the Director; or to the officials of other
21 states, the United States, foreign countries, or officers or
22 representatives of conservation organizations or publications
23 while in the State as guests of the Governor or Director. The
24 Director may provide to nonresident participants and official
25 gunners at field trials an exemption from licensure while
26 participating in a field trial.

1 (e) State Migratory Waterfowl Stamps shall be required for
2 those persons qualifying under subsections (c) and (d) who
3 intend to hunt migratory waterfowl, including coots, to the
4 extent that hunting licenses of the various types are
5 authorized and required by this Section for those persons.

6 (f) Registration in the U.S. Fish and Wildlife Migratory
7 Bird Harvest Information Program shall be required for those
8 persons who are required to have a hunting license before
9 taking or attempting to take any bird of the species defined as
10 migratory game birds by Section 2.2, except that this
11 subsection shall not apply to crows in this State or
12 hand-reared birds on licensed game breeding and hunting
13 preserve areas, for which an open season is established by this
14 Act. Persons registering with the Program must carry proof of
15 registration with them while migratory bird hunting.

16 The Department shall publish suitable prescribed
17 regulations pertaining to registration by the migratory bird
18 hunter in the U.S. Fish and Wildlife Service Migratory Bird
19 Harvest Information Program.

20 (Source: P.A. 96-1226, eff. 1-1-11.)

21 (30 ILCS 105/5.305 rep.)

22 Section 15. The State Finance Act is amended by repealing
23 Section 5.305.

24 (520 ILCS 5/1.31 rep.)

1 Section 20. The Wildlife Code is amended by repealing
2 Section 1.31.

3 Section 99. Effective date. This Act takes effect January
4 1, 2012.