

SB3316



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3316

Introduced 2/7/2012, by Sen. John O. Jones

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that the Department of Natural Resources's rules concerning a "Deer Hunting Permit" shall provide that a hunter shall be issued an antlerless deer permit prior to the issuance of an antlered deer permit. Provides that a hunter must contact the Department and report to the Department the taking of 2 antlerless deer before a hunter may be issued a permit to take an antlered deer. Removes language concerning deer hunting permits that are issued as (i) a combination permit, (ii) a single antlerless-only permit, and (iii) a single either-sex permit.

LRB097 19744 CEL 65004 b

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 2.26 as follows:

6 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

18 In this Section, "bona fide equity member" means an
19 individual who (1) (i) became a member upon the formation of
20 the limited liability company or (ii) has purchased a
21 distributional interest in a limited liability company for a
22 value equal to the percentage of the appraised value of the LLC
23 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" issued by the Department in accordance
15 with its administrative rules. Those rules must provide for the
16 issuance of an antlerless deer permit prior to the issuance of
17 an antlered deer permit. A hunter must contact the Department
18 and report to the Department the taking of 2 antlerless deer
19 before a hunter may be issued a permit to take an antlered
20 deer. the following types of resident deer archery permits: (i)
21 a combination permit, consisting of one either sex permit and
22 one antlerless only permit, (ii) a single antlerless only
23 permit, and (iii) a single either sex permit. The fee for a
24 Deer Hunting Permit to take deer with either bow and arrow or
25 gun shall not exceed \$25.00 for residents of the State. The
26 Department may by administrative rule provide for non-resident

1 deer hunting permits for which the fee will not exceed \$300 in
2 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
3 provided below for non-resident landowners and non-resident
4 archery hunters. The Department may by administrative rule
5 provide for a non-resident archery deer permit consisting of
6 not more than 2 harvest tags at a total cost not to exceed \$325
7 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits
8 shall be issued without charge to:

9 (a) Illinois landowners residing in Illinois who own at
10 least 40 acres of Illinois land and wish to hunt their land
11 only,

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

14 (c) Bona fide equity shareholders of a corporation,
15 bona fide equity members of a limited liability company, or
16 bona fide equity partners of a general or limited
17 partnership which owns at least 40 acres of land in a
18 county in Illinois who wish to hunt on the corporation's,
19 company's, or partnership's land only. One permit shall be
20 issued without charge to one bona fide equity shareholder,
21 one bona fide equity member, or one bona fide equity
22 partner for each 40 acres of land owned by the corporation,
23 company, or partnership in a county; however, the number of
24 permits issued without charge to bona fide equity
25 shareholders of any corporation or bona fide equity members
26 of a limited liability company in any county shall not

1 exceed 15, and shall not exceed 3 in the case of bona fide
2 equity partners of a partnership.

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

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

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

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

1 when taking deer.

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

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

12 It shall be unlawful for any person to take deer by use of
13 dogs, horses, automobiles, aircraft or other vehicles, or by
14 the use or aid of bait or baiting of any kind. For the purposes
15 of this Section, "bait" means any material, whether liquid or
16 solid, including food, salt, minerals, and other products that
17 can be ingested, placed, or scattered in such a manner as to
18 attract or lure white-tailed deer. "Baiting" means the
19 placement or scattering of bait to attract deer. An area is
20 considered as baited during the presence of and for 10
21 consecutive days following the removal of bait. Nothing in this
22 Section shall prohibit the use of a dog to track wounded deer.
23 Any person using a dog for tracking wounded deer must maintain
24 physical control of the dog at all times by means of a maximum
25 50 foot lead attached to the dog's collar or harness. Tracking
26 wounded deer is permissible at night, but at no time outside of

1 legal deer hunting hours or seasons shall any person handling
2 or accompanying a dog being used for tracking wounded deer be
3 in possession of any firearm or archery device. Persons
4 tracking wounded deer with a dog during the firearm deer
5 seasons shall wear blaze orange as required. Dog handlers
6 tracking wounded deer with a dog are exempt from hunting
7 license and deer permit requirements so long as they are
8 accompanied by the licensed deer hunter who wounded the deer.

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

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

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

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

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

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

26 It shall be legal for handicapped persons, as defined in

1 Section 2.33, and persons age 62 or older to utilize a crossbow
2 device, as defined in Department rules, to take deer.

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

6 For the purposes of calculating acreage under this Section,
7 the Department shall, after determining the total acreage of
8 the applicable tract or tracts of land, round remaining
9 fractional portions of an acre greater than or equal to half of
10 an acre up to the next whole acre.

11 For the purposes of taking white-tailed deer, nothing in
12 this Section shall be construed to prevent the manipulation,
13 including mowing or cutting, of standing crops as a normal
14 agricultural or soil stabilization practice, food plots, or
15 normal agricultural practices, including planting, harvesting,
16 and maintenance such as cultivating or the use of products
17 designed for scent only and not capable of ingestion, solid or
18 liquid, placed or scattered, in such a manner as to attract or
19 lure deer. Such manipulation for the purpose of taking
20 white-tailed deer may be further modified by administrative
21 rule.

22 (Source: P.A. 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;
23 96-1042, eff. 1-1-11; 97-564, eff. 8-25-11.)