



Ohio Legislative Service Commission 122nd House Bill Analysis

Am. H.B. 203

122nd General Assembly

(As Reported by S. Energy, Natural Resources, & Environment)

Reps. Wachtmann, Reid, Schuler, Mottley, Garcia, Opfer, Terwilleger, Harris, Vesper, Grendell, Weston, Householder, Haines, Core, Hodges, Buchy, Ogg, Ford, Carey, Callender, Brading, Clancy, Netzley, Batchelder, Metelsky, Mead, Bender, Boggs, Mason, Taylor, Prentiss, Miller, Thompson, Verich, Sawyer, Salerno

- Requires the Chief of the Division of Wildlife in the Department of Natural Resources to adopt rules providing for the issuance of one-day fishing licenses.
- Prohibits the taking of mussels or the sale of mussels taken in this state.
- Eliminates the requirement that a hunter or trapper wear a tag on the back of the hunter's or trapper's outer garment.
- Authorizes certain statutory provisions governing hunting and fishing licenses, wetlands habitat stamps, deer or wild turkey permits, and fur taker permits to be changed by rule.
- Increases from \$1 to \$2 the fee for reissuance of a lost, destroyed, or stolen hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit, and allows license agents, in addition to clerks of courts of common pleas, to reissue such licenses, stamps, and permits if the Chief authorizes it.
- Makes other changes in the statutes governing issuance of hunting or fishing licenses, wetlands habitat stamps, deer or wild turkey permits, and fur taker permits.

CONTENT AND OPERATION

One-day fishing licenses

Current law provides for the issuance of fishing licenses that expire one year after their effective date and tourist fishing licenses that expire three days after their effective date. The bill requires the Chief of the Division of Wildlife in the Department of Natural Resources to adopt rules providing for the issuance of a one-day fishing license to a resident of this state or any other state. The fee for the license is 40% of the amount established for a tourist's license, rounded up to the nearest whole dollar. The current fee established for a tourist's license for nonresidents of this state is \$14, plus a \$1 fee to the clerk or other agent issuing the license. Therefore, the fee for a one-day fishing license at the current rate is \$5.60, rounded up to \$6, plus a \$1 fee to the clerk or other agent issuing the license.

A one-day fishing license allows the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license.

The bill provides that, at the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under current law, not later than the last day on which the one-day license would be valid if it were an annual license, is required to credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the Chief. The clerk or agent must issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

The bill's provisions regarding one-day fishing licenses reflect the requirement under current law that a \$1 fee be paid to the issuing clerk or agent. (Sec. 1533.32.)

Prohibition against taking mussels or selling mussels taken in this state

The bill prohibits any person from taking mussels or selling mussels taken in this state (sec. 1533.324). Violation is a misdemeanor of the fourth degree, the penalty for which is a fine of \$250, a term of imprisonment of 30 days, or both (sec. 1533.99, not in the bill).

The bill eliminates all provisions of current law that conflict with the above prohibition. Under those provisions, mussels, other than mussels for bait purposes, may be taken or sold only pursuant to an annual mussel taking permit issued by the Chief. The fee for an annual mussel taking permit is \$5.

Under current law eliminated by the bill, a person may use a crow foot bar in taking or attempting to take mussels only pursuant to an annual crow foot bar permit issued by the Chief. The fee for an annual crow foot bar permit is \$25 for residents of the state and \$100 for nonresidents. "Crow foot bar" means a bar made of any material bearing a series of hooks designed to catch or adapted for catching mussels by insertion of the hooks between the shells of mussels.

Current law eliminated by the bill authorizes a person to buy mussels for resale, commercial processing, or manufacturing purposes only pursuant to an annual commercial mussel buyer permit issued by the Chief. The fee for the commercial mussel buyer permit is \$100 for residents of the state and \$300 for nonresidents.

Current law eliminated by the bill requires moneys received from fees paid for annual mussel taking permits, crow foot bar permits, and annual commercial mussel buyer permits to be used for the same purposes for which moneys derived from fishing licenses are used. (Sec. 1533.324.)

Under current law eliminated by the bill, a fishing license, rather than an annual mussel taking permit, is required to take mussels for bait purposes, except that persons who may fish without a fishing license also may take mussels for bait purposes without a fishing license. (Sec. 1533.32.)

To reflect the bill's prohibition against taking mussels, the bill removes clams and mussels from the definition of "bag limit" (sec. 1531.01).

Elimination of requirement that a hunter or trapper wear a tag on the back of his outer garment

Current law requires every person, while hunting or trapping on the lands of another, to wear on the back of his outer garment, between his shoulders, a tag bearing his hunting license number in figures easily visible and legible and at least one inch in height. The tag must be furnished free of charge to every licensee on the issuance of his license and must be prepared and furnished annually by the Division of Wildlife. (Sec. 1533.14.) A person who fails to wear the tag issued for the license then in effect while hunting or trapping is guilty of a misdemeanor of the fourth degree (sec. 1533.99, not in the bill).

The bill eliminates the requirement that a hunter or trapper wear a tag on the back of his outer garment, along with the provisions discussed above (sec. 1533.14).

Authorizing certain provisions governing licenses, stamps, and permits to be changed by rule

The bill allows Division rules Current law defines "Division rule" as a rule that is adopted by the Chief of the Division of Wildlife, is given publicity that the Chief considers necessary, is filed with the clerk of the court of common pleas of each county where the rule is effective, is included and printed in any authorized compilation of the Division lawbook, and is under the seal of the Division and bears the signature, or a facsimile thereof, of the Chief (secs. 1531.01 and 1531.10, not in the bill). to provide exceptions to and thus supersede the following prohibitions and requirements in current law:

- (1) The prohibition against hunting ducks, geese, or brant on the lands of another without first obtaining an annual wetlands habitat stamp (sec. 1533.112);
- (2) The requirement that each wetlands habitat stamp remain in force until midnight of the next ensuing August 31 (sec. 1533.112);
- (3) The requirement that every applicant for a hunting or fishing license, deer or wild turkey permit, or fur taker permit make and subscribe an affidavit setting forth his name, age, weight, height, occupation, place of residence, personal description, and citizenship (sec. 1533.13);
- (4) The requirement that each hunting license, deer or wild turkey permit, and fur taker permit issued remain in force until midnight of the next ensuing August 31 (sec. 1533.13);
- (5) The prohibition against transferability of a hunting license or wetlands habitat stamp and against carrying a hunting license or wetlands habitat stamp that was issued in the name of another person or that does not contain the signature of the agent issuing it (sec. 1533.14);
- (6) The requirement that clerks and other agents authorized to issue hunting and fishing licenses, deer and wild turkey

permits, and fur taker permits issue them in consecutive order of their numbers as stamped on the upper left corner of each license or permit with the date and exact time of day of issuance plainly written thereon and that the clerks and other agents keep a record of the licenses and permits issued, together with the names and addresses of the persons to whom the licenses and permits were issued (sec. 1533.15);

(7) The requirement that each annual fishing license begin on the first day of March of the current year and expire on the last day of February of the following year (sec. 1533.32).

(See **COMMENT.**)

Application of certain provisions to wetlands habitat stamps

Law unaffected by the bill prohibits a person from hunting ducks, geese, or brant on the lands of another without first obtaining a wetlands habitat stamp in addition to a hunting license (sec. 1533.112). The bill clarifies that the following provisions in current law governing licenses and permits also apply to wetlands habitat stamps:

- (1) Provisions governing reissuance of a lost, destroyed, or stolen license or permit (sec. 1533.101);
- (2) Provisions authorizing a court to revoke a license or permit as part of the punishment for violation of a law or rule for the protection of wild animals (sec. 1533.13);
- (3) Provisions stating that a hunting license is not transferable and prohibiting a person from carrying a hunting license that was issued in the name of another person or that does not contain the signature of the agent issuing it (sec. 1533.14).

Reissuance of a lost, stolen, or destroyed license, stamp, or permit

Law unaffected by the bill authorizes any person who has been issued a hunting or fishing license, deer or wild turkey permit, or fur taker permit for the current license or permit year or for the license or permit year next preceding the current such year to be reissued a license or permit in the event of loss, destruction, or theft of the license or permit. To obtain a reissued license or permit, the person must file with the clerk of the court of common pleas an application in affidavit form.

The bill clarifies that the provisions governing reissuance of licenses and permits apply to wetlands habitat stamps and states that, if the Chief authorizes it, a person may file the required application for a reissued license, permit, or stamp with an authorized agent designated by the Chief instead of filing it with the clerk of the court of common pleas.

Current law requires the application for a reissued license or permit to be accompanied by a \$1 fee, plus \$1 to the issuing clerk. The bill increases the fee to \$2, plus \$1 to the issuing clerk or agent, and applies the fee to the reissuance of wetlands habitat stamps. (Sec. 1533.101.)

Purchase of a license, stamp, or permit by telephone or mail

The bill authorizes the Chief to require an applicant who wishes to purchase a hunting or fishing license, deer or wild turkey permit, fur taker permit, or wetlands habitat stamp by mail or telephone to pay a nominal fee for postage and handling (sec. 1533.13).

Requirement that clerks and agents give bond

Current law requires a clerk of the court of common pleas, a village or township clerk, and other agents authorized by the Chief to issue hunting and fishing licenses, deer and wild turkey permits, and fur taker permits to give bond in the manner provided by the Chief. The bill requires the clerk or agent to give bond only when required by the Chief. (Sec. 1533.13.)

Color of blanks

Current law requires the application for a hunting or fishing license, deer or wild turkey permit, or fur taker permit and other blanks to be prepared and furnished by the Chief and requires the blanks to be of a different color each year. The bill eliminates the requirement that blanks be of a different color each year. (Sec. 1533.13.)

Elimination of outdated provisions establishing fees for licenses, stamps, and permits

Current law contains outdated provisions establishing fees for hunting licenses, deer or wild turkey permits, fur taker permits, and wetlands habitat stamps prior to September 1, 1994, and for fishing licenses prior to March 1, 1995. The bill eliminates these outdated provisions. (Secs. 1533.10, 1533.11, 1533.111, 1533.112, and 1533.32.)

COMMENT

The rationale provided by personnel employed by the Division of Wildlife in the Department of Natural Resources for the

changes to current law described in "[*Authorizing certain provisions governing licenses, stamps, and permits to be changed by rule*](#)," above, is that the changes will provide flexibility and thus facilitate implementation of a new, computerized, "point-of-sale" system for the issuance of hunting and fishing licenses, wetlands habitat stamps, deer or wild turkey permits, and fur taker permits. However, the bill's language does not limit the instances in which a Division rule may supersede the relevant prohibitions and requirements in current law to situations in which implementation of the "point-of sale" system will be facilitated by doing so. Therefore, it is possible that a Division rule could be used to supersede the relevant prohibitions and requirements for purposes other than facilitating implementation of the new "point-of-sale" system.

HISTORY

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& Natural Resources 04-16-97 p. 630

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Reported, S. Energy, Natural

Resources, & Environment 10-22-97 p. 1275

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