

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 356

Representative Young

A BILL

To amend sections 1531.13, 1533.342, and 1533.343 1
and to enact section 1533.344 of the Revised 2
Code to amend the laws concerning commercial 3
netting in Lake Erie. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1531.13, 1533.342, and 1533.343 5
be amended and section 1533.344 of the Revised Code be enacted 6
to read as follows: 7

Sec. 1531.13. (A) The law enforcement officers of the 8
division of wildlife shall be known as "wildlife officers." The 9
chief of the division of wildlife, wildlife officers, and such 10
other employees of the division as the chief of the division of 11
wildlife designates, and other officers who are given like 12
authority, shall enforce all laws pertaining to the taking, 13
possession, protection, preservation, management, and 14
propagation of wild animals and all division rules. They shall 15
enforce all laws against hunting without permission of the owner 16
or authorized agent of the land on which the hunting is done. 17
They may arrest on view and without issuance of a warrant. They 18
may inspect any container or package at any time except when 19

within a building and the owner or person in charge of the 20
building objects. The inspection shall be only for bag limits of 21
wild animals taken in open season or for wild animals taken 22
during the closed season, or for any kind or species of those 23
wild animals. 24

(B) The chief may visit all parts of the state and direct 25
and assist wildlife officers and other employees in the 26
discharge of their duties. The owners or tenants of private 27
lands or waters are not liable to wildlife officers for injuries 28
suffered while carrying out their duties while on the lands or 29
waters of the owners or tenants unless the injuries are caused 30
by the willful or wanton misconduct of the owners or tenants. 31
Any regularly employed salaried wildlife officer may enter any 32
private lands or waters if the wildlife officer has good cause 33
to believe and does believe that a law is being violated. 34

(C) A wildlife officer, sheriff, deputy sheriff, 35
constable, or officer having a similar authority may search any 36
place which the officer has good reason to believe contains a 37
wild animal or any part of a wild animal taken or had in 38
possession contrary to law or division rule, or a boat, gun, 39
net, seine, trap, ferret, or device used in the violation, and 40
seize any the officer finds so taken or possessed. If the owner 41
or person in charge of the place to be searched refuses to 42
permit the search, upon filing an affidavit in accordance with 43
law with a court having jurisdiction of the offense and upon 44
receiving a search warrant issued, the officer forcibly may 45
search the place described, and if in the search the officer 46
finds any wild animal or part of a wild animal, or any boat, 47
gun, net, seine, trap, ferret, or device in the possession of 48
the owner or person in charge, contrary to this chapter or 49
Chapter 1533. of the Revised Code or division rule, the officer 50

shall seize it and arrest the person in whose custody or 51
possession it was found. The wild animal or parts of a wild 52
animal or boat, gun, net, seine, trap, ferret, or device so 53
found shall escheat to the state. 54

(D) Each wildlife officer shall post a bond in a sum not 55
less than one thousand dollars executed by a surety company 56
authorized to transact business in this state for the faithful 57
performance of the duties of the wildlife officer's office. 58

(E) The chief and wildlife officers have the authority 59
specified under section 2935.03 of the Revised Code for peace 60
officers of the department of natural resources for the purpose 61
of enforcing the criminal laws of the state on any property 62
owned, controlled, maintained, or administered by the department 63
of natural resources and may enforce sections 2923.12, 2923.15, 64
and 2923.16 of the Revised Code throughout the state and may 65
arrest without warrant any person who, in the presence of the 66
chief or any wildlife officer, is engaged in the violation of 67
any of those laws. 68

(F) A wildlife officer may render assistance to a state or 69
local law enforcement officer at the request of that officer or 70
may render assistance to a state or local law enforcement 71
officer in the event of an emergency. Wildlife officers serving 72
outside the division of wildlife under this section shall be 73
considered as performing services within their regular 74
employment for the purposes of compensation, pension or 75
indemnity fund rights, workers' compensation, and other rights 76
or benefits to which they may be entitled as incidents of their 77
regular employment. 78

(G) Wildlife officers serving outside the division of 79
wildlife under this section retain personal immunity from civil 80

liability as specified in section 9.86 of the Revised Code and 81
shall not be considered an employee of a political subdivision 82
for purposes of Chapter 2744. of the Revised Code. A political 83
subdivision that uses wildlife officers under this section is 84
not subject to civil liability under Chapter 2744. of the 85
Revised Code as the result of any action or omission of any 86
wildlife officer acting under this section. 87

(H) The chief shall ensure that, with regard to the Lake 88
county region of the state and the Sandusky region of the state, 89
two wildlife officers responsible for enforcing laws on the 90
waters of the state are employed in each region. In addition, 91
each region shall have one boat for use in enforcing such laws 92
on the waters of the state. 93

Sec. 1533.342. (A) The chief of the division of wildlife, 94
with the approval of the wildlife council, may limit the type 95
and number of commercial fishing licenses to be issued for 96
fishing in the Lake Erie fishing district and other water 97
wherein nets are licensed by law, except that such limitations 98
shall not prohibit any person who was issued an Ohio commercial 99
fishing license in the prior fishing season from being issued, 100
upon satisfaction of the qualifications established in division 101
(C) of this section and proper application, a license of the 102
same type for the current fishing season unless the issuance of 103
such a license is prohibited by this chapter or Chapter 1531. of 104
the Revised Code or division rule. 105

In limiting the number and type of licenses, the chief and 106
the council shall give consideration to the number and type of 107
licenses needed to harvest the fish determined to be 108
harvestable; the capacity of the boats and characteristics of 109
the equipment owned or used by the applicant; and any other 110

facts or data relating to the protection, preservation, 111
management, and utilization of fish species in a biologically 112
sound manner. 113

(B) The chief, in prescribing forms for license 114
applications, may require the applicant to list information 115
relating to the kind and condition of boats and fishing 116
equipment proposed to be used by the applicant, port or ports of 117
entry, years of commercial fishing experience, quantity and 118
kinds of fish taken during the previous five years, conviction 119
records relating to Chapter 1531. and this chapter of the 120
Revised Code and division rules, and any other facts the chief 121
determines necessary to assist the chief in determining whether 122
or not the applicant may engage in commercial fishing in 123
accordance with those chapters and division rules. All questions 124
shall be answered fully and completely by the applicant. The 125
application shall be sworn to and signed by the applicant before 126
a person authorized to administer oaths. 127

(C) Any person, prior to making application for an Ohio 128
commercial fishing license, first shall satisfy the following 129
qualifications to the satisfaction of the chief: over eighteen 130
years of age; no prior conviction of or plea of guilty on or 131
~~after the effective date of this amendment~~ October 10, 2007, to 132
a felony concerning commercial fishing activities for a 133
violation of state or federal law; ninety days Ohio residency 134
immediately preceding application; two years commercial fishing 135
gear experience or holder of an Ohio commercial license of 136
another gear; and posting of a one thousand dollar performance 137
bond or cash deposit in a like amount. In the event the person 138
does not meet these pre-application qualifications or does meet 139
those qualifications, but a license is not granted, the bond or 140
cash deposit immediately shall be returned by the division. In 141

the event the person is granted a license, the bond or cash 142
deposit shall be held by the division during the term of the 143
license. 144

(D) In determining the terms and conditions of any 145
commercial fishing license, the chief, with the approval of the 146
wildlife council, may do both of the following: 147

(1) Fix by species, the weight, number, or size of fish to 148
be taken; 149

(2) Specify the home port and up to two alternate ports at 150
which the licensee shall land the licensee's catch, as listed on 151
the licensee's application. 152

(E) Any wildlife officer, or other division employee 153
designated by the chief to inspect commercial fishing 154
operations, may enter upon any property used, owned, or leased 155
by the holder of a commercial fishing license and may inspect 156
any boat, net, seine, or other equipment used in commercial 157
fishing; any building or premises used to hold, store, repair, 158
or build commercial fishing gear or equipment; and any building 159
or premises used in boxing, storing, or processing fish. No 160
person shall assault, threaten, abuse, or interfere with any 161
wildlife officer or designated inspector when carrying out an 162
inspection under authority of this section, nor shall any person 163
prohibit such an inspection. 164

(F) No person shall fail to comply with this section or a 165
division rule adopted pursuant thereto. 166

(G) No person having been issued a commercial fishing 167
license shall fail to comply with all terms, specifications, and 168
conditions set forth in the license. 169

(H) (1) In addition to other penalties provided in the 170

Revised Code, the license of any person who is convicted of 171
assaulting, threatening, abusing, or interfering with any person 172
inspecting by authority of this section is suspended upon such 173
conviction by operation of law for a period of eighteen fishing 174
season months immediately following that conviction. 175

(2) In addition to other penalties provided in the Revised 176
Code, the license of any person who is convicted of two 177
violations of provisions of this section relating to inspection 178
or terms and conditions of any commercial fishing license that 179
occurred within a twelve-month period is suspended upon the 180
second such conviction by operation of law for a period of sixty 181
fishing season days immediately following that conviction. 182

(3) In addition to other penalties provided in the Revised 183
Code, the license of any person who is convicted of three or 184
more violations of provisions of this section relating to 185
inspection or terms and conditions of any commercial fishing 186
licenses that occurred within a twelve-month period is suspended 187
upon the third or subsequent such conviction by operation of law 188
for a period of eighteen fishing season months immediately 189
following that conviction. 190

(I) During any period of suspension, no person shall use 191
or engage in fishing with commercial gear owned, used, or 192
controlled at the time of conviction by the licensee whose 193
license has been suspended. 194

(J) A person that holds a commercial fishing license shall 195
not transfer any portion of pounds of yellow perch allocated for 196
the license via a quota to any other licensee or among any other 197
commercial fishing licenses held by the person. 198

Sec. 1533.343. (A) On and after March 1, 2008, no 199

commercial fishing licensee shall use or engage in fishing with 200
commercial gear unless the licensee uses vessel and catch 201
monitoring devices in accordance with requirements and 202
procedures established by the chief of the division of wildlife. 203
The chief shall establish requirements and procedures concerning 204
vessel and catch monitoring devices by division rule. A licensee 205
shall pay the costs of purchasing, installing, and maintaining 206
the devices. 207

(B) The chief shall make available to the public on the 208
department of natural resource's web site information gathered 209
from a vessel monitoring system and electronic catch reporting 210
system that a licensed commercial fyke net or trap net fisher is 211
required to maintain and report. The chief shall make the 212
information available as soon as the chief receives such 213
information. 214

Sec. 1533.344. (A) From the first day of June to the 215
fifteenth day of October of each year, no person shall set, use, 216
or maintain a net or trotline within four nautical miles of the 217
stipulated reference points at each of the following Ohio lake 218
Erie harbors: 219

Vermilion - the thirty-foot-high flashing white light at 220
six-second intervals at longitude 82° 21' 50.1" and latitude 41° 221
25' 45.1"; 222

Lorain - the sixty-foot-high flashing white light at five- 223
second intervals at longitude 82° 11' 43.29" and latitude 41° 224
28' 51.62"; 225

Cleveland - the sixty-three-foot-high west pierhead light 226
with alternating white and red continuous lights at ten-second 227
intervals at longitude 81° 43' 04.35" and latitude 41° 30' 228

32.21" and the fifty-nine-foot-high east entrance light with 229
isophase or equal interval red light with six-second phase at 230
longitude 81° 39' 05.06" and latitude 41° 32' 34.98"; 231

Ashtabula - the forty-six-foot-high west pierhead light 232
with a fixed red light at longitude 80° 47' 42.12" and latitude 233
41° 55' 11.68"; 234

Conneaut - the eighty-foot-high west pier light with 235
alternating white and red continuous light at ten-second 236
intervals at longitude 80° 33' 27.29" and latitude 41° 58' 237
48.07". 238

(B) From the first day of June to the fifteenth day of 239
October of each year, no person shall set, use, or maintain a 240
net or trotline within eight nautical miles of the fifty-six- 241
foot-high west breakwater light with isophase or equal interval 242
red light with six-second phase at longitude 81° 16' 54.46" and 243
latitude 41° 46' 03.03" at Fairport harbor. 244

Section 2. That existing sections 1531.13, 1533.342, and 245
1533.343 of the Revised Code are hereby repealed. 246