



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Final Analysis

Amanda George

### **Sub. S.B. 257**

132nd General Assembly  
(As Passed by the General Assembly)

- Sens.** Uecker and O'Brien, Huffman, Hottinger, LaRose, Lehner, Wilson, Beagle, Sykes, Skindell, Gardner, Balderson, Brown, Burke, Coley, Dolan, Hackett, Hoagland, Manning, McColley, Obhof, Oelslager, Peterson, Schiavoni, Tavares, Terhar, Yuko
- Reps.** Landis, O'Brien, Wiggam, Anielski, Antani, Arndt, Blessing, Brenner, Brown, Carfagna, Cera, Clyde, Craig, Cupp, Dean, Dever, Edwards, Faber, Gavarone, Ginter, Green, Greenspan, Hambly, Hoops, T. Johnson, Kick, Leland, Lepore-Hagan, Miller, Patterson, Patton, Pelanda, Perales, Ramos, Retherford, Rezabek, Riedel, Rogers, Ryan, Schaffer, Scherer, Schuring, Seitz, Sheehy, Stein, Strahorn, Sweeney, Thompson, Vitale, West, Wilkin, Young, Smith

**Effective date:** September 28, 2018

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## **ACT SUMMARY**

### **Multi-year, lifetime, and combination package licenses**

- Allows the Chief of the Division of Wildlife in the Department of Natural Resources to issue multi-year and lifetime hunting and fishing licenses to Ohio residents.
- Creates the Multi-year and Lifetime License Fund and requires that multi-year and lifetime hunting and fishing license fees be deposited into it.
- Requires money in the Multi-year and Lifetime License Fund that is derived from each fee to be transferred on a prorated annual basis to the funds in which hunting and fishing license fees are ordinarily deposited.
- Authorizes the Chief to create combination packages with various hunting and fishing licenses and permits.
- Requires the Chief to charge a discounted rate for a combination package that is lower than the aggregate rates that would normally apply to each individual license and permit.

## **Lake Erie Sport Fishing District permit**

- Creates the Lake Erie Sport Fishing District permit, which may be issued to nonresidents to fish in Lake Erie, its embayments, and specified additional areas connected to Lake Erie.
- Prohibits a nonresident from taking fish from the District between January 1 and April without a nonresident Lake Erie Sport Fishing District permit.
- Restricts use of the money generated by the \$10 permit fee to specified purposes related to Lake Erie.

## **Other hunting and fishing provisions**

- Decreases the annual hunting license fee for nonresident youth so that it equals the fee for resident youth.
- Requires applicants for specified hunting and fishing licenses and permits to pay the issuing agent the greater of \$1 *or* 4% of the license or permit cost, instead of a flat \$1 fee as in prior law.
- Creates a resident apprentice senior hunting license and an apprentice senior fur taker permit.
- Eliminates law that prohibited a person from purchasing more than three apprentice hunting licenses of any type or more than three apprentice fur taker permits of any type.
- Specifies that each annual hunting license, deer or wild turkey permit, and fur taker permit is valid until March 1 of a given year, instead of until midnight on August 31 of the year after the year in which the license or permit was issued as in former law.
- Specifies that each annual fishing license begins on the date of issuance and expires one year after, instead of beginning on March 1 and expiring on the last day of February of the following year as in former law.
- Allows the Chief to exempt a person from the requirement to obtain a fishing license.

## **All-purpose vehicle**

- Changes the term "electric powered all-purpose vehicle" to "all-purpose vehicle" and removes the requirement that this type of vehicle be battery powered, self-propelled,



and electric, thus allowing a person with a mobility impairment to use a broader range of vehicles to hunt.

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## CONTENT AND OPERATION

### Multi-year, lifetime, and combination package hunting and fishing licenses

The act allows the Chief of the Division of Wildlife in the Department of Natural Resources to issue multi-year and lifetime hunting and fishing licenses to Ohio residents. It also authorizes the Chief to create combination packages with various hunting and fishing licenses and permits.<sup>1</sup> Unless otherwise provided by Division rule, each multi-year license issued begins on the date of issuance and expires in three years, five years, or ten years, depending on the term of the license.<sup>2</sup>

The fees for the multi-year and lifetime hunting and fishing licenses are:<sup>3</sup>

Type of License	Fee
Senior 3-year hunting or fishing license	\$27.50
Senior 5-year hunting or fishing license	\$45.75
Senior lifetime hunting or fishing license	\$81.00
Youth 3-year hunting license	\$27.50
Youth 5-year hunting license	\$45.75
Youth 10-year hunting license	\$91.50
Youth lifetime hunting license	\$414.00
Youth lifetime fishing license <sup>4</sup>	\$414.00
3-year hunting or fishing license	\$52.00
5-year hunting or fishing license	\$86.75
10-year hunting or fishing license	\$173.50
Lifetime hunting or fishing license	\$450.00

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<sup>1</sup> R.C. 1533.321(A).

<sup>2</sup> R.C. 1533.32(C)(4).

<sup>3</sup> R.C. 1533.321(D)(1) and (E)(1).

<sup>4</sup> Note – Multi-year youth fishing licenses are not included in this chart because youths under 16 do not require a fishing license per continuing law. R.C. 1533.32(B)(2).



For both multi-year and lifetime hunting and fishing licenses, a senior applicant is an applicant who is 66 or older at the time of application.<sup>5</sup> For a multi-year and lifetime hunting license, a youth applicant is an applicant who is under 18 at the time of application.<sup>6</sup> However, for a youth lifetime fishing license, a youth applicant is an applicant who is under 16 at the time of application. Youths under 16 are not required to obtain a fishing license to fish in Ohio. However, as indicated in the table above, if a lifetime fishing license is purchased for a youth under 16, the purchaser obtains a \$36 (8%) reduction in the cost of the lifetime license when compared to the cost once the person reaches age 16.<sup>7</sup>

The act allows only an Ohio resident to purchase a multi-year or lifetime license. However, if a person who has a multi-year or lifetime hunting or fishing license subsequently becomes a nonresident after the license is issued, the person's license remains valid in Ohio during its term, regardless of residency status.<sup>8</sup>

The Chief may adopt rules governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The Chief must ensure that the price for a combination package is not discounted by more than 5% of the aggregate fees for the licenses, permits, or stamps<sup>9</sup> that a person would otherwise pay for them individually.<sup>10</sup>

### **Deposit and transfer of fees**

Fees for multi-year or lifetime licenses or permits must be deposited into the Multi-year and Lifetime License Fund, which the act creates in the state treasury.<sup>11</sup> Each fiscal year, a prorated amount of the money from each multi-year license fee must be transferred from the Multi-year and Lifetime License Fund to the fund into which the single-year license fee would otherwise be deposited. The prorated amount must equal the fee charged for the license divided by the number of years the license is valid.<sup>12</sup> For example, if a person purchases a 5-year hunting license for \$86.75, \$17.35 ( $\$86.75 \div 5$ )

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<sup>5</sup> R.C. 1533.321(D)(2)(b) and (E)(2)(b).

<sup>6</sup> R.C. 1533.321(E)(2)(a).

<sup>7</sup> R.C. 1533.32 and 1533.321(D)(2)(a).

<sup>8</sup> R.C. 1533.321(F).

<sup>9</sup> See, for example, the Wetlands Habitat Stamp, R.C. 1533.112, not in the act.

<sup>10</sup> R.C. 1533.321(B).

<sup>11</sup> R.C. 1533.321(C)(1).

<sup>12</sup> R.C. 1533.321(C)(2).



must be transferred to the Wildlife Fund each year for five years. The Wildlife Fund is the Fund into which hunting license fees are normally deposited.<sup>13</sup>

The Chief must adopt rules governing the proration of lifetime license fees. Those prorated amounts must be deposited into the Wildlife Fund. In addition, each fiscal year, all previous year's investment earnings from the Multi-year and Lifetime License Fund must be transferred to the Wildlife Fund.<sup>14</sup>

### **Term of annual licenses and deer, wild turkey, fur taker permits**

#### **Hunting**

Under prior law, a deer or wild turkey permit and a fur taker permit ran concurrently with a hunting license, all of which could only be issued for a period that expired on August 31 of the year after the year in which it was purchased. For example, if a person purchased a license on October 1, 2016, the license expired on August 31, 2017. If that same person purchased a deer permit on November 1, 2016, it also expired on August 31, 2017 (the same date as the hunting license).

The act specifies that each annual hunting license, deer or wild turkey permit, and fur taker permit is valid until March 1 of a given year.<sup>15</sup> For example, if a person purchases an annual hunting license on February 28, 2019, the license will expire one day later on March 1, 2019 (even though the person is paying the full price for a hunting license). However, if a person purchases a hunting license on March 2, 2019, that license is valid through February 29, 2020.

To account for the creation of multi-year and lifetime hunting licenses (prior to the act, only annual licenses were issued), the act clarifies that a deer, wild turkey, or fur taker permit does not run concurrently with a hunting license. Instead it specifies that a permit is valid during the *annual* hunting license year in which the permit is purchased.<sup>16</sup> For example, if a person purchases a three-year hunting license and a deer permit at the same time, the deer permit is not valid for three years, but is only valid for the remainder of that hunting year, which always ends on March 1.

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<sup>13</sup> The Wildlife Fund is used by the Division of Wildlife to administer programs over which it has authority. R.C. 1531.17, not in the act.

<sup>14</sup> R.C. 1533.321(C)(2) and (3).

<sup>15</sup> R.C. 1533.13.

<sup>16</sup> R.C. 1533.11(A)(1) and R.C. 1533.111.



## **Fishing**

The act also specifies that unless provided by Division of Wildlife rule, each annual fishing license begins on the date of issuance and expires one year after that date. Formerly, a fishing license began on March 1 and expired on the last day of February the following year.<sup>17</sup>

### **Lake Erie Sport Fishing District permit**

The act creates the Lake Erie Sport Fishing District permit, to be issued by the Division of Wildlife to nonresidents who wish to fish in Lake Erie and its embayments. This district also specifically includes Maumee Bay, Sandusky Bay, East Harbor, Middle Harbor, West Harbor, and the entire length of all tributaries or to the first dam or designated landmark as follows:

Vermilion River – State Route 2 Bridge

Black River – State Route 611 Bridge

Rocky River – Detroit Road Bridge

Cuyahoga River – Harvard Road Bridge

Euclid Creek – State Route 283 Bridge

Chagrin River – State Route 283 Bridge

Arcola Creek – U.S. Route 20 Bridge

Wheeler Creek – U.S. Route 20 Bridge

Cowles Creek – U.S. Route 20 Bridge

Indian Creek – U.S. Route 20 Bridge

Grand River – State Route 535 Bridge

Conneaut Creek – Main Street Bridge, downtown Conneaut

Ashtabula River – East 24th Street Bridge<sup>18</sup>

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<sup>17</sup> R.C. 1533.32(C)(3).

<sup>18</sup> R.C. 1531.01(HHH).



A nonresident cannot take fish from the Lake Erie Sport Fishing District between January 1 and April without first obtaining a nonresident Lake Erie Sport Fishing District permit, in addition to a nonresident fishing license. (Beginning in April until December 31, the nonresident can take fish in the District with a nonresident fishing license; a permit is not necessary.)<sup>19</sup> The fee for the permit is \$10 and the fees are deposited into the Wildlife Fund. However, money generated from Lake Erie Sport Fishing District permits can be used only for the following purposes:

(1) Protection, propagation, preservation, and stocking of fish in Lake Erie;

(2) Securing more public fishing water access, including leasing, purchasing, or otherwise acquiring stream banks, bottoms, and marginal strips, headwaters, and other suitable public fishing grounds in the Lake Erie Sport Fishing District as authorized under law;

(3) Cooperation with other agencies to assist in prevention, control, and management of injurious aquatic invasive species in Lake Erie;

(4) Other practical fish management work in Lake Erie, including biological investigations; and

(5) Promoting educational and research activities, other methods of fish propagation and fish culture, and other proper conservation activities in Lake Erie.<sup>20</sup>

The Chief must adopt rules that the Chief considers necessary to implement the Lake Erie Sport Fishing District permit.<sup>21</sup>

## **Other hunting and fishing provisions**

### **Fees**

The act decreases the annual hunting license fee from \$174 to \$9 for a nonresident youth under 18 who is not a resident of a reciprocal state. (A reciprocal state is a state that charges Ohio residents in-state hunting license fees.) It also decreases the annual hunting license fee for a nonresident youth under 18 who is a resident of a reciprocal state from \$18 to \$9. This equalizes the hunting license fees for nonresident and resident youth.

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<sup>19</sup> R.C. 1533.38(A).

<sup>20</sup> R.C. 1533.38(B).

<sup>21</sup> R.C. 1533.38(C).



The act requires a hunting or fishing license applicant, a wetlands habitat stamp applicant, a deer or wild turkey permit applicant, or a fur taker permit applicant to pay the issuing agent the greater of \$1 or 4% of the cost of the license, stamp, or permit. Under prior law, applicants paid a flat \$1 fee. Thus, if a license, stamp, or permit fee is more than \$25, the applicant will pay the act's 4% rate.<sup>22</sup>

### **Apprentice licenses and permits**

The act creates a resident apprentice senior hunting license, the fee for which is \$9, and an apprentice senior fur taker permit, the fee for which is \$7. It also eliminates law that prohibited a person from purchasing more than three apprentice hunting licenses of any type or more than three apprentice fur taker permits of any type.<sup>23</sup> Apprentice licenses and permits allow the holder to try hunting-related activities without having to complete a formal hunting education course.

### **Fishing without a license**

Under law retained in part by the act, both residents and nonresidents are prohibited from taking or catching any fish by angling in any Ohio waters, or engaging in fishing in those waters, without a license, unless otherwise provided in specified provisions of state law. The act grants the Chief of the Division of Wildlife discretion to issue exemptions to the license requirement.<sup>24</sup>

### **All-purpose vehicles**

The act changes the term "electric powered all-purpose vehicle" to "all-purpose vehicle" and removes the requirement that this type of vehicle be battery powered, self-propelled, and electric. It effectively broadens the types of vehicles that people with mobility impairments may use to hunt wild quadrupeds or game birds. Also, the act allows people with mobility impairments to hunt on public and private areas, instead of just public wildlife areas as in former law.<sup>25</sup>

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<sup>22</sup> R.C. 1533.13.

<sup>23</sup> R.C. 1533.10, 1533.102, and 1533.111. "Senior" applies to an Ohio resident who is 66 or older at the time of application.

<sup>24</sup> R.C. 1533.32.

<sup>25</sup> R.C. 1533.103 and R.C. 2923.16(F)(3)(c).





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## HISTORY

ACTION	DATE
Introduced	02-20-18
Reported, S. Energy & Natural Resources	04-10-18
Passed by the Senate (33-0)	04-11-18
Reported, H. Energy & Natural Resources	05-22-18
Passed House (93-0)	06-20-18

