

AN ACT

To amend sections 1531.01, 1533.10, 1533.101, 1533.11, 1533.111, 1533.112, 1533.13, 1533.14, 1533.15, 1533.32, and 1533.324 of the Revised Code to require 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; to authorize certain provisions governing hunting and fishing licenses, wetlands habitat stamps, deer or wild turkey permits, and fur taker permits to be changed by rule; to increase the fee for reissuance of a lost, destroyed, or stolen hunting or fishing license, deer or wild turkey permit, or fur taker permit, and to allow license agents, in addition to clerks of courts of common pleas, to reissue such licenses and permits if the Chief authorizes it; to eliminate the requirement that a hunter or trapper wear a tag on the back of the hunter's or trapper's outer garment; and to prohibit the taking of mussels or the sale of mussels taken in this state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1531.01, 1533.10, 1533.101, 1533.11, 1533.111, 1533.112, 1533.13, 1533.14, 1533.15, 1533.32, and 1533.324 of the Revised Code be amended to read as follows:

Sec. 1531.01. As used in this chapter and Chapter 1533. of the Revised Code:

(A) "Person" means individual, company, partnership, corporation, municipal corporation, association, or any combination of individuals, or any employee, agent, or officer thereof.

(B) "Resident" means any individual who has resided in this state for not less than six months next preceding the date of making application for a license.

(C) "Nonresident" means any individual who does not qualify as a resident.

(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of ~~clams, mussels,~~ crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.

(K) "Sell and sale" means barter, exchange, or offer or expose for sale.

(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part thereof with the same effect as it applies to the whole.

(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks

attached.

(O) "Fish" means a cold-blooded vertebrate having fins.

(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.

(Q) "Wild birds" includes game birds and nongame birds.

(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.

(S) "Game birds" includes mourning doves, pheasants, quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.

(T) "Nongame birds" includes all other wild birds not included and defined as game birds.

(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.

(V) "Game quadrupeds" includes hares or rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, groundhogs or woodchucks, deer, wild boar, and bears.

(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.

(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals.

(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.

(AA) "Muskrat spear" means any device used in spearing muskrats.

(BB) "Channels and passages" means those narrow bodies of water

lying between islands or between an island and the mainland in Lake Erie.

(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore thereof. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullheads (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon tergisus*), quillback (*Carpoides cyprinus*), smelt (*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo and quillback (*Carpoides* sp., *Catostomus* sp., *Hypentelium* sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone chrysops*), white perch (*Roccus americanus*), and yellow perch (*Perca flavescens*). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method,

and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Small game" includes pheasants, quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coot, gallinules, ducks, geese, brant, crows, rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, and groundhogs or woodchucks.

(UU) "Tag fishing tournament" means a contest in which a participant

pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time, but does not include a scheme of chance conducted under division (D)(1) of section 2915.02 of the Revised Code.

(VV) "Tenant" means an individual who resides on land for which ~~he~~ the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.

(WW) "Nonnative wildlife" means any wild animal not indigenous to this state.

The chief shall not establish a season for the hunting of mourning doves that opens prior to the fifteenth day of September of any year.

Sec. 1533.10. Except as provided in this section or division (A) of section 1533.12 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense. Every applicant for a hunting license who is a resident of the state and age sixteen or over shall procure a resident hunting license, the fee for which shall be fourteen dollars, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident hunting license to the applicant free of charge. Every applicant who is a resident of the state and under the age of sixteen years shall procure a special youth hunting license, the fee for which shall be one-half of the regular hunting license fee. The owner and the children of the owner of lands in the state may hunt thereon without a hunting license. The tenant or manager and children of the tenant or manager, residing on lands in the state, may hunt thereon without a hunting license. Every applicant for a hunting license who is a nonresident of the state shall procure a nonresident hunting license, the fee for which shall be ninety dollars, unless the applicant is a resident of a state that is a party to an agreement under section 1533.91 of the Revised Code, in which case the fee shall be fourteen dollars.

The chief of the division of wildlife may issue a tourist's small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which shall be twenty-four dollars. No person shall take or possess any animal that is not small game while possessing only a tourist's small game hunting license. A tourist's small game hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the tourist's small game hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a special deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

This section does not authorize the hunting or trapping of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code.

No hunting license shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief.

No person shall issue a hunting license to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained hunting license and the clerk or agent who issued the hunting license. Any hunting license issued in violation of this section is void.

The chief, with approval of the wildlife council, shall adopt rules prescribing a hunter education and conservation course for first-time hunting license buyers and for volunteer instructors. The course shall consist of subjects including, but not limited to, hunter safety and health, use of hunting implements, hunting tradition and ethics, the hunter and conservation, and the law relating to hunting. Authorized personnel of the division or volunteer instructors approved by the chief shall conduct such courses with such frequency and at such locations throughout the state as to reasonably meet the needs of license applicants. The chief shall issue a certificate of completion to each person who successfully completes the course and passes an examination prescribed by the chief.

~~Notwithstanding the fees otherwise prescribed in this section, prior to September 1, 1994, the fee for a resident hunting license shall be eleven~~

~~dollars, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for the issuance of a resident hunting license to the applicant free of charge; the fee for a special youth hunting license shall be six dollars; the fee for a nonresident hunting license shall be eighty dollars, unless the applicant is a resident of a state that is a party to an agreement under section 1533.91 of the Revised Code; the fee for a nonresident hunting license shall be eleven dollars if the applicant is a resident of a state that is a party to such an agreement; and the fee for a tourist's small game hunting license shall be twenty dollars.~~

Sec. 1533.101. Any person who has been issued a hunting or fishing license, a wetlands habitat stamp, a deer or wild turkey permit, or a fur taker permit for the current license, stamp, or permit year or for the license, stamp, or permit year next preceding the current such year pursuant to this chapter, and if the license, stamp, or permit has been lost, destroyed, or stolen, may be issued a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit. The person shall file with the clerk of the court of common pleas an application in affidavit form or, if the chief of the division of wildlife authorizes it, apply for a reissued license, stamp, or permit to an authorized agent designated by the chief, and pay a fee for each license, stamp, or permit of ~~one dollar~~ two dollars plus one dollar to the clerk or agent, who shall issue a reissued license, STAMP, or permit that shall allow the applicant to hunt, fish, or trap, as the case may be. The clerk or agent shall administer the oath to the applicant and shall send a copy of the reissued license, stamp, or permit to the division of wildlife.

All moneys received as fees for the issuance of reissued licenses, stamps, or permits shall be transmitted to the director of natural resources to be paid into the state treasury to the credit of the funds to which the fees for the original licenses, stamps, and permits were credited.

No person shall knowingly or willfully secure, attempt to secure, or use a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit to which ~~he~~ the person is not entitled. No person shall knowingly or willfully issue a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit under this section to any person who is not entitled to receive and use such a reissued license, STAMP, or permit.

Sec. 1533.11. (A) Except as provided in this section, no person shall hunt deer on lands of another without first obtaining an annual special deer permit. Except as provided in this section, no person shall hunt wild turkeys on lands of another without first obtaining an annual special wild turkey

mit. Each applicant for a special deer or wild turkey permit shall pay an annual fee of nineteen dollars for each permit, together with one dollar as a fee to the clerk or other issuing agent, for the permit unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a deer or wild turkey permit to the applicant free of charge. Except as provided in division (A) of section 1533.12 of the Revised Code, a deer or wild turkey permit shall run concurrently with the hunting license. The money received, other than the one-dollar fee provided for above, shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey. Every person, while hunting deer or wild turkey on lands of another, shall carry ~~his~~ the person's special deer or wild turkey permit ~~with him~~ and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section. The chief of the division of wildlife shall adopt any additional rules ~~he~~ the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.

The owner and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a special deer or wild turkey permit. The tenant or manager and children of the tenant or manager may hunt deer or wild turkey on lands where they reside without a special deer or wild turkey permit.

(B) A special deer or wild turkey permit is not transferable. No person shall carry a special deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for special deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

~~(D) Notwithstanding the fees otherwise prescribed in this section, prior to September 1, 1994, the annual fee for a special deer or wild turkey permit shall be fifteen dollars for each permit, together with one dollar as a fee to the clerk or other issuing agent, for the permit, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for the issuance of a deer or wild turkey permit to the applicant free of charge.~~

Sec. 1533.111. Except as provided in this section or division (A) of section 1533.12 of the Revised Code, no person shall hunt or trap fur-bearing animals on land of another without first obtaining an annual fur

taker permit. Each applicant for a fur taker permit shall pay an annual fee of ten dollars, together with one dollar as a fee to the clerk or other issuing agent, for the permit, except as otherwise provided in this section or unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a fur taker permit to the applicant free of charge. Each applicant who is a resident of the state and under the age of sixteen years shall procure a special youth fur taker permit, the fee for which shall be one-half of the regular fur taker permit fee and which shall be paid together with one dollar as a fee to the clerk or other issuing agent. The fur taker permit shall run concurrently with the hunting license. The money received, other than the one_ dollar fee provided for in this section, shall be paid into the state treasury to the credit of the fund established in section 1533.15 of the Revised Code.

No fur taker permit shall be issued unless the applicant presents to the agent authorized to issue a fur taker permit a previously held hunting license or trapping or fur taker permit or evidence of having held such a license or permit in content and manner approved by the chief of the division of wildlife, a certificate of completion issued upon completion of a trapper education course approved by the chief, or evidence of equivalent training in content and manner approved by the chief.

No person shall issue a fur taker permit to any person who fails to present the evidence required by this section. No person shall purchase or obtain a fur taker permit without presenting to the issuing agent the evidence required by this section. Issuance of a fur taker permit in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained permit and the clerk or agent who issued the permit. Any fur taker permit issued in violation of this section is void.

The chief, with approval of the wildlife council, shall adopt rules prescribing a trapper education course for first-time fur taker permit buyers and for volunteer instructors. The course shall consist of subjects that include, but are not limited to, trapping techniques, animal habits and identification, trapping tradition and ethics, the trapper and conservation, and the law relating to trapping. Authorized personnel of the division of wildlife or volunteer instructors approved by the chief shall conduct the courses with such frequency and at such locations throughout the state as to reasonably meet the needs of permit applicants. The chief shall issue a certificate of completion to each person who successfully completes the course and passes an examination prescribed by the chief.

Every person, while hunting or trapping fur-bearing animals on lands of another, shall carry ~~his~~ the person's fur taker permit affixed to ~~his~~ the

s hunting license with ~~his~~ the person's signature written across the face of the permit. Failure to carry such a signed permit constitutes an offense under this section. The chief shall adopt any additional rules ~~he~~ the chief considers necessary to carry out this section.

The owner and the children of the owner of lands in this state may hunt or trap fur-bearing animals thereon without a fur taker permit. The tenant or manager and children of the tenant or manager may hunt or trap fur-bearing animals on lands where they reside without a fur taker permit.

A fur taker permit is not transferable. No person shall carry a fur taker permit issued in the name of another person.

A fur taker permit entitles a nonresident to take ~~with him~~ from this state fur-bearing animals taken and possessed by ~~him~~ the nonresident as provided by law or division rule.

~~Notwithstanding the fees otherwise prescribed in this section, prior to September 1, 1994, the fee for an annual trapping permit shall be eight dollars, together with one dollar as a fee to the clerk or other issuing agent, for the permit, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for the issuance of a trapping permit to the applicant free of charge, and the fee for a special youth trapping permit shall be four dollars, together with one dollar as a fee to the clerk or other issuing agent.~~

Sec. 1533.112. Except as provided in this section or unless otherwise provided by division rule, no person shall hunt ducks, geese, or brant on the lands of another without first obtaining an annual wetlands habitat stamp. The annual fee for the wetlands habitat stamp shall be ten dollars for each stamp, together with one dollar as a fee to the clerk or other issuing agent, unless the rules adopted under division (B) of section 1533.12 provide for issuance of a wetlands habitat stamp to the applicant free of charge.

Moneys received from the stamp fee, other than the one_ dollar clerk's fee, shall be paid into the state treasury to the credit of the wetlands habitat fund, which is hereby established. Moneys shall be paid from the fund on the order of the director of natural resources for the following purposes:

(A) Sixty per cent for projects that the division approves for the acquisition, development, management, or preservation of waterfowl areas within the state;

(B) Forty per cent for contribution by the division to an appropriate nonprofit organization for the acquisition, development, management, or preservation of lands and waters within Canada that provide or will provide habitat for waterfowl with migration routes that cross this state.

No moneys derived from the issuance of wetlands habitat stamps shall

be spent for purposes other than those specified by this section. All investment earnings of the fund shall be credited to the fund.

Wetlands habitat stamps shall be furnished by and in a form prescribed by the chief of the division of wildlife and issued by clerks and other agents authorized to issue licenses and permits under section 1533.13 of the Revised Code. The record of stamps kept by the clerks and other agents shall be uniform throughout the state, in such form or manner as the director prescribes, and open at all reasonable hours to the inspection of any person. ~~Each~~ Unless otherwise provided by rule, each stamp shall remain in force until midnight of the thirty-first day of August next ensuing. Wetlands habitat stamps may be issued in any manner to any person on any date, whether or not that date is within the period in which they are effective.

Every person to whom this section applies, while hunting ducks, geese, or brant, shall carry an unexpired wetlands habitat stamp that is validated by ~~his~~ the person's signature written on the stamp in ink and shall exhibit the stamp to any enforcement officer so requesting. No person shall fail to carry and exhibit ~~his~~ the person's stamp.

A wetlands habitat stamp is not transferable.

The chief shall establish a procedure to obtain subject matter to be printed on the wetlands habitat stamp and shall use, dispose of, or distribute the subject matter as ~~he~~ the chief considers necessary. The chief also shall ~~also make orders~~ adopt rules necessary to administer this section.

This section does not apply to persons under sixteen years of age nor to persons exempted from procuring a hunting license under section 1533.10 or division (A) of section 1533.12 of the Revised Code.

~~Notwithstanding the fees otherwise prescribed in this section, prior to September 1, 1994, the annual fee for a wetlands habitat stamp shall be eight dollars for each stamp, together with one dollar as a fee to the clerk or other issuing agent, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for the issuance of a wetlands habitat stamp to the applicant free of charge.~~

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, and fur taker permits shall be issued by the clerk of the court of common pleas, village and township clerks, and other authorized agents designated by the chief of the division of wildlife ~~after those persons have given~~. When required by the chief, a clerk or agent shall give bond in the manner provided by the chief. All bonds, reports, except records prescribed by the auditor of state, and moneys received by those persons shall be handled under rules adopted by the director of natural resources.

The premium of any fidelity bond prescribed under section 9.832 of the Revised Code or of any bond prescribed by the chief under this section may be paid by the chief. Any person who is designated and authorized by the chief to issue licenses, stamps, and permits as provided in this section, except the clerk of the court of common pleas and the village and township clerks, shall pay to the chief a premium in an amount that represents ~~his~~ the person's portion of the premium paid by the chief under this section, which amount shall be established by the chief and approved by the wildlife council created under section 1531.03 of the Revised Code. The chief shall pay all moneys that ~~he~~ the chief receives as premiums under this section into the state treasury to the credit of the wildlife fund created under section 1531.17 of the Revised Code.

Every authorized agent, for the purpose of issuing hunting and fishing licenses, deer and wild turkey permits, and fur taker permits, may administer oaths to and take affidavits from applicants for the licenses or permits when required. An authorized agent may appoint deputies to perform any acts that ~~he~~ the agent is authorized to perform, consistent with division rules ~~of the director~~.

Every applicant for a hunting or fishing license, deer or wild turkey permit, or fur taker permit, unless otherwise provided by division rule, shall make and subscribe an affidavit setting forth ~~his~~ the applicant's name, age, weight, height, occupation, place of residence, personal description, and citizenship. The clerk or other agent authorized to issue licenses and permits shall charge each applicant a fee of one dollar for taking the affidavit and issuing the license or permit. The application, license, permit, and other blanks required by this section shall be prepared and furnished by the chief. ~~The blanks shall be of different color each year and,~~ in such form as the chief provides, to the clerk or other agent authorized to issue them. The licenses and permits shall be issued to applicants by the clerk or other agent. The record of licenses and permits kept by the clerk and other authorized agents shall be uniform throughout the state and in such form or manner as the auditor of state prescribes and shall be open at all reasonable hours to the inspection of any person. ~~Each~~ Unless otherwise provided by division rule, each hunting license, deer or wild turkey permit, and fur taker permit issued shall remain in force until midnight of the thirty-first day of August next ensuing. Application for any such license or permit may be made and a license or permit issued prior to the date upon which it becomes effective.

The chief may require an applicant who wishes to purchase a license, stamp, or permit by mail or telephone to pay a nominal fee for postage and handling.

The court before whom a violator of any laws or division rules for the protection of wild animals is tried, as a part of the punishment, shall revoke the license, stamp, or permit of any person convicted. The license, stamp, or permit fee paid by that person shall not be returned to the person. The person shall not procure or use any other license, stamp, or permit or engage in hunting wild animals or trapping fur-bearing animals during the period of revocation as ordered by the court.

No person under sixteen years of age shall engage in hunting unless accompanied by ~~his~~ the person's parent or another adult person.

Sec. 1533.14. ~~No~~ Unless otherwise provided by division rule, no hunting license or wetlands habitat stamp is transferable and no hunter shall carry 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.

Every person, while hunting or trapping on the lands of another, shall carry ~~his~~ the person's hunting license ~~with him on the person's own self~~ and exhibit it to any wildlife officer, constable, sheriff, deputy sheriff, or police officer, to the owner or person in lawful control of the land upon which ~~he~~ the person is hunting or trapping, or to any other person. Failure to so carry or exhibit such a license constitutes an offense under this section. ~~Every person, while hunting or trapping on the lands of another, shall 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 shall be furnished free of charge to every licensee on the issuance of his license and shall be prepared and furnished annually by the division of wildlife. Failure to wear the tag issued for the license then in effect while hunting or trapping constitutes an offense under this section.~~ This chapter and Chapter 1531. of the Revised Code do not allow any person to hunt or trap on any land without the written consent of the owner thereof.

Such a license entitles a nonresident to take ~~with him~~ from this state game birds or game quadrupeds killed and possessed by ~~him~~ the nonresident as provided by law or division rule.

Sec. 1533.15. ~~The~~ Except as provided by division rule, the clerks and other agents authorized to issue hunting and fishing licenses, deer and wild turkey permits, and fur taker permits shall 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 shall 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. No license or permit sold in conformity with sections 1533.10, 1533.11, 1533.111, and 1533.32 of the Revised Code shall show any date and hour of issuance prior to the actual date and hour when the license or permit was issued to the applicant, and any violation of this requirement is an offense by both the purchaser of the falsely dated license or permit and the clerk or agent who issued it. A falsely dated license or permit immediately is void, and in any hearing before any court having jurisdiction, it shall be construed that no license or permit was issued.

~~Such~~ The clerks and other agents shall transmit with their reports to the director of natural resources, or another person authorized to receive them, all the moneys received as license and permit fees and may include the amounts paid to the clerks and other agents as their fees.

Moneys received as fees under sections 1533.10 and 1533.111 of the Revised Code shall be paid into the state treasury to the credit of the wildlife fund, which shall be exclusively for the use of the department of natural resources in the education of hunters and trappers, for the purchase, management, preservation, propagation, protection, and stocking of wild birds and wild quadrupeds, for establishing and purchasing or otherwise acquiring title to lands for game preservation, propagation, and protection, and for public hunting grounds under rules to be adopted by the chief of the division of wildlife. The chief may employ on such lands one or more game management agents and wildlife officers at such salary and with such duties as ~~he~~ the chief prescribes for improving habitat for wild birds and wild quadrupeds and for all phases of game management, propagation, and protection, including the necessary biological investigations, for printing summarized game laws and the division of wildlife lawbook, and for printing such educational leaflets, pamphlets, and books and promoting such educational, survey, and research activities pertaining to the management, preservation, propagation, and protection of wild animals as are approved by the chief and as provided in this chapter and Chapter 1531. of the Revised Code.

The department shall not spend more than thirty-five per cent of this fund for administration and enforcement.

No moneys derived from hunting licenses, deer or wild turkey permits, and fur taker permits shall be spent for other than hunting and trapping purposes, as defined in this section and sections 1533.11 and 1533.111 of the Revised Code.

The wildlife fund shall be reimbursed, as provided in this section, for the cost of hunting and fishing licenses, permits, and stamps required to be issued free of charge pursuant to rules adopted under division (B) of section

1533.12 of the Revised Code. The chief shall compile data on the number, type, and amount of fees that would have been collected for the licenses, permits, and stamps if they were not issued free of charge. The chief shall certify the amount of foregone revenue for the previous fiscal year for the free licenses, permits, and stamps to the director of budget and management. Beginning with the amount for fiscal year 1992, the director shall transfer the lesser of one million dollars per year or the amount so certified from the general revenue fund to the wildlife fund, by intrastate transfer voucher.

No person, on any lands acquired and set aside for wild animal management, preservation, propagation, and protection or public hunting grounds having plainly marked boundaries, or with knowledge that such lands are so acquired and set aside, shall take, hunt or trap, kill, or pursue any wild animal on such lands, except as provided by law or division rules. No person shall enter upon such lands or lands held by the state for purposes of reforestation with intent to cut growing timber on any such lands or otherwise commit waste thereon. Hunting may be engaged in on lands set aside for purposes of reforestation as provided by division rules and approved by the division of forestry.

Sec. 1533.32. Except as provided in this section or division (A) or (C) of section 1533.12 of the Revised Code, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles, ~~or mussels for bait purposes~~, without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

The fee for an annual license shall be twenty-three dollars for a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. The fee for an annual license shall be fourteen dollars for a resident of a state that is a party to such an agreement. The fee for an annual license for residents of this state shall be fourteen dollars; unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident fishing license to the applicant free of charge. ~~Any~~

~~Any~~ person under the age of sixteen years may take or catch frogs and turtles, ~~and mussels for bait purposes~~, and take or catch fish by angling without a license. Any resident of this state sixty-six years of age or older may take or catch frogs and turtles, ~~and mussels for bait purposes~~, without a

license. ~~The~~

~~The~~ chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code, ~~the~~. The fee for which a tourist's license shall be fourteen dollars. Each year's

The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. The fee for such a license shall be forty per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar. A one-day fishing license shall allow 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 under this section. 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 section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall 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 shall 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.

A fee of one dollar for each license issued under this section shall be paid to the issuing clerk or agent in accordance with section 1533.13 of the Revised Code.

Unless otherwise provided by division rule, each annual license shall begin on the first day of March of the current year and expire on the last day of February of the following year.

No person shall alter a fishing license or possess a fishing license that has been altered.

No person shall procure or attempt to procure a fishing license by fraud, deceit, misrepresentation, or any false statement.

Owners of land over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, together with the members of the immediate families of such owners, may take frogs and turtles, ~~and mussels for bait purposes~~, and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring ~~the~~ a license provided for in this section. This exemption extends to tenants actually residing upon such lands and to the members of the

immediate families of the tenants. Residents of state or county institutions, charitable institutions, and military homes in this state may take frogs and turtles, ~~and mussels for bait purposes,~~ without procuring the required license, provided that a member of the institution or home has an identification card, which shall be carried on ~~his~~ that person when fishing.

Every ~~fisherman~~ fisher required to be licensed, while fishing, or taking or attempting to take frogs or turtles, ~~or mussels for bait purposes,~~ shall carry ~~his~~ the license and exhibit it to any person. Failure to so carry and exhibit ~~such~~ the license constitutes an offense under this section.

~~Notwithstanding the fees otherwise prescribed in this section, prior to March 1, 1995, the license fee for a resident of this state shall be eleven dollars, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for the issuance of a resident fishing license to the applicant free of charge; the license fee for a resident of another state that is a party to an agreement under section 1533.91 of the Revised Code shall be eleven dollars; the license fee for a resident of a state that is not a party to such an agreement shall be eighteen dollars; and the fee for a tourist's license issued to a resident of a state that is not a party to such an agreement shall be eleven dollars.~~

Sec. 1533.324. No person shall take mussels or sell mussels, ~~except for bait purposes as provided in section 1533.32 of the Revised Code, without first obtaining an annual mussel taking permit from the chief of the division of wildlife. The fee for such permit shall be five dollars for residents of the state and ten dollars for nonresidents.~~

~~No person shall use a crow foot bar in taking or attempting to take mussels without first obtaining an annual crow foot bar permit from the chief of the division of wildlife. The fee for such permit shall be twenty five dollars for residents of the state and one hundred dollars for nonresidents.~~

~~"Crow foot bar" as used in this section means a bar made of any material bearing a series of hooks designed to catch or adapted for catching mussels by insertion of such hooks between the shells of mussels.~~

~~No person shall buy mussels for resale, or commercial processing, or manufacturing purposes without first obtaining an annual commercial mussel buyer permit from the chief of the division of wildlife. The fee for such permit shall be one hundred dollars for residents of the state and three hundred dollars for nonresidents.~~

~~Every person, while engaging in buying, selling, taking, or attempting to take mussels, shall carry and exhibit the permit which applies to his operation to any person upon request. Failure to carry and exhibit such permit constitutes an offense under this section.~~

~~All permits mentioned in this section shall expire at midnight on the thirty first day of December of each year. Failure to obtain a required permit constitutes an offense under this section. The application, permits, and reports required by this section shall be in such form as the chief prescribes.~~

~~Each person having a mussel taking permit or a crow foot bar permit shall submit an operation report by not later than the fifteenth day of each month to the chief of the division of wildlife. Said report shall show pounds of mussels collected, water area where collected, pounds sold, and selling price per unit of sale. Each commercial mussel buyer shall submit a report not later than the first day of February of each year of the pounds of mussels and shells purchased in the previous year. Falsifying or failure to submit such reports authorizes the chief of the division of wildlife to deny future permits.~~

~~The chief shall pay all moneys received as fees for permits under this section into the state treasury to the credit of the fund created by section 1533.33 of the Revised Code taken in this state.~~

SECTION 2. That existing sections 1531.01, 1533.10, 1533.101, 1533.11, 1533.111, 1533.112, 1533.13, 1533.14, 1533.15, 1533.32, and 1533.324 of the Revised Code are hereby repealed.

SECTION 3. Section 1531.01 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 287 and Am. Sub. S.B. 182 of the 120th General Assembly, with the new language of neither of the acts shown in capital letters. Sections 1533.10, 1533.11, and 1533.111 of the Revised Code are presented in this act as composites of the sections as amended by both Sub. H.B. 715 and Am. Sub. S.B. 182 of the 120th General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____