

**As Reported by the House Agriculture and Natural Resources
Committee**

**124th General Assembly
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2001-2002**

Sub. H. B. No. 493

**REPRESENTATIVES Latta, Aslanides, Carey, Gilb, Seitz, Niehaus, Hagan,
Husted, Sullivan, Webster, Roman, Kearns, Wilson, Rhine, Hollister, Collier,
Evans, Boccieri, Faber, Buehrer, Schaffer, Reidelbach, Blasdel, Carmichael,
Sulzer, Brinkman, Distel, Seaver, Redfern, Grendell, Core, Wolpert**

A B I L L

To amend sections 1531.01, 1533.05, 1533.07, 1533.121, 1
1533.73, and 1533.731, to enact section 1531.101, 2
and to repeal sections 1531.021 and 1531.022 of the 3
Revised Code to eliminate the special requirements 4
governing Sunday hunting, to authorize the adoption 5
of rules governing the hunting of migratory game 6
birds, and to revise the law governing the 7
disposition of deer killed by motor vehicles. 8

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

Section 1. That sections 1531.01, 1533.05, 1533.07, 1533.121, 9
1533.73, and 1533.731 be amended and section 1531.101 of the 10
Revised Code be enacted to read as follows: 11

Sec. 1531.01. As used in this chapter and Chapter 1533. of 12
the Revised Code: 13

(A) "Person" means individual, company, partnership, 14
corporation, municipal corporation, association, or any 15
combination of individuals, or any employee, agent, or officer 16

As Reported by the House Agriculture and Natural Resources Committee

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 crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

As Reported by the House Agriculture and Natural Resources Committee

- (J) "Transport and transportation" means carrying or moving 47
or causing to be carried or moved. 48
- (K) "Sell and sale" means barter, exchange, or offer or 49
expose for sale. 50
- (L) "Whole to include part" means that every provision 51
relating to any wild animal protected by this chapter and Chapter 52
1533. of the Revised Code applies to any part of the wild animal 53
with the same effect as it applies to the whole. 54
- (M) "Angling" means fishing with not more than two hand 55
lines, not more than two units of rod and line, or a combination 56
of not more than one hand line and one rod and line, either in 57
hand or under control at any time while fishing. The hand line or 58
rod and line shall have attached to it not more than three baited 59
hooks, not more than three artificial fly rod lures, or one 60
artificial bait casting lure equipped with not more than three 61
sets of three hooks each. 62
- (N) "Trotline" means a device for catching fish that consists 63
of a line having suspended from it, at frequent intervals, 64
vertical lines with hooks attached. 65
- (O) "Fish" means a cold-blooded vertebrate having fins. 66
- (P) "Measurement of fish" means length from the end of the 67
nose to the longest tip or end of the tail. 68
- (Q) "Wild birds" includes game birds and nongame birds. 69
- (R) "Game" includes game birds, game quadrupeds, and 70
fur-bearing animals. 71
- (S) "Game birds" includes mourning doves, ringneck pheasants, 72
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 73
grouse, wild turkey, Hungarian partridge, Chukar partridge, 74
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 75
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 76

As Reported by the House Agriculture and Natural Resources Committee

duck, geese, brant, and crows.	77
(T) "Nongame birds" includes all other wild birds not	78
included and defined as game birds.	79
(U) "Wild quadrupeds" includes game quadrupeds and	80
fur-bearing animals.	81
(V) "Game quadrupeds" includes cottontail rabbits, gray	82
squirrels, black squirrels, fox squirrels, red squirrels, flying	83
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer,	84
wild boar, and black bears.	85
(W) "Fur-bearing animals" includes minks, weasels, raccoons,	86
skunks, opossums, muskrats, fox, beavers, badgers, otters,	87
coyotes, and bobcats.	88
(X) "Wild animals" includes mollusks, crustaceans, aquatic	89
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds,	90
and all other wild mammals, but does not include domestic deer.	91
(Y) "Hunting" means pursuing, shooting, killing, following	92
after or on the trail of, lying in wait for, shooting at, or	93
wounding wild birds or wild quadrupeds while employing any device	94
commonly used to kill or wound wild birds or wild quadrupeds	95
whether or not the acts result in killing or wounding. "Hunting"	96
includes every attempt to kill or wound and every act of	97
assistance to any other person in killing or wounding or	98
attempting to kill or wound wild birds or wild quadrupeds.	99
(Z) "Trapping" means securing or attempting to secure	100
possession of a wild bird or wild quadruped by means of setting,	101
placing, drawing, or using any device that is designed to close	102
upon, hold fast, confine, or otherwise capture a wild bird or wild	103
quadruped whether or not the means results in capture. "Trapping"	104
includes every act of assistance to any other person in capturing	105
wild birds or wild quadrupeds by means of the device whether or	106
not the means results in capture.	107

As Reported by the House Agriculture and Natural Resources Committee

(AA) "Muskrat spear" means any device used in spearing muskrats.	108 109
(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.	110 111 112
(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.	113 114 115
(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 of it. "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.	116 117 118 119 120 121 122 123 124 125 126
(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.	127 128 129
(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.	130 131 132
(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.	133 134
(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 (<i>Alosa pseudoharengus</i>), American eel (<i>Anguilla rostrata</i>), bowfin	135 136 137 138

As Reported by the House Agriculture and Natural Resources Committee

(*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 bullhead (*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 (*Carpiodes cyprinus*), smelt
(Allosmerus elongatus), Hypomesus sp., Osmerus sp., Spirinchus
 sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other
 than buffalo and quillback (*Carpiodes* 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

As Reported by the House Agriculture and Natural Resources Committee

induced or caused by changes in the water flow.	170
(NN) "Spreader bar" means a brail or rigid bar placed across	171
the entire width of the back, at the top and bottom of the cars in	172
all trap, crib, and fyke nets for the purpose of keeping the	173
meshes hanging squarely while the nets are fishing.	174
(OO) "Fishing guide" means any person who, for consideration	175
or hire, operates a boat, rents, leases, or otherwise furnishes	176
angling devices, ice fishing shanties or shelters of any kind, or	177
other fishing equipment, and accompanies, guides, directs, or	178
assists any other person in order for the other person to engage	179
in fishing.	180
(PP) "Net" means fishing devices with meshes composed of	181
twine or synthetic material and includes, but is not limited to,	182
trap nets, fyke nets, crib nets, carp aprons, dip nets, and	183
seines, except minnow seines and minnow dip nets.	184
(QQ) "Commercial fishing gear" means seines, trap nets, fyke	185
nets, dip nets, carp aprons, trotlines, other similar gear, and	186
any boat used in conjunction with that gear, but does not include	187
gill nets.	188
(RR) "Native wildlife" means any species of the animal	189
kingdom indigenous to this state.	190
(SS) "Gill net" means a single section of fabric or netting	191
seamed to a float line at the top and a lead line at the bottom,	192
which is designed to entangle fish in the net openings as they	193
swim into it.	194
(TT) "Tag fishing tournament" means a contest in which a	195
participant pays a fee, or gives other valuable consideration, for	196
a chance to win a prize by virtue of catching a tagged or	197
otherwise specifically marked fish within a limited period of	198
time, but does not include a scheme of chance conducted under	199
division (D)(1) of section 2915.02 of the Revised Code.	200

As Reported by the House Agriculture and Natural Resources Committee

(UU) "Tenant" means an individual who resides on land for 201
 which the individual pays rent and whose annual income is 202
 primarily derived from agricultural production conducted on that 203
 land, as "agricultural production" is defined in section 929.01 of 204
 the Revised Code. 205

(VV) "Nonnative wildlife" means any wild animal not 206
 indigenous to this state, but does not include domestic deer. 207

(WW) "Reptiles" includes common musk turtle (*sternotherus* 208
odoratus), common snapping turtle (*Chelydra serpentina* 209
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 210
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 211
blandingii), common map turtle (*Graptemys geographica*), ouachita 212
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 213
painted turtle (*Chrysemys picta marginata*), red-eared slider 214
(*Trachemys scripta elegans*), eastern spiny softshell turtle 215
(*Apalone spinifera spinifera*), midland smooth softshell turtle 216
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 217
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 218
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 219
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 220
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 221
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 222
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 223
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 224
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 225
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 226
northern redbelly snake (*Storeria occipitomaculata* 227
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 228
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 229
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 230
(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis* 231
sauritus sauritus), northern ribbon snake (*Thamnophis sauritus* 232

As Reported by the House Agriculture and Natural Resources Committee

septentrionalis), eastern hognose snake (*Heterodon platirhinos*), 233
 eastern smooth earth snake (*Virginia valeriae valeriae*), northern 234
 ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake 235
 (*Carphophis amoenus helenae*), eastern worm snake (*Carphophis* 236
amoenus amoenus), black racer (*Coluber constrictor constrictor*), 237
 blue racer (*Coluber constrictor foxii*), rough green snake 238
 (*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis* 239
vernalis), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox 240
 snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis* 241
getula nigra), eastern milk snake (*Lampropeltis triangulum* 242
triangulum), northern copperhead (*Agkistrodon contortrix mokasen*), 243
 eastern massasauga (*Sistrurus catenatus catenatus*), and timber 244
 rattlesnake (*Crotalus horridus horridus*). 245

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus* 246
alleganiensis alleganiensis), mudpuppy (*Necturus maculosus* 247
maculosus), red-spotted newt (*Notophthalmus viridescens* 248
viridescens), Jefferson salamander (*Ambystoma jeffersonianum*), 249
 spotted salamander (*Ambystoma maculatum*), blue-spotted salamander 250
 (*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), 251
 streamside salamander (*Ambystoma barbouri*), marbled salamander 252
 (*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum* 253
tigrinum), northern dusky salamander (*Desmognathus fuscus fuscus*), 254
 mountain dusky salamander (*Desmognathus ochrophaeus*), redback 255
 salamander (*Plethodon cinereus*), ravine salamander (*Plethodon* 256
richmondi), northern slimy salamander (*Plethodon glutinosus*), 257
 Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander 258
 (*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus* 259
porphyriticus duryi), northern spring salamander (*Gyrinophilus* 260
porphyriticus porphyriticus), mud salamander (*Pseudotriton* 261
montanus), northern red salamander (*Pseudotriton ruber ruber*), 262
 green salamander (*Aneides aeneus*), northern two-lined salamander 263
 (*Eurycea bislineata*), longtail salamander (*Eurycea longicauda* 264

As Reported by the House Agriculture and Natural Resources Committee

longicauda), cave salamander (*Eurycea lucifuga*), southern
two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo*
woodhousii fowleri), American toad (*Bufo americanus*), eastern
spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris*
crepitans blanchardi), northern spring peeper (*Pseudacris crucifer*
crucifer), gray treefrog (*Hyla versicolor*), Cope's gray treefrog
(*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata*
triseriata), mountain chorus frog (*Pseudacris brachyphona*),
bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*),
northern leopard frog (*Rana pipiens*), pickerel frog (*Rana*
palustris), southern leopard frog (*Rana utricularia*), and wood
frog (*Rana sylvatica*).

(YY) "Deer" means white-tailed deer (*Odocoileus*
virginianus).

(ZZ) "Domestic deer" means nonnative deer that have been
legally acquired or their offspring and that are held in private
ownership for primarily agricultural purposes.

(AAA) "Migratory game bird" includes waterfowl (Anatidae);
doves (Columbidae); cranes (Gruidae); rails, coots, and gallinules
(Rallidae); and woodcock and snipe (Scolopacidae).

Sec. 1531.101. In addition to any other authority conferred
on the chief of the division of wildlife, the chief may adopt
rules under section 111.15 of the Revised Code that are necessary
to establish acceptable methods of taking migratory game birds
together with bag limits and designated seasons, areas, and hours
for hunting them.

Sec. 1533.05. (A) As used in this section and section
1533.051 of the Revised Code, "raptor" means a live migratory bird
of the family Falconidae or of the family Accipitridae other than
a bald eagle (*Haliaeetus leucocephalus*).

As Reported by the House Agriculture and Natural Resources Committee

(B) The chief of the division of wildlife may authorize the taking, possession, and transportation of raptors for use in the sport of falconry by rules adopted pursuant to section 1531.08 of the Revised Code. The rules shall be consistent with federal regulations governing raptors and may authorize the taking of game by the use of raptors, including taking with a trained raptor and a dog.

The chief, by rules adopted pursuant to section 1531.08 of the Revised Code, may do all of the following:

(1) Notwithstanding any other rule governing the taking of quail, authorize a person engaged in the sport of falconry to permit the person's raptor to take quail;

~~(2) Authorize a person engaged in the sport of falconry to permit the person's raptor to take game on Sunday within legal seasons;~~

~~(3) Authorize special falconry seasons;~~

~~(4)~~(3) Authorize a person engaged in the sport of falconry to possess and to permit the person's raptor to take European starlings, English sparrows, and common pigeons, other than homing pigeons, at any time.

(C) No person shall take, possess, or transport a raptor for use in the sport of falconry or shall practice falconry without a permit to do so issued by the chief. The duration of the permit shall be consistent with applicable federal requirements. The chief may require a separate permit for the taking of raptors.

The fees for permits shall be set by the chief in amounts sufficient to cover the expenses of the division of wildlife in exercising its authority under this section and may vary according to class and type of permit. Moneys received from the sale of permits shall be paid into the state treasury to the credit of the fund established in section 1533.15 of the Revised Code.

As Reported by the House Agriculture and Natural Resources Committee

An applicant for a permit shall present a valid hunting license issued to the applicant for the current license year under section 1533.13 of the Revised Code and shall maintain a valid and current hunting license thereafter while taking or attempting to take game or raptors to be used for falconry purposes. A permit issued under this section is not transferable. No person shall carry a permit issued in the name of another person.

(D) Every person, while engaged in falconry on the lands of another, shall carry the permit issued to the person under this section together with a valid hunting license issued to the person for the current license year under section 1533.13 of the Revised Code and shall exhibit the permit and license to any law enforcement officer requesting to see them.

(E) Notwithstanding any other provision of this section, of any rule adopted by the chief governing falconry, or of any federal regulation governing raptors, no person shall take or disturb for the purpose of falconry the nest of a wild raptor or any young raptor in the wild that is not yet capable of flight except in such situations, and under the direct supervision of a wildlife officer, where the nest otherwise would be destroyed or the raptor would not survive.

Sec. 1533.07. No person shall catch, kill, injure, pursue, or have in the person's possession, either dead or alive, or purchase, expose for sale, transport, or ship to a point within or without the state, or receive or deliver for transportation any bird other than a game bird, or have in the person's possession any part of the plumage, skin, or body of any bird other than a game bird, except as permitted in Chapter 1531. and this chapter of the Revised Code, or disturb or destroy the eggs, nest, or young of such a bird.

This section does not prohibit the lawful taking, killing,

As Reported by the House Agriculture and Natural Resources Committee

pursuing, or possession of any game bird during the open season
for the bird. Hawks or owls causing damage to domestic animals or
fowl may be killed by the owner of the domestic animal or fowl
while the damage is occurring. Bald or golden eagles and ospreys
shall not be killed or possessed at any time, except that eagles
or ospreys may be possessed for educational purposes by
governmental or municipal zoological parks, museums, and
scientific or educational institutions. European starlings,
English sparrows, and common pigeons, other than homing pigeons,
may be killed at any time, ~~except as provided in section 1531.021~~
~~of the Revised Code~~, and their nests or eggs may be destroyed, at
any time. Blackbirds may be killed at any time, ~~except as provided~~
~~in section 1531.021 of the Revised Code~~, when doing damage to
grain or other property or when they become a nuisance.

Each bird or any part thereof taken or had in possession
contrary to this section constitutes a separate offense.

Sec. 1533.121. Except as otherwise provided by division rule,
the ~~resident~~ driver of every motor vehicle that has caused the
death of a deer by striking the deer on a highway may take
possession of the deer, provided that within twenty-four hours
thereafter, ~~he~~ the driver reports the accident to a wildlife
officer or other law enforcement officer. The officer shall
investigate, and, if ~~he~~ the officer finds the death has been
caused as alleged, ~~he~~ the officer shall give a certificate for
legal ownership of the deer to the ~~person entitling the person to~~
~~the ownership of the carcass to be possessed and consumed by the~~
~~driver and the immediate family of the driver of the vehicle or by~~
~~giving the carcass. If the deer is unclaimed, the certificate for~~
legal ownership may be given to a private or public institution or
charity or to another person.

Sec. 1533.73. (A) Except as otherwise provided in this

As Reported by the House Agriculture and Natural Resources Committee

division or by division rule, licensed commercial bird shooting 388
preserves may be established in any county of the state, but no 389
such preserve shall be less than eighty acres or more than six 390
hundred forty acres in area. A commercial bird shooting preserve 391
shall be in one continuous block of land, except that the block of 392
land may be intersected by highways or roads. No commercial bird 393
shooting preserve shall be located within fifteen hundred feet of 394
any other such preserve. 395

A licensed commercial bird shooting preserve operated by a 396
municipal corporation on lands located within its corporate limits 397
is not subject to this division. 398

(B) The boundaries of each licensed commercial bird shooting 399
preserve shall be clearly defined by posting, at intervals of not 400
more than two hundred feet, with signs prescribed by the division 401
of wildlife. 402

(C) Mallard or black ducks and other game birds upon which 403
there is an open season in this state, which the chief of the 404
division may approve for such use, and that have been legally 405
acquired or propagated under the authority of a propagating 406
license issued under section 1533.71 of the Revised Code and 407
marked and banded as provided in division (D) of this section may 408
be released and harvested by shooting within the confines of any 409
licensed commercial bird shooting preserve between sunrise and 410
sunset, without regard to sex, daily bag limit, or open season, 411
~~and including Sundays,~~ by licensed hunters authorized by the 412
holder of the commercial bird shooting preserve license to hunt on 413
those lands. 414

(D) All game birds released on a licensed commercial bird 415
shooting preserve shall first be banded with a leg band that shall 416
bear upon it a symbol identifying the commercial bird shooting 417
preserve. No game birds shall be possessed or transported outside 418
the licensed area unless each such bird is tagged with a suitable 419

As Reported by the House Agriculture and Natural Resources Committee

tag or seal supplied by the division.

(E) The holder of a commercial bird shooting preserve license shall raise, or purchase, and release on the licensed commercial bird shooting preserve at least five hundred pheasants annually. With the approval of the chief, the license holder may raise, or purchase, and release, in lieu of pheasants, a like number of other game birds. No person shall fail to release the required number of game birds on a licensed commercial bird shooting preserve as required by this division.

(F) The holder of a commercial bird shooting preserve license is not liable for any damage to or destruction of growing crops on land adjacent to the preserve caused by game birds released on the preserve.

(G) No holder of a commercial bird shooting preserve license shall violate this chapter or Chapter 1531. of the Revised Code or any division rule.

Sec. 1533.731. (A) No wild animal hunting preserve shall be less than eighty acres in area. Each such preserve shall be in one continuous block of land, except that the block of land may be intersected by highways or roads. No wild animal hunting preserve shall be located within three thousand feet of another such preserve or of a commercial bird shooting preserve licensed under section 1533.72 of the Revised Code.

The boundaries of each wild animal hunting preserve shall be clearly defined by posting, at intervals of not more than two hundred feet, with signs prescribed by the division of wildlife. Each wild animal hunting preserve shall be surrounded by a fence at least six feet in height that is constructed of a woven wire mesh, or such other enclosure approved by the chief of the division of wildlife.

As Reported by the House Agriculture and Natural Resources Committee

(B)(1) Except as provided in divisions (B)(2) and (3) of this section, game and nonnative wildlife that have been approved by the chief for such use, that have been legally acquired or propagated under the authority of a propagating license issued under section 1533.71 of the Revised Code, and that are marked and tagged as provided in division (C) of this section may be released and hunted within the confines of the licensed wild animal hunting preserve between sunrise and sunset, without regard to sex, bag limit, or open season, ~~and including Sundays,~~ by licensed hunters authorized by the holder of the wild animal hunting preserve license to hunt on those lands. The chief shall establish, by rule, the allowable methods of taking game and nonnative wildlife in a wild animal hunting preserve.

(2) No game or nonnative wildlife on the federal endangered species list established in accordance with the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended, or the state endangered species list established in rules adopted under section 1531.25 of the Revised Code, no bears native to North America, and no large carnivores of the family Felidae shall be released for hunting or hunted in any wild animal hunting preserve in this state.

(3) No person shall release for hunting or hunt within a wild animal hunting preserve any game or nonnative wildlife not listed in the application for a license for that preserve.

(C) All game and nonnative wildlife released on a wild animal hunting preserve shall be identified with a tag that shall bear upon it a symbol identifying the preserve.

(D) For the purposes of division (B) of section 1533.02 of the Revised Code, the owner or operator of a wild animal hunting preserve shall furnish each person who takes any game or nonnative wildlife from the preserve a certificate bearing a description of the animal, the date the animal was taken, and the name of the

preserve.

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(E) The chief shall adopt rules under section 1531.10 of the Revised Code that provide for the safety of the public and for the protection of the game and nonnative wildlife to be hunted in a wild animal hunting preserve prior to their release in the preserve.

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(F) No holder of a wild animal hunting preserve license shall violate Chapter 1531. or this chapter of the Revised Code or any division rule.

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(G) This section does not authorize the hunting of game birds in a licensed wild animal hunting preserve.

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Section 2. That existing sections 1531.01, 1533.05, 1533.07, 1533.121, 1533.73, and 1533.731 and sections 1531.021 and 1531.022 of the Revised Code are hereby repealed.

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