



Jill Rowland

*Final Analysis*  
*Legislative Service Commission*

**Sub. S.B. 241**  
123rd General Assembly  
(As Passed by the General Assembly)

**Sens. Gardner, Spada, Blessing, Carnes, Kearns, Wachtmann, Hagan, Latta, Mumper, Schafrath**

**Reps. Buehrer, Brading, Distel, Roman, Grendell, Goodman, Taylor, Peterson, Callender, Perry, Amstutz, J. Beatty, O'Brien, Verich, Vesper, Stevens, Salerno, Widener, Gardner, Hoops**

**Effective date:** \*

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**ACT SUMMARY**

- Removes the stipulation that commercial fishing rules adopted by the Chief of the Division of Wildlife in the Department of Natural Resources can remain in effect for no more than five years.
- Provides for the continuation of commercial fishing rules until those rules are amended or rescinded.
- Changes fishing season dates and length limits for certain commercial fish.
- Declares an emergency.

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**CONTENT AND OPERATION**

**Division of Wildlife commercial fishing rules**

Under former law, any rule adopted by the Chief of the Division of Wildlife in the Department of Natural Resources for the purpose of regulating the taking of commercial fish could not remain in effect for more than five years after the rule was adopted regardless if the rule was later amended. The act removes that stipulation. Thus, under the act, rules adopted by the Chief of the Division of

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

Wildlife for the purpose of regulating the taking of commercial fish do not expire. (Sec. 1531.10.)

Under former law, commercial fishing rules that were in effect prior to the act's effective date were scheduled to expire five years from their respective effective dates. The act instead provides that those rules are ratified and continue in effect until amended or rescinded by the Division of Wildlife. In addition, the act declares that an expiration date stated in any of the rules is void. (Section 3.)

### **Fishing seasons**

For the Lake Erie fishing district, and in other waters in which fishing with nets is licensed by law, continuing law prohibits more than two fishing seasons for residents and nonresidents. Except as otherwise provided by a Division rule, those seasons are the spring fishing season, which, under former law, began on March 1 and, under continuing law, closes on August 31 (both dates inclusive), and the fall fishing season, which, under continuing law, begins on September 1 and closes on December 31 (both dates inclusive). The act changes the beginning of the spring season from March 1 to May 1. (Sec. 1533.41.)

Similarly, continuing law prohibits a person, during a specified time period during the year, from drawing, setting, placing, locating, or maintaining any fish net, except a minnow net, in the Lake Erie fishing district, or in any other waters of Ohio in which fishing with nets is licensed by law, except as otherwise provided by Division rule. Under law prior to the effective date of the act, this specified time period began on January 1 and ended on March 1. The act changes that season's ending date from March 1 to May 1. (Sec. 1533.41.)

Except as otherwise provided by a Division rule, continuing law prohibits a person, during a specified time period during the year, from drawing, setting, placing, locating, or maintaining any net, except a seine, within 1/4 mile of any reef in Lake Erie. Under law prior to the effective date of the act, this specified time period began on March 1 and ended on May 10. The act changes that season's opening date from March 1 to May 1. (Sec. 1533.55.)

### **Fish length limits**

Except as otherwise provided by Division rule, continuing law prohibits a person from taking, catching, buying, selling, transporting, or possessing specified fish that are less than their statutorily established length limit. The prohibition does not apply to the catching, taking, or possession of undersized fish when caught or taken with hook and line (other than a commercially licensed trotline) as long as they are not bought or sold. Table 1, below, lists those specific fish and their corresponding length limits under law prior to the effective date of the act, fish that are added by the act, and any lengths of fish changed by the act. The

length limits are the minimum length limits. A fish caught or taken of a length less than that listed in Table 1 or as may be provided by the Chief immediately must be released. (Sec. 1533.63.)

**Table 1: Regulated Fish and Fish Length Limits**

<b>Fish Regulated Under Continuing Law</b>	<b>Fish Added by the Act</b>	<b>Minimum Fish Length Under Law Prior to the Effective Date of the Act (in inches)</b>	<b>Minimum Fish Length Under the Act (in inches)</b>
Whitefish		17	No change
Sturgeon		48	No change
Catfish		15 1/2	14 1/2
Yellow Perch		8	8 1/2
Yellow Perch Fillet or Part Fillet		5 3/8	5 5/8
	Headless Yellow Perch		6 7/8
White Bass		9	11
	White Bass Hybrid		11
	Headless White Bass or White Bass Hybrid		8 3/4
	White Bass or White Bass Hybrid Fillet or Part Fillet		6 1/2
Bullhead		9	No change
Cisco		11	No change
Buffalo Fish		15	No change
Sucker		10	No change
Coho		25 (round length)	No change
Headless Coho		21 1/2	No change

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-18-00	p. 1315
Reported, S. Energy, Natural Resources, & Environment	02-16-00	p. 1390
Passed Senate (32-0)	02-16-00	p. 1407
Reported, H. Agriculture & Natural Resources	03-29-00	p. 1741
Passed House (95-0)	04-05-00	pp. 1769-1771

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