



Jill Rowland

Bill Analysis
Legislative Service Commission

Sub. S.B. 241

123rd General Assembly

(As Reported by H. Agriculture & Natural Resources)

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

BILL 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- Provides for the continuation of existing commercial fishing rules until those rules are amended or rescinded.
- Changes fishing season dates and length limits for certain commercial fish.
- Declares an emergency.

CONTENT AND OPERATION

Division of Wildlife commercial fishing rules

Under current 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 cannot remain in effect for more than five years after the rule is adopted regardless if the rule is later amended. The bill removes that stipulation. Thus, under the bill, rules adopted by the Chief of the Division of Wildlife for the purpose of regulating the taking of commercial fish do not expire. (Sec. 1531.10.)

Existing commercial fishing rules are scheduled to expire five years from their respective effective dates. The bill instead provides that those rules are ratified and continue in effect until amended or rescinded by the Division of Wildlife. In addition, the bill 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, current 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, beginning on March 1 and closing on August 31 (both dates inclusive), and the fall fishing season, beginning on September 1 and closing on December 31 (both dates inclusive). The bill changes the beginning of the spring season from March 1 to May 1. (Sec. 1533.41.)

Similarly, current law prohibits a person 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, between January 1 and March 1 (both dates inclusive), except as otherwise provided by Division rule. The bill changes that season's ending date from March 1 to May 1. (Sec. 1533.41.)

Except as otherwise provided by a Division rule, existing law prohibits a person from drawing, setting, placing, locating, or maintaining any net, except a seine, within 1/4 mile of any reef in Lake Erie between March 1 and May 10 (both dates inclusive). The bill 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, current 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 current law, fish that are added by the bill, and any lengths of fish changed by the bill. 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

Fish Regulated Under Current Law	Fish Added by the Bill	Minimum Fish Length Under Current Law (in inches)	Minimum Fish Length Under the Bill (in inches)
Whitefish		17	

Fish Regulated Under Current Law	Fish Added by the Bill	Minimum Fish Length Under Current Law (in inches)	Minimum Fish Length Under the Bill (in inches)
Sturgeon		48	
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	
Cisco		11	
Buffalo Fish		15	
Sucker		10	
Coho		25 (round length)	
Headless Coho		21 1/2	

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

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