



# Ohio Legislative Service Commission

## Bill Analysis

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### Sub. H.B. 420

129th General Assembly

(As Reported by H. Agriculture and Natural Resources)

**Reps.** Peterson and Stinziano, McClain, Grossman, Henne, McGregor, Ruhl, Combs, C. Hagan, Hill, Stebelton, Garland, Roegner, Clyde, Buchy

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## BILL SUMMARY

- Requires a person who provides nuisance wild animal removal or control services for hire to obtain an annual license from the Chief of the Division of Wildlife.
- Requires money collected from license fees to be credited to the existing Wildlife Fund.
- Requires a commercial nuisance wild animal control operator or an individual providing nuisance wild animal removal or control services for hire to obtain a certification of completion of a course of instruction.
- Requires an individual to be licensed under the Pesticides Law if a pesticide is used in the removal or control of a nuisance wild animal.
- Requires the Chief, with the approval of the Director of Natural Resources, to adopt rules necessary to implement the bill.

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## CONTENT AND OPERATION

### Licensing of commercial nuisance wild animal control operator

The bill requires a person who provides nuisance wild animal removal or control services for hire to obtain a license from the Chief of the Division of Wildlife.<sup>1</sup> It specifies that a commercial nuisance wild animal control operator that holds such a license is responsible for the acts of each of the operator's employees in the removal or

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<sup>1</sup> R.C. 1531.40(B)(1).

control of a nuisance wild animal.<sup>2</sup> Under the bill, a nuisance wild animal is a wild animal that interferes with the use or enjoyment of property, is causing a threat to public safety, or may cause damage or harm to a structure, property, or person.<sup>3</sup> A commercial nuisance wild animal control operator is an individual or business that provides nuisance wild animal removal or control services for hire to the owner, the operator, or the owner's or operator's authorized agent of property or a structure.<sup>4</sup>

A license must be renewed annually prior to March 1 each year and expires on the last day of February each year. An applicant must pay a \$40 license fee. The bill requires that all money collected from license fees be credited to the Wildlife Fund created in current law.<sup>5</sup>

### **Certification**

Under the bill, unless otherwise specified by Division rule, a commercial nuisance wild animal control operator and any individual who is employed by an operator that is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, must obtain a certification of completion of a course of instruction that complies with rules adopted under the bill (see below). An individual who provides nuisance wild animal removal or control services under a license issued under the bill also must comply with that requirement. A certification must be renewed every three years.<sup>6</sup>

### **License suspension or revocation**

Under the bill, in accordance with the Administrative Procedure Act and rules adopted under the bill, the Chief may suspend or revoke a license the Chief finds that the holder of the license is violating or has violated the Division of Wildlife Law, the Hunting and Fishing Law, or rules adopted under those Laws.<sup>7</sup>

### **Exemptions**

The bill exempts an individual who is providing nuisance wild animal removal or control services for hire under a license issued under the bill from obtaining a

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<sup>2</sup> R.C. 1531.40(D).

<sup>3</sup> R.C. 1531.40(A)(1).

<sup>4</sup> R.C. 1531.40(A)(2).

<sup>5</sup> R.C. 1531.40(B)(2).

<sup>6</sup> R.C. 1531.40(C).

<sup>7</sup> R.C. 1531.40(G).

hunting license, a fur taker permit, or a fishing license for the purposes of performing those services.<sup>8</sup>

The bill also exempts an individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment from obtaining a license under the bill.<sup>9</sup>

### **Use of pesticides by individual in control or removal of nuisance wild animal**

Under the bill, if an individual who is licensed under it uses a pesticide in the removal or control of a nuisance wild animal, the individual must obtain the appropriate license under the Pesticides Law.<sup>10</sup>

### **Rule making authority**

The bill requires the Chief to adopt rules with the approval of the Director of Natural Resources establishing all of the following:

(1) Appropriate methods for trapping, capturing, removing, relocating, and controlling nuisance wild animals by operators licensed under the bill;

(2) Procedures for issuing, denying, suspending, and revoking a license;

(3) Requirements governing the certification course required by the bill (see above). The rules must specify the minimum contents of such a course, including public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. The rules also must specify who may conduct such a course. The rules must require that, in order for an operator to receive a certification of completion, the operator must pass an examination.

(4) Any other requirements and procedures necessary to administer and enforce the bill.<sup>11</sup>

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<sup>8</sup> R.C. 1531.40(B)(3).

<sup>9</sup> R.C. 1531.40(B)(4).

<sup>10</sup> R.C. 1531.40(E).

<sup>11</sup> R.C. 1531.40(F).

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## HISTORY

### ACTION

### DATE

Introduced

01-24-12

Reported, H. Agriculture and Natural Resources

05-09-12

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