Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL:	**Am. Sub. S.B. 103**	DATE:	**February 11, 1998**
STATUS:	**As Reported by House Agriculture and Natural Resources**	SPONSOR:	**Sen. Gardner**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Permits hunting on any day during open season under certain conditions, and makes other changes**

State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FUTURE YEARS
Wildlife Fund			
Revenues	Minimal gain or loss	Minimal gain or loss	Minimal gain or loss
Expenditures	- 0 -	- 0 -	- 0 -

- The Division of Wildlife is projecting a minimal increase in the sale of hunting licenses because of Sunday hunting. Thus, hunting license fee revenues could increase.
- Revenue loss is due to grandchildren under the age of eighteen not needing a hunting license to hunt on grandparents' property. The amount of loss would depend on the number of grandchildren who hunt on their grandparents' land without a license, but who otherwise would have bought a license.

Local Fiscal Highlights

LOCAL GOVERNMNT	FY 1998	FY 1999	FUTURE YEARS
Counties and municipalities			
Revenues	Potential minimal increase	Potential minimal increase	Potential minimal increase
Expenditures	Potential increase	Potential increase	Potential increase

- The penalty for hunting on lands without the owner's permission is increased from a minor misdemeanor to a misdemeanor of the third degree on the first offense and a misdemeanor of the second degree on subsequent offenses. A new penalty is added for discharging a firearm within 1000 feet of a church's boundaries. Thus, fine revenues could increase, and expenditures could increase for prosecution, adjudication, and incarceration.

Detailed Fiscal Analysis

The bill permits hunting on any day during open season on state public hunting areas and certain private lands, makes changes to the penalties for hunting on lands without the owner's permission or discharging a firearm within a certain distance of a church's boundaries, establishes a program for private land-owners to register to allow hunting on their land, and provides qualified immunity from liability to certain land-owners. The bill would also allow grandchildren under the age of eighteen to hunt on their grandparents' property without a hunting license.

Hunting on any day

Essentially, the bill would allow the following on Sundays: hunting on state public hunting areas or on registered private lands; hunting by owners and certain other family members on the owner's land; hunting on a commercial bird shooting preserve; hunting on a wild animal hunting preserve; the sport of falconry; and the hunting of coyotes, fox, groundhogs, or migratory waterfowl. Wildlife officers are currently on duty on Sundays via staggered scheduling, so the department is not anticipating that additional expenditures for overtime costs will be incurred. The Division of Wildlife is not projecting a need for additional officers at this time. A spokesperson for the Department of Natural Resources estimates that there would have to be a significant increase (at least 40% or approximately 176,342 new licenses) in the number of hunting licenses sold before the department would incur additional expenses for Sunday hunting. The Division of Wildlife estimates that there will probably be at least a minimal increase in the number of licenses sold, but they are not projecting a significant increase at this time.

Grandchildren hunting on grandparents' land

The hunting license fee for a resident over the age of 16 is $14. The hunting license fee for a special youth hunting license (resident under the age of sixteen years old) is one-half of the regular license fee or $7. The hunting license fee for a nonresident is $90. A tourist's small game hunting license (nonresident) is $24. The bill would allow grandchildren under the age of eighteen, regardless of their residency, to hunt on their grandparents' land within the state of Ohio without a hunting license. It is not possible, therefore, to determine an exact fiscal impact of this provision, since a "grandchild" could potentially have any one of the licenses listed above. The Division of Wildlife would experience an indeterminate decrease in hunting license revenues if grandchildren under the age of eighteen are not required to have a license to hunt on their grandparents' property.

Written explanation of the law to accompany license

The bill would require the Division of Wildlife to include a written explanation of the law on hunting with the landowner's permission and the penalties for violation of that section. The Division currently distributes a hunting/fishing digest containing general information to the license vendors to be distributed with the purchase of the license. The Division anticipates that Section 1533.17 ORC and penalties would be included in this digest. There would be no additional cost to include this information in the digest. If the Division were required to print this separately from the digest, there would be a cost of approximately $10,000 - $20,000 annually.

Private landowners register to allow hunting

The bill would require the Chief of the Division of Wildlife to establish a program under which one or more private landowners of at least 100 acres who wish to allow hunting on those lands on Sunday may register with the division to do so. If a single landowner wishes to register with the department, the 100 acres must be contiguous. If one or more landowners wish to register jointly, then the land must be contiguous to at least one of the other areas of land proposed to be included and the total acreage must be not less than 100 acres. This program would be similar to the division's existing coop hunting program. Under the coop hunting program, landowners can enroll and allow the public to hunt on their property. Hunters need the permission of the landowner. There are currently 3,597 people enrolled in the coop hunting program. This new program would be similar, but it would have the 100 acre minimum requirement and allow hunting on Sundays. Hunters would still need the permission of the landowner. The division anticipates that existing staff will be able to absorb the administration of this new program.

Changes in penalties

According to a spokesperson for the Division of Wildlife, wildlife officers made 303 arrests in 1996 for violations of hunting on lands without the owner's permission during deer season. (See table below for number of arrests over the last few years.) Currently, the penalty for a violation of this type is a minor misdemeanor which carries a maximum fine of $100, but does not carry any incarceration time. These penalties are increased under the bill to a misdemeanor of the third degree on a first offense (maximum jail sentence of 60 days and maximum fine of $500) and a misdemeanor of the second degree on each subsequent offense (maximum jail sentence of 90 days and maximum fine of $750). The penalty also includes the seizure of any firearms or other hunting implements in possession of the offender at the time of the violation. Counties and municipalities could potentially incur increased expenditures due to incarceration time associated with these new penalties. Counties and municipalities could also incur potential revenue gain since the maximum fine limit is increased.

Division of Wildlife Incidents during deer season only					
	1992	**1993**	**1994**	**1995**	**1996**
Total arrests for hunting without permission	237	244	302	406	303

The bill also modifies the violation for discharging a firearm within a church's boundaries. Currently, a person who discharges a firearm on church grounds is guilty of a misdemeanor of the fourth degree (maximum jail sentence of 30 days and maximum fine of $250). The bill modifies the violation to include discharging a firearm within one thousand feet of the boundaries of the tract of land on which a church is located. Counties and municipalities could potentially incur increased expenditures due to incarceration time associated with the expanded violation. Counties and municipalities could also incur potential minimal revenue gain if fines are imposed.

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