



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-31K

The Emergency Amendment of Rule 1501:31-15-11 of the Ohio Administrative Code
by the Ohio Department of Natural Resources Division of Wildlife

WHEREAS, the Ohio Department of Natural Resources (ODNR), through its Division of Wildlife, is the agency responsible for setting the regulatory standards for all persons engaging in activity consisting of or relating to hunting, fishing and trapping in the State of Ohio, including setting the allowable dates for engaging in those activities.

WHEREAS, Section (A)(1)(e) of Rule 1501:31-15-11 of the Ohio Administrative Code states that the statewide muzzleloading deer season is open from the second Saturday after New Year's Day through the following Tuesday.

WHEREAS, the Division of Wildlife publishes a document, with the approval of the Ohio Wildlife Council, designed to provide persons wishing to hunt, fish or trap wild game in Ohio with a comprehensive list of allowable dates for those activities, and a copy of pertinent hunting, fishing and trapping regulations.

WHEREAS, that publication, the 2011-2012 Hunting and Trapping Regulations Handbook, contained information stating that the statewide muzzleloading deer season for 2012 shall be January 7 through January 10, which is the first Saturday following New Year's Day, not the second Saturday.

WHEREAS, strict enforcement of the language of the Ohio Administrative Code would make persons relying on the Division's Hunting and Trapping Regulations Handbook subject to criminal sanction for hunting out of season.

WHEREAS, the Division wants to make certain that no person engaging in hunting during the muzzleloading deer season is confused about the correct dates of the hunting season, or subject to criminal sanction for hunting on the incorrect weekend in January.

WHEREAS, Sections 1531.06, 1531.08 and 1531.10 of the Ohio Revised Code authorize the Chief of the Division of Wildlife to promulgate rules related to statewide muzzleloading deer season.

WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or

rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for ninety (90) days.

WHEREAS, the Division of Wildlife has requested a determination whether an emergency exists that requires the immediate amendment of Rule 1501:31-15-11 of the Ohio Administrative Code in order for the Division to immediately amend the rule, which will allow for the statewide muzzleloading deer season to be conducted from January 7 through January 10, 2012.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Natural Resources Division of Wildlife, that an emergency exists requiring the immediate amendment of Rule 1501:31-15-11 of the Ohio Administrative Code by the Division of Wildlife. Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment of the specified rule be suspended and the Division of Wildlife be permitted to amend this rule immediately by electronically filing it with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with ODNR, the Division of Wildlife, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on December 21, 2011, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State