~~Indicates Matter Stricken~~

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HOUSE AMENDMENTS AMENDED

May 24, 2016

**S. 454**

Introduced by Senators Campsen and Turner

S. Printed 5/24/16--H.

Read the first time March 19, 2015.

**A** **BILL**

TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, TO PROVIDE THAT A PERSON MUST HAVE IMMEDIATE ACCESS AND AUTHORIZATION TO UTILIZE DEER QUOTA TAGS TO HUNT ON PROPERTY WITH A DEER QUOTA PROGRAM PERMIT, TO PROVIDE FOR THE DEER QUOTA PROGRAM AND REQUIREMENTS FOR APPLICATION THERETO, TO PROVIDE THAT A PERSON MUST POSSESS A SET OF INDIVIDUAL DEER TAGS FROM THE DEPARTMENT TO HUNT ON PROPERTY WITHOUT A DEER QUOTA PROGRAM PERMIT, TO SET THE DEER TAG FEES FOR IN AND OUT‑OF‑STATE RESIDENTS; TO AMEND SECTION 50‑9‑920(B)(6) OF THE 1976 CODE, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO SUBSTITUTE DEER QUOTA PROGRAM PERMIT FOR ANTLERLESS DEER QUOTA PERMIT; TO AMEND SECTION 50‑9‑920(B)(7) OF THE 1976 CODE, TO REMOVE “ANTLERLESS” AND SUBSTITUTE “INDIVIDUAL”; TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GAME, TO PROVIDE FOR THE BAG LIMITS FOR ANTLERED AND ANTLERLESS DEER, AND THE LIMIT FOR DEER ON PROPERTY ENROLLED IN THE DEER QUOTA PROGRAM, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO TAKE MORE THAN THE LEGAL LIMIT OF DEER, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS OF THE SECTION; TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GAME, TO PROVIDE THAT THE DEPARTMENT SHALL ISSUE DEER TAGS AND TO PROVIDE FOR THE CIRCUMSTANCES SURROUNDING THE VALIDITY OF SUCH TAGS, TO PROVIDE THAT ALL DEER TAKEN MUST BE TAGGED, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO POSSESS, MOVE, OR TRANSPORT AN UNTAGGED DEER, TO POSSESS MORE THAN ONE SET OF DEER TAGS OR TAGS ISSUED IN ANOTHER’S NAME, AND TO ALTER A DEER TAG FOR FRAUDULENT OR UNLAWFUL PURPOSES, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 50‑11‑390 OF THE 1976 CODE, RELATING TO DEPARTMENTAL AUTHORITY OVER GAME ZONES, TO AUTHORIZE THE DEPARTMENT TO PROMULGATE NECESSARY REGULATIONS RELATED TO THE TAKING OF DEER; AND TO REPEAL SECTION 50‑11‑335 OF THE 1976 CODE.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 50‑9‑650 of the 1976 Code, as added by Act 233 of 2010, is amended to read:

“Section 50‑9‑650. ~~(A)~~ ~~For the privilege of taking antlerless deer, in addition to the required hunting license and big game permit, a hunter shall obtain an annual individual antlerless deer tag issued in his name, and the fee:~~

~~(1)~~ ~~for a resident is five dollars per tag;~~

~~(2)~~ ~~for a nonresident is five dollars per tag.~~

(A)(1) For the privilege of hunting and taking deer on property with a Deer Quota Program permit, a person must obtain the required hunting license, any other required permits, and have access and authorization to utilize Deer Quota Program tags for the property on which the person is hunting.

~~(B)~~(2) A landowner or lessee may apply to the ~~Antlerless~~ Deer Quota Program for ~~an antlerless deer quota~~ a permit at a cost of fifty dollars per land tract application. The applicant may request a quota for antlerless deer, antlered deer, or both antlered and antlerless deer. The department shall determine an appropriate ~~quota of tags~~ number of Deer Quota Program tags for antlered and antlerless deer to be issued under each permit, and there is no cost for these tags.

(B)(1) For the privilege of hunting and taking deer on property without a Deer Quota Program permit, a person must obtain the required hunting license, any other required permits, and a set of individual deer tags from the department issued in the person’s name.

(2)(a) With the purchase of a South Carolina hunting license and a big game permit, a resident shall be issued eight date‑specific individual antlerless deer tags which are valid only on specified days and three unrestricted individual antlered deer tags. Persons under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request to the department. Residents, including persons under the age of sixteen, lifetime, and gratis licensees also may purchase:

(i) two antler restriction individual antlered deer tags valid for deer with a minimum of four points on one antler or a minimum twelve‑inch inside antler spread for five dollars per tag; and

(ii) additional individual antlerless deer tags for five dollars per tag.

(b) Fees for nonresident deer tags are as follows:

(i) fifty dollars for the first antlered deer tag and twenty dollars for each additional antlered deer tag up to a maximum of four tags; two of which must be an antler restriction individual antlered deer tag valid only for deer with a minimum of four points on one antler or a minimum twelve‑inch inside antler spread; and

(ii) ten dollars per individual antlerless deer tag.”

SECTION 2. Section 50‑9‑920(B)(6) of the 1976 Code, as last amended by Act 94 of 2013, is further amended to read:

“(6) ~~antlerless deer quota permit (ADQP)~~ Deer Quota Program permit shall be exclusively used to administer the ~~ADQP program~~ Deer Quota Program and for deer management and research;”

SECTION 3. Section 50‑9‑920(B)(7) of the 1976 Code, as last amended by Act 94 of 2013, is further amended to read:

“(7) individual antlerless and nonresident antlered deer tag shall be used as follows:

(a) eighty percent to administer the tag program, deer management, and research; and

(b) the remaining twenty percent for law enforcement;”

SECTION 4. Section 50‑9‑920(B) of the 1976 Code, as last amended by Act 94 of 2013, is further amended by adding an appropriately numbered item at the end:

“( ) resident antler restriction individual antlered deer tag shall be used to administer the Coyote Management Program.”

SECTION 5. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑315. (A) The bag limit for antlered deer taken with individual antlered deer tags is five per year for all seasons combined of which two have antler restrictions with a minimum of four points on one antler or a minimum twelve‑inch inside antler spread. No more than two antlered deer may be taken daily. For the purpose of this section:

(1) a point is a projection that is at least one inch long and longer than wide at some location at least one inch from the tip of the projection; and

(2) inside antler spread is measured at a right angle to the center line of the skull at its widest point between the main beams. No more than two antlerless deer may be taken daily with individual tags.

(B) The bag limit for deer taken on property with a Deer Quota Program permit shall be set by the department.

(C) It is unlawful to take more than the legal limit of deer. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not more than thirty days. Each animal over the limit is a separate offense.”

SECTION 6. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑320. (A) The department will issue tags for the hunting and taking of deer.

(1) Antlered deer tags issued to individuals are valid statewide as prescribed by the department except on property with a Deer Quota Program permit for antlered deer.

(2) Antlerless deer tags issued to individuals are valid statewide as prescribed by the department except on property with a Deer Quota Program permit for antlerless deer.

(3) Deer Quota Program tags are valid only on properties for which they are issued.

(B)(1) Deer taken pursuant to individual deer tags, during any season regardless of weapon, must be tagged with a valid individual deer tag. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

(2) Deer taken pursuant to Deer Quota Program tags must be tagged with a valid Deer Quota Program tag and reported to the department as prescribed. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

(C) It is unlawful for an individual:

(1) to harvest or attempt to harvest a deer on property with a Deer Quota Program permit without having access and authorization to utilize Deer Quota Program tags for the property on which the person is hunting;

(2) to harvest or attempt to harvest a deer on property without a Deer Quota Program permit unless the person possesses a set of individual deer tags issued in the person’s name;

(3) to possess, move, or transport an untagged deer which was harvested by hunting in South Carolina;

(4) to use or attempt to use more than one set of deer tags or tags issued in another person’s name to harvest a deer; and

(5) to alter a deer tag for fraudulent or unlawful purposes.

(D) A person who violates this section is guilty of a misdemeanor, and upon conviction, must be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not more than thirty days.”

SECTION 7. Section 50‑11‑390 of the 1976 Code, as last amended by Act 233 of 2010, is further amended to read:

“Section 50‑11‑390. (A)(1) The department ~~Department of Natural Resources~~ may promulgate regulations to permit the taking of antlerless deer between September fifteenth and January first~~, inclusive. The department may set bag limits and methods for hunting and taking of antlerless deer and other restrictions for the proper control of hunting and taking of antlerless deer~~.

(2) The department must establish a minimum number of antlerless days as follows:

(a) three days in Game Zone 1;

(b) eight days in Game Zones 2, 3, and 4.

(B) In all game zones, the department may issue individual tags for antlerless deer which must be used as prescribed by the department. These tags are valid statewide, except on ~~properties~~ property receiving ~~antlerless deer quota permits~~ a Deer Quota Program permit for antlerless deer pursuant to subsection (C), and must be possessed and used only by the individual to whom they are issued.

(C) In all game zones, the department may issue ~~antlerless deer quota~~ Deer Quota Program permits to landowners or lessees. The department will determine the appropriate number of Deer Quota Program tags, and issue the tags for the permitted property.

(D) ~~Antlerless deer~~ Deer taken pursuant to ~~individual tags or quota permits~~ a Deer Quota Program permit must be tagged with a valid ~~antlerless~~ ~~deer~~ Deer Quota Program tag and reported to the department as prescribed. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill. ~~Antlerless deer taken pursuant to quota permits must be tagged, even if taken on designated either‑sex days.~~

(E) The department may suspend the taking of ~~antlerless~~ deer or revoke any Deer Quota Program ~~quota~~ permit ~~or individual tags~~ when environmental conditions or other factors warrant.

(F) It is unlawful to ~~hunt or~~ take, possess, or transport ~~antlerless~~ deer, except as permitted by this section. A person violating the provisions of this section or the provisions for taking ~~antlerless~~ deer established by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty and not more than five hundred dollars or imprisoned not more than thirty days.”

SECTION 8. Section 50‑11‑335 of the 1976 Code is repealed.

SECTION 9. The department shall provide a report of a four‑year study by July 1, 2022, to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee. The report will include, but will not be limited to, the status of the white‑tailed deer population and a review of the tagging program.

SECTION 10. This act takes effect on July 1, 2017.

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