~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 25, 2016

**H. 4943**

Introduced by Reps. Hixon, Hiott and Knight

S. Printed 2/25/16--H.

Read the first time February 11, 2016.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4943) to amend Section 50-9-650, Code of Laws of South Carolina, 1976, relating to the issuance of annual individual anterless deer tags, so as to revise, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID R. HIOTT for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure or revenue impact on the general fund. The expenditure and revenue impact on other funds and federal funds is undetermined.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill amends Section 50-9-650 by providing that a person must have immediate access and authorization to utilize deer quota tags to hunt on property with a Deer Quota Program permit. Additionally, this bill expands the permit program by requiring hunters to obtain antlerless and antler restriction deer tags. Also, Section 50-9-920 is amended, which relates to the revenues derived from the sale of non-residential antlered deer tags and resident antler restriction individual deer tags. Section 50-11-315 is added, which states that all deer taken must be tagged and provides the penalties for altering such tags.

**Department of Natural Resources.** The department reports that this bill would have no expenditure impact on the general fund. However, this bill would require an additional expenditure of other Funds in order to notify the public of the changes in the tagging laws and regulations, to print additional tag sets to comply with each option, and postage for mailing out new tag sets. At this time, it is not known how this bill will affect the buyer demand for the various hunting tags. Therefore, it is not possible to estimate the expenditure required to comply with the provisions of this bill. This bill might have an impact on federal funds received by the department. The federal government matches every one dollar in state hunting fee revenue collected by the department with three federal dollars. Currently, the department receives the maximum federal allocation. The department indicates that if revenues were to decrease due to buyer resistance to the new tag fee system, the federal allocation would be subject to reduction. This impact cannot be estimated at this time.

**State Reve**n**ue**

This bill deletes the need for individual antlerless deer tags, which are currently five dollars for residents and non-residents. Residents will receive eight date-specific individual antlerless deer tags and three unrestricted individual antlered deer tags with the purchase of a state hunting license and a big game permit. Hunters under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request from the Department of Natural Resources. Residents, including persons under the age of sixteen, lifetime, and gratis licensees also may purchase two antler restriction individual antlered deer tags for five dollars per tag. Residents may also purchase additional individual antlerless deer tags at the current fee of five dollars per tag. Non-residents may purchase up to four antlered deer tags, with a fifty dollar fee for the first tag and twenty dollars for each additional tag, with a maximum number of four antlered deer tags. Non-residents may also purchase individual antlerless deer tags for ten dollars each. Eighty percent of the funds received from non-resident antlered deer tags must be used to administer the tag program, for deer management, and for research. The remaining twenty percent must be used for law enforcement. Funds received from the resident antler restriction individual antlered deer tags will be used to administer the Coyote Management Program.

The Department of Natural Resources provided data on the number of resident and non-resident antlerless deer tags issued in FY 2014-15. Assuming non-residents purchase a similar number of antlerless deer tags in FY 2016-17, other funds of the department would increase by approximately $111,000. However, some consideration must be given to buyer resistance for the new fees. Also, the department does not track the number of harvested buck. Therefore, the revenue impact of this bill is undetermined for FY 2016-17.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 50-9-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF ANNUAL INDIVIDUAL ANTERLESS DEER TAGS, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF NATURAL RESOURCES ISSUES AND CHARGES A PERSON FOR THE PRIVILEGE OF HUNTING AND TAKING DEER IN THIS STATE; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO THE COLLECTION AND DISPOSITION OF REVENUES GENERATED FROM THE SALE OF HUNTING AND FISHING LICENSES, PERMITS, AND TAGS, SO AS TO SUBSTITUTE THE TERM “ANTLERLESS DEER QUOTA PERMIT” FOR THE TERM “DEER QUOTA PROGRAM PERMIT”, AND TO PROVIDE FOR THE DISTRIBUTION OF REVENUES COLLECTED FROM THE SALE OF NONRESIDENT ANTLERED DEER TAGS AND RESIDENT ANTLER RESTRICTION INDIVIDUAL ANTLERED DEER TAGS; BY ADDING SECTION 50-11-315 SO AS TO PROVIDE BAG LIMITS FOR ANTLERED DEER AND DEER TAKEN WITH A DEER QUOTA PROGRAM PERMIT; BY ADDING SECTION 50-11-320 SO AS TO PROVIDE THE PROCEDURE WHEREBY THE DEPARTMENT OF NATURAL RESOURCES ISSUES TAGS FOR THE HUNTING OF DEER, TO REGULATE THE HUNTING OF DEER, AND TO PROVIDE PENALTIES; TO AMEND SECTION 50-11-390, AS AMENDED, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ REGULATION OF GAME ZONES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS, TO PROVIDE FOR THE ESTABLISHMENT OF ANTERLESS DAYS, AND TO PROVIDE FOR THE REGULATION OF THE DEER QUOTA PROGRAM; TO REPEAL SECTION 50-11-335 RELATING TO BAG LIMITS ESTABLISHED FOR ANTLERED DEER; AND TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE THE GENERAL ASSEMBLY A REPORT ON THE STATUS OF THE STATE’S WHITE-TAILED DEER POPULATION.

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 possess 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 anterless deer, antlered deer, or both antlered and anterless 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 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 anterless 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 anterless 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 anterless 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 tags 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 tags 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;

(4) to possess more than one set of deer tags or tags issued in another person’s name; 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 anterless 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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