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Indicates New Matter

COMMITTEE REPORT

January 29, 2015

**H. 3118**

Introduced by Rep. Pitts

S. Printed 1/29/15--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3118) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑11‑525 so as to authorize the Department of Natural Resources to promulgate regulations governing, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by deleting SECTION 7, as contained on page 4 in its entirety and inserting:

/ SECTION 7. This act takes effect on June 30, 2015. Provided, upon the effective date of this act until November 7, 2018, the provisions of Section 50‑11‑520 are suspended. On November 7, 2018, the turkey hunting seasons and bag limits in effect for the respective counties prior to the effective date of this act and delineated in Section 50‑11‑520 are effective, and Section 50‑11‑580 is repealed./

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑525 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; BY ADDING SECTION 50‑11‑580 SO AS TO ESTABLISH MALE WILD TURKEY HUNTING SEASON AS MARCH 20 THROUGH MAY 5, DECLARE THE SATURDAY PRECEDING MARCH 20 OF EACH YEAR TO BE “SOUTH CAROLINA YOUTH TURKEY HUNTING DAY” AND PROVIDE A PROCEDURE FOR YOUTH TURKEY HUNTING ON THIS DAY, TO PROVIDE A WILD TURKEY BAG LIMIT, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO REPORT TO THE GENERAL ASSEMBLY CERTAIN WILD TURKEY RESOURCES INFORMATION INCLUDING RECOMMENDATIONS REGARDING THE SEASON AND THE BAG LIMITS; TO AMEND SECTIONS 50‑11‑530, 50‑11‑540, AND 50‑11‑544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE DEPARTMENT’S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEYS, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL; AND TO SUSPEND THE PROVISIONS OF SECTION 50‑11‑520 UPON THE EFFECTIVE DATE OF THE ACT UNTIL NOVEMBER 7, 2018, WHEN SECTION 50‑11‑580 IS REPEALED.

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

SECTION 1. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑525. The department may promulgate regulations for wildlife management areas, heritage trust lands, and other properties owned or leased by the department to establish seasons, dates, areas, bag limits, and other restrictions for hunting and taking wild turkey.”

SECTION 2. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑580. (A) Notwithstanding the provisions of Section 50‑11‑520 or any other provision of law or regulation, the season for hunting and taking a male wild turkey is March 20 through May 5.

(B) The Saturday preceding March 20 of each year is declared to be ‘South Carolina Youth Turkey Hunting Day’. A person less than eighteen years of age may be considered to be a youth hunter. The license and permit requirements for hunting turkey are waived for youth during this day, however, the youth must possess a set of turkey tags when hunting turkey. A licensed hunter at least twenty‑one years of age must accompany a youth hunter in the field and may not harvest or attempt to harvest turkey during this special hunting day, but is permitted to call turkeys for the youth. The licensed hunter that accompanies the youth must have all licenses, permits, and tags required to hunt turkey.

(C) The season bag limit per person for male wild turkeys is three which may be taken with archery equipment or any lawful firearm and ammunition. An individual also may obtain an archery only turkey tag allowing them to take one additional male wild turkey during the open season by means of archery equipment only. The bag limits contained in this section are statewide unless otherwise specified by regulation.

(D) Within one hundred eighty days of the conclusion of the third turkey season following the effective date of this law, the department must conduct an analysis of the wild turkey resources in South Carolina and draft a report recommending any changes to the wild turkey season and bag limits. This report must be provided to the General Assembly.

(E) The department must provide an annual report of the wild turkey resources in South Carolina to the chairman of the Senate Fish, Game and Forestry Committee, and the chairman of the House Agriculture and Natural Resources Committee.”

SECTION 3. Section 50‑11‑530 of the 1976 Code is amended to read:

“Section 50‑11‑530. The department may~~, at its discretion, prescribe methods by which turkeys may be taken in each game zone and may fix the specific areas of the zones in which turkeys have become numerous enough to be harvested. The department may designate the sex of the turkeys that may be taken and may prescribe any other~~ promulgate emergency regulations considered necessary and expedient for the proper control of the harvesting of wild turkeys in the game zones.”

SECTION 4. Section 50‑11‑540 of the 1976 Code is amended to read:

“Section 50‑11‑540. Any person taking, attempting to take, or having in his possession turkey illegally or taking, attempting to take, or killing turkey in any way not prescribed by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than ~~one~~ five hundred dollars or imprisoned for not more than thirty days. In addition, a person taking a wild turkey unlawfully must be required to make restitution to the department in the amount of up to five hundred dollars for each bird taken. In addition, a person convicted of taking a wild turkey illegally forfeits hunting and fishing privileges for one year for each bird taken.”

SECTION 5. Section 50‑11‑544 of the 1976 Code is amended to read:

“Section 50‑11‑544. A person who hunts wild turkeys is required to possess a set of wild turkey transportation tags issued by the department at no cost. All turkeys taken must be tagged before being moved from the point of kill. All tags must be validated as prescribed by the department before a turkey is moved from the point of kill. No person may obtain or possess more than one set of turkey tags.”

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. This act takes effect upon approval by the Governor. Provided, upon the effective date of this act until November 7, 2018, the provisions of Section 50‑11‑520 are suspended. On November 7, 2018, the turkey hunting seasons and bag limits in effect for the respective counties prior to the effective date of this act and delineated in Section 50‑11‑520 are effective, and Section 50‑11‑580 is repealed.

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