~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 14, 2019

**H. 3092**

Introduced by Reps. Pitts, White and Kirby

S. Printed 2/14/19--H.

Read the first time January 8, 2019.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3092) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑11‑1241 so as to prohibit the propagation of animals other than the authorized species, 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 striking all after the enacting words and inserting:

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

“ARTICLE 14

Regulated Shooting Areas for Mallard Ducks

Section 50‑11‑2700. (A) The department may issue permits for regulated shooting areas for mallard ducks, which are privately owned and operated under the terms and conditions of this article. A person must apply for a permit by October fifteenth of each year using a form provided by the department to include information the department deems necessary.

(B) A permit for a regulated shooting area for mallard ducks issued by the department is valid each year for the annual waterfowl season as established by 50 CFR Part 20 and Section 50‑11‑10. The permit is only valid for the established open season for mallards. The lands comprising the regulated shooting area must be designated and identified by tax map numbers.

(C) The annual fee for the permit for a regulated shooting area for mallard ducks is two hundred dollars. A shooting preserve licensed pursuant to Article 7, Chapter 11, Title 50 is not required to pay the additional two hundred dollar fee.

(D) A person who has been convicted of a violation of any of the provisions of the Migratory Bird Treaty Act or Sections 50‑11‑10 or 50‑11‑15 is not eligible to receive a permit for a regulated shooting area for mallard ducks for the permit year following the date of their conviction.

Section 50‑11‑2710. No person may release mallard ducks for the purpose of hunting unless he has obtained a regulated shooting area permit for mallard ducks except for bona fide dog training or field trial purposes pursuant to 50 CFR Part 21.

Section 50‑11‑2720. (A) Captive‑raised mallard ducks that are released on the property designated as a regulated shooting area for mallard ducks only may be hunted during the open season for mallard ducks established pursuant to 50 CFR Part 20 and Section 50‑11‑10.

(B) In addition to marking requirements required pursuant to 50 CFR Part 21, captive‑raised mallard ducks released on property designated as a regulated shooting area for mallard ducks must be marked with a metal leg band which identifies the name of the regulated shooting area and any other information as required by the department.

(C) Hunting hours on regulated shooting areas for mallard ducks shall conform to hunting hours established pursuant to 50 CFR Part 20 and Section 50‑11‑10.

(D) Captive‑raised mallard ducks may be taken by shooting on permitted regulated shooting areas for mallard ducks without regard for bag or possession limits, except that a person who shoots a daily bag limit of wild ducks, other than captive‑released mallards marked as required by Subsection (B), must cease hunting. The daily bag limit of wild ducks, other than captive‑released mallards marked as required by Subsection (B), must be established each year by federal regulation pursuant to 50 CFR Part 20 and Section 50‑11‑10.

(E) Other than bag limits as provided in this article, the taking of captive‑raised mallards is governed by federal regulations pursuant to 50 CFR Part 20 and Section 50‑11‑10.

Section 50‑11‑2730. An individual may hunt on a regulated shooting area for mallard ducks only while in possession of a valid:

(1) South Carolina resident or nonresident hunting license;

(2) South Carolina Migratory Bird Permit;

(3) South Carolina Migratory Waterfowl Permit; and

(4) Federal Migratory Bird Hunting and Conservation Stamp.

Section 50‑11‑2740. (A) The permittee must make an annual report of operations by March first of each year on forms provided by the department. The report shall include:

(1) the number of captive‑raised mallard ducks released and killed on the regulated shooting area for mallard ducks;

(2) any outbreaks of avian influenza or other diseases in the captive‑raised mallard ducks raised, released, or taken on the regulated shooting area; and

(3) any other information the department deems necessary.

(B) The department may not renew a permit for a regulated shooting area for mallard ducks unless the report required under this section has been filed by March first and the annual fee has been paid.

Section 50‑11‑2750. A person who violates Sections 50‑11‑2710 or 50‑11‑2720(B) is guilty of a misdemeanor and, upon conviction, must be punished by a fine of two hundred dollars or imprisoned for not more than thirty days for each offense. In addition, he shall forfeit his permit for the remainder of the current permit year and may be ineligible to hold a permit for the following permit year.”

SECTION 2. This act takes effect upon approval by the Governor./

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 50‑11‑1241 SO AS TO PROHIBIT THE PROPAGATION OF ANIMALS OTHER THAN THE AUTHORIZED SPECIES; BY ADDING SECTION 50‑11‑1305 SO AS TO ESTABLISH THAT WILDLIFE LAWS AND REGULATIONS ARE IN FULL FORCE AND EFFECT ON SHOOTING PRESERVES; TO AMEND SECTION 50‑11‑1200, RELATING TO OPERATING LICENSES FOR PRIVATELY OWNED SHOOTING PRESERVES, SO AS TO PROVIDE ADDITIONAL LICENSE REQUIREMENTS; TO AMEND SECTION 50‑11‑1280, RELATING TO HARVEST LIMITS ON SHOOTING PRESERVE SPECIES, SO AS TO PROVIDE THAT HARVEST LIMITS ON OTHER SPECIES APPLY ON SHOOTING PRESERVES; TO AMEND SECTION 50‑11‑1290, RELATING TO THE TAGGING OF HARVESTED DESIGNATED SHOOTING PRESERVE SPECIES, SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR THE REMOVAL OF CERTAIN SPECIES FROM A SHOOTING PRESERVE; AND TO REPEAL SECTION 50‑9‑340 RELATING TO HUNTER EDUCATION REQUIREMENTS FOR SHOOTING PRESERVES.

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

SECTION 1. Article 7, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑1241. It is unlawful for any person to propagate, possess, or release on any shooting preserve any wildlife or wild animal except pen raised preserve species unless the person has received prior written approval from the department. Importation of any wildlife or wild animal for purposes of propagation, possession, or release on a shooting preserve must be approved by the department and the unauthorized importation of wildlife or a wild animal is grounds for the revocation of the shooting preserve’s operating license.”

SECTION 2. Article 7, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑1305. Except as otherwise specifically provided, all wildlife laws and regulations must be in full force and effect on shooting preserves licensed pursuant to this article. Specifically, hunting licenses must be required of all persons hunting on such preserves; provided, however, that it is lawful for a resident or nonresident to hunt pen raised shooting preserve species within the boundaries of such a preserve with a shooting preserve hunting license pursuant to the provisions of Section 50‑9‑510.”

SECTION 3. Section 50‑11‑1200 of the 1976 Code is amended to read:

“Section 50‑11‑1200. (A) The department may grant operating licenses for shooting preserves which are privately owned and operated under the terms and provisions as provided in this article.

(B) It is unlawful for any person to release pen raised game birds unless the person has first obtained an operating license for a shooting preserve.

(C) An application for an operating license must be submitted on a form furnished by the department and must contain:

(1) the applicant’s name and address;

(2) a detailed description of the proposed activities and operations on the shooting preserve;

(3) the location and description of the premises of the preserve; and

(4) other information the department deems necessary to evaluate the application.

(D) As a condition of the operating license, the owner of the shooting preserve or his agent shall, prior to allowing a person to hunt on the shooting preserve:

(1) confirm that the person has completed a hunter education course certified by the department; or

(2) provide the person with onsite hunting instruction and supervision that, at a minimum, demonstrates proper techniques for firearm handling, unloading, and safety.”

SECTION 4. Section 50‑11‑1280 of the 1976 Code is amended to read:

“Section 50‑11‑1280. There is no harvest limit on species designated as shooting preserve species. The harvest limit for other species remains in effect on a shooting preserve.”

SECTION 5. Section 50‑11‑1290 of the 1976 Code is amended to read:

“Section 50‑11‑1290. (A) All harvested designated shooting preserve species must be tagged before removal from a shooting preserve and the tags must remain affixed until the animal is prepared for consumption. If these species are packaged in bundles one tag is sufficient for the bundle, but the number of carcasses in the bundle must be recorded on each tag. Tags must contain the hunter’s name, address, total number, and species, the date the animals were harvested, and name of shooting preserve where harvested.

(B) The owner of the shooting preserve or his agent must:

(1) maintain a complete record of all pen raised game birds propagated, released, or taken on the preserve;

(2) affix the contact information of the preserve to a pen raised shooting preserve species taken from the preserve; and

(3) report the diagnosis of an epizootic disease in a pen raised shooting preserve species within twenty‑four hours.”

SECTION 6. Section 50‑9‑340 of the 1976 Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor.

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