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COMMITTEE REPORT

April 10, 2014

**S. 1070**

Introduced by Senator Campsen

S. Printed 4/10/14--H.

Read the first time March 27, 2014.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1070) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑11‑525 so as to provide the Department of Natural Resources the authority to promulgate, 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, Section 50‑11‑520(D). as contained in SECTION 2, by adding after the period on line 9, page 2:

/ 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. The amendments in the current turkey seasons and bag limits will remain in effect until November 6, 2017, and at such time will revert back to the original law. /

Renumber sections to conform.

Amend title to conform.

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑525 SO AS TO PROVIDE THE DEPARTMENT OF NATURAL RESOURCES THE AUTHORITY TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; AND TO AMEND SECTION 50‑11‑520, AS AMENDED, 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 SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEYS, TO ESTABLISH “SOUTH CAROLINA YOUTH TURKEY HUNTING DAY”, TO ESTABLISH BAG LIMITS FOR THE TAKING OF MALE WILD TURKEYS, TO PROVIDE THAT THE DEPARTMENT MUST CONDUCT AN ANALYSIS OF THE STATE’S WILD TURKEY RESOURCES AND ISSUE A REPORT TO THE GENERAL ASSEMBLY WHICH RECOMMENDS CHANGES TO THE WILD TURKEY SEASON AND BAG LIMITS, TO REVISE THE DEPARTMENT’S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, AND 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 TURKEY, 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.

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

SECTION 1. Article 3, Chapter 11, Title 56 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. Section 50‑11‑520 of the 1976 Code, as last amended by Act 286 of 2008, is further amended to read:

“Section 50‑11‑520. (A) The season for hunting and taking a male wild turkey ~~(gobbler) in Game Zone 6~~ is March ~~15~~ 20 through May ~~1~~ 5 ~~inclusive; in other game zones the season for hunting and taking a male wild turkey (gobbler) is April 1 through May 1 inclusive. The department may make a special study, in a game zone of this State, and after such a study the department may declare other open or closed seasons of such duration as it considers advisable for the taking of turkeys. The department may declare an open season in any of the game zones and on WMA lands by promulgating regulations in accordance with the Administrative Procedures Act to establish the dates, places, and bag limits and may set the season and other conditions for hunting and taking wild turkeys on WMA lands~~.

(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.”

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.

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