COMMITTEE REPORT

March 19, 2015

**H. 3393**

Introduced by Rep. Lowe

S. Printed 3/19/15--H.

Read the first time January 22, 2015.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3393) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑9‑630 so as to provide that a person shall obtain a federal migratory hunting, etc., respectfully

**REPORT:**

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

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑630 SO AS TO PROVIDE THAT A PERSON SHALL OBTAIN A FEDERAL MIGRATORY HUNTING AND CONSERVATION STAMP IN ADDITION TO OBTAINING REQUIRED STATE HUNTING LICENSES AND PERMITS, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY CONTRACT WITH THE UNITED STATES FISH AND WILDLIFE SERVICE TO MAKE THE FEDERAL MIGRATORY HUNTING AND CONSERVATION STAMP AVAILABLE THROUGH THE LICENSE SALES SYSTEM OF THE DEPARTMENT, TO PROVIDE FOR THE ENDORSEMENT OF THE STAMP ON STATE HUNTING LICENSES BY THE DEPARTMENT, AND TO PROVIDE FOR RELATED FEES, AMONG OTHER THINGS; AND TO AMEND SECTION 50‑9‑920, AS AMENDED, RELATING TO REVENUE GENERATED FROM THE SALE OF HUNTING LICENSES, SO AS TO PROVIDE THAT FEES REMITTED TO THE DEPARTMENT FOR EACH FEDERAL MIGRATORY HUNTING AND CONSERVATION STAMP MUST BE CREDITED TO THE FISH AND WILDLIFE PROTECTION FUND, AND TO PROVIDE FOR THE DISTRIBUTION OF THESE FEES.

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

SECTION 1. Article 6, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑630. (A) For the purposes of this section:

(1) ‘Service’ means the United States Fish and Wildlife Service and its’ successors; and

(2) ‘Stamp’ means a Federal Migratory Hunting and Conservation Stamp.

(B) For the privilege of hunting migratory waterfowl in this State, a hunter also shall obtain a Federal Migratory Hunting and Conservation Stamp in addition to the required state hunting license and permits. The stamp must be endorsed as required by the United States Fish and Wildlife Service.

(C) The department may enter into an agreement or memorandum of understanding with the service to offer the stamp through the licensing system of the department. At the time of purchase, the department must endorse a purchaser’s license with the name of the stamp and the period for which the endorsement is valid; provided, however, that this period of validity may not exceed forty‑five days unless authorized by the agreement or memorandum of understanding.

(D)(1) The fee for a stamp purchased from the department may not exceed the stamp cost set by the service, plus the fulfillment cost set by the stamp fulfillment contractor, plus one dollar. Of these funds, the issuing sales vender may retain one dollar. The department may remit stamp revenue and fulfillment costs as provided in the agreement or memorandum of understanding.

(2) When a stamp purchase is made and immediately fulfilled in a department office, the fulfillment fee portion may not be charged.

(E) The department only may offer the endorsement of the stamp on a state hunting license for the convenience of hunters and to encourage compliance with federal and state law. The provisions of this section may not be interpreted to diminish the original jurisdiction of the United States government over the stamp or the applicability of the stamp for hunting migratory waterfowl in this State.”

SECTION 2. Section 50‑9‑290 of the 1976 Code, as last amended by Act 94 of 2013, is further amended by adding an appropriately lettered subsection at the end to read:

“(G) The fees remitted to the department for each Federal Migratory Hunting and Conservation Stamp must be credited to the Fish and Wildlife Protection Fund, and distributed as follows:

(1) one dollar to the issuing sales vendor; and

(2) the balance according to the agreement signed between the department and the United States Fish and Wildlife Service pursuant to Section 50‑9‑630.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect on July 1, 2015.

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