



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
**(803)734-3780 • RFA.SC.GOV/IMPACTS**

*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

---

**Bill Number:** H. 4292    Introduced on April 6, 2023  
**Author:** Rivers  
**Subject:** Fishing Licenses  
**Requestor:** House Agriculture, Natural Resources, and Environmental Affairs  
**RFA Analyst(s):** Daigle  
**Impact Date:** January 24, 2024

---

### **Fiscal Impact Summary**

This bill creates new subsistence saltwater fishing licenses and outlines requirements for the Department of Natural Resources (DNR) to administer programs specifically for the benefit of traditional subsistence fisheries from the funds generated by the new licenses. The bill creates an annual subsistence saltwater fishing license for \$10 and a lifetime subsistence license for \$300. Further, Gullah/Geechee residents over the age of seventy will receive free lifetime subsistence saltwater fishing licenses. Of the revenue collected from these new licenses, \$0.25 must be allocated to saltwater administration and \$1 to saltwater enforcement with the balance to subsistence fishing monitoring and restoration programs.

From the funds generated, DNR is required to implement programs that directly benefit traditional subsistence fisheries such as:

- Development of facilities where trade can be conducted and education on Gullah/Geechee traditional fishing methods can be provided.
- Research of subsistence fisheries.
- Protection, maintenance, or enhancement of the subsistence saltwater fisheries or other programs recommended by the Gullah/Geechee Fishing Association (GGFA).

DNR is directed to work with GGFA to publish an annual report available to subsistence license holders indicating how the previous year's funds were utilized. Funds may also be used to support activities pursuant to the South Carolina Marine Resources Act. Revenue distributed for saltwater enforcement activities must be expended for enforcement of the requirements. This bill also requires DNR to identify fish stocks that support subsistence fisheries and to adopt regulations that provide reasonable opportunities for subsistence use to take place.

This bill will increase DNR's General Fund and Other Fund expenses in order to implement the new licenses and responsibilities in the bill. The department will require at least 12.0 FTEs to administer the new provisions at a cost of \$879,000 for salaries and fringe. If the agency must independently verify that an individual qualifies for the licenses, the agency may need an additional 2.0 FTEs at a cost of \$117,000. Based on these assumptions, the bill may increase recurring personnel expenses by up to \$996,000 beginning in FY 2024-25. DNR indicates that this bill will have additional undetermined expenses on the agency's General Fund and Other Funds due to the additional costs associated with development, implementation, and issuing

licenses as well as managing fish stocks that are currently undetermined. The agency expects to request General Fund appropriations to fund these increased expenses that exceed Other Funds generated by the new licenses. The amount will depend on implementation and revenues collected.

This bill will have no expenditure impact on Judicial for any reduction in court cases related to violations of fishing license requirements. Any decreases in caseloads on the docket will be reallocated to other cases.

This bill may increase Other Funds revenue in FY 2024-25 by approximately \$192,000 due to initial license purchases by Gullah/Geechee individuals. The number of licenses that Native American and other individuals may purchase is unknown. This bill may also potentially reduce the number of traditional saltwater licenses sold, and DNR does not have data to estimate the number of traditional saltwater fishing licenses that may be replaced by subsistence saltwater fishing licenses. Therefore, the total revenue impact on Other Funds from license sales is undetermined.

This bill may impact General Fund, Other Fund, and local revenues from court fines and fees. Additionally, this bill may impact fine revenue as this bill creates a new license for activities that are currently unlawful except for limited circumstance defined in statute. The penalty for fishing without a license is \$50 to \$500 or imprisonment not more than thirty days. Per Section 50-9-910, unless otherwise provided, revenue from fines and forfeitures for violations of Chapters 1 through 16 of Title 50 are credited to the County Game and Fish Fund subaccount for the county from which revenue was collected.

## **Explanation of Fiscal Impact**

### **Introduced on April 6, 2023**

#### **State Expenditure**

This bill creates an annual subsistence saltwater fishing license for \$10 and a lifetime subsistence saltwater fishing license for \$300. Further, Gullah/Geechee residents over the age of seventy shall receive a free lifetime subsistence saltwater fishing license. This bill exempts a person under the age of eighteen, who is accompanied by a licensed subsistence fisherman from purchasing a subsistence saltwater fishing license. This bill requires that revenue from the sale of stamps, subsistence saltwater licenses, prints and related articles must be paid into an Other Fund account of which, revenues in the account can be carried forward each year, and can be used to match federal funds for managing the subsistence fishery. Of the revenue collected from these new licenses, \$0.25 must be allocated to saltwater administration and \$1 to saltwater enforcement with the balance to subsistence fishing monitoring and restoration programs.

From the funds generated, DNR is required to implement programs that directly benefit traditional subsistence fisheries such as:

- Development of facilities where trade can be conducted and education on Gullah/Geechee traditional fishing methods can be provided.
- Research of subsistence fisheries.

- Protection, maintenance or enhancement of the subsistence saltwater fisheries or other programs recommended by GGFA.

DNR is directed to work with GGFA to publish an annual report available to subsistence license holders indicating how the previous year's funds were utilized. Funds may also be used to support activities pursuant to the South Carolina Marine Resources Act. Revenue distributed for saltwater enforcement activities must be expended for enforcement of the requirements.

This bill requires DNR to identify fish stocks that support subsistence fisheries and to adopt regulations that provide reasonable opportunities for subsistence use to take place. Further, whenever it is necessary to restrict harvests, subsistence fisheries have a preference over other uses of the stock. This bill specifies that any license for fishing privileges regulated by Chapter 9 of Title 50 will apply to subsistence fishing unless otherwise specified.

Currently, there is no annual fishing license for subsistence saltwater fishing. DNR indicates this would be a new license type that allows activities that are currently unlawful except in limited circumstances defined in statute. Anglers may currently use recreational saltwater licenses in a subsistence capacity. Annual recreational saltwater licenses are currently \$15. It is important to note that the GGFA indicates that for the most part, Gullah/Geechee people do not fish for recreation and, therefore, have been subject to fines, incarceration, and seizure of equipment because they have been treated as recreational fishermen rather than subsistence fishermen.

Because the subsistence saltwater license is new, there are currently no specifications of how revenues can be spent. There are currently no requirements for DNR to identify fish stocks to support subsistence fisheries. Further, South Carolina fisheries are not currently managed by fish stocks whereby there is a known quantity of fish that are then apportioned via allocations or quotas to different purposes including recreational, commercial, and potentially subsistence. There are currently no regulations on whether other licenses for fishing privileges that are regulated by Chapter 9 of Title 50 can be applied to subsistence fishing.

**Department of Natural Resources.** DNR anticipates that this bill will increase the agency's expenses by approximately \$996,000 beginning in FY 2024-25 for 14.0 FTEs (includes Biologists, Scientists, Administrative Coordinators, Administrative Assistants, and Administrative Specialists) if DNR is held responsible for verifying an individual's status as members of the groups described in this bill (Gullah/Geechee and Native Americans). DNR anticipates that this bill will increase the agency's expenses by approximately \$879,000 for 12.0 FTEs if DNR is not held responsible for verifying an individual's status as members of the groups described in this bill. For reference, DNR would allocate 2.0 FTEs in order to develop, implement, and issue subsistence saltwater fishing licenses and 2.0 additional FTEs to verify an individual's status regarding membership of the Gullah/Geechee or Native American Nations, if required of DNR. Additionally, DNR would allocate 10.0 FTEs to begin building a program to identify fish stocks for subsistence use, provide reasonable opportunities for subsistence uses to take place, and allocate preference of stocks to subsistence fisheries whenever necessary to restrict harvests.

DNR indicates that this bill will have an additional undetermined expenditure impact to implement all of the responsibilities. For reference, additional costs of license implementation would be based on requirements including gathering information, creation of the application process, potentially including membership determination, and the creation of a new license type. Further, South Carolina Fisheries are not managed by fish stocks whereby there is a known quantity of fish that are then apportioned via allocations or quotas to different purposes including recreational, commercial, and potentially subsistence. Management of fish stocks requires the development of new long-term species monitoring programs, the development of recreational and subsistence reporting requirements, and the development of in-house stock assessment capability. The agency does not currently have access to the necessary data to manage stocks in this way, and a minimum of 10-years of data collection would be necessary to appropriately identify stock status, and surpluses, and to appropriately apportion the stocks.

In total the bill will result in an undetermined increase in expenses beginning in FY 2024-25. This bill allocates revenue from subsistence saltwater license sales to an Other Fund account used to support subsistence fishing. Depending on how much is generated, DNR anticipates requesting General Fund appropriations to fund the remaining expenses.

**Judicial.** This bill may impact the number of court cases because it is unlawful to hunt, fish, or take fish or wildlife without obtaining a license and applicable permits, tags or stamps which allow these activities. A person convicted of this violation is guilty of a misdemeanor and upon conviction, must be fined \$50 to \$500 or imprisoned not more than thirty days. Judicial anticipates that any resulting change in caseloads can be addressed within existing appropriations or if cases are reduced, resources will be reallocated to other cases.

### **State Revenue**

This bill will increase Other Funds revenue beginning in FY 2024-25 by approximately \$192,000. Of this amount, \$12,000 is attributed to annual subsistence saltwater fishing license purchases and \$180,000 is attributable to one-time purchases of lifetime saltwater licenses. GGFA indicates that, based on over a decade of engagements with Gullah/Geechee fishing families, approximately 1,800 licenses per year will be purchased. Of the 1,800 licenses, the GGFA estimates that approximately one-third of the individuals purchasing a license would purchase a lifetime license. Thus, approximately 600 Gullah/Geechee residents would purchase one lifetime license for \$300, and approximately 1,200 Gullah/Geechee residents would purchase an annual license for \$10. The number of licenses that may be purchased by Native American subsistence fishermen is unknown. Further, the bill does not mandate a license holder be a member of the Gullah/Geechee or Native American Nations. The potential demand by other individuals is unknown. A large portion of Gullah/Geechee subsistence fishermen are senior citizens that may qualify for a free lifetime subsistence license under the bill, reducing the number of annual licenses sold. This reduction may be offset by an influx of younger fishermen as the GGFA expects this bill to increase the number of young subsistence fisherman due to a reduction in potential prosecution of subsistence fishing practices. Given these uncertainties, the potential overall impact to Other Funds revenue is undetermined.

This bill may impact fine revenue as this bill creates a new license for activities that are currently unlawful except for limited circumstance defined in statute. The penalty for fishing without a license is \$50 to \$500 or imprisonment not more than thirty days. Per Section 50-9-910, unless otherwise provided, revenue from fines and forfeitures for violations of Chapters 1 through 16 of Title 50 are credited to the County Game and Fish Fund subaccount for the county from which revenue was collected.

This bill may also result in a decrease in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, this bill may result in an undetermined impact to General Fund and Other Funds revenue due to the decrease in fines and fees collections in court.

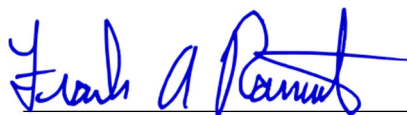
### **Local Expenditure**

N/A

### **Local Revenue**

This bill may impact local fine revenue as this bill creates a new license for activities that are currently unlawful except for limited circumstance defined in statute. The penalty for fishing without a license is \$50 to \$500 or imprisonment not more than thirty days. Per Section 50-9-910, unless otherwise provided, revenue from fines and forfeitures for violations of Chapters 1 through 16 of Title 50 are credited to the County Game and Fish Fund subaccount for the county from which revenue was collected.

Additionally, this bill may result in a decrease in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, this bill may result in an undetermined impact to local revenue due to the decrease in fines and fees collections in court.



Frank A. Rainwater, Executive Director