~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 18, 2013

**S. 584**

Introduced by Senators Campsen and Rankin

S. Printed 4/18/13--S.

Read the first time April 9, 2013.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 584) to amend Chapter 9, Title 50 of the 1976 Code, relating to hunting and fishing licenses, by adding Section 50‑9‑15, 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 adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Section 50‑9‑525(A) of the 1976 Code is amended to read:

“(A) A resident who is determined to be ~~totally~~ disabled under a Social Security program, the Civil Service Retirement System, the South Carolina State Retirement System, the Railroad Retirement Board, the Veterans Administration, or Medicaid, or their successor agencies or programs, may obtain a three year disability combination license or a three year disability fishing license at no cost. The license must be issued by the department from its designated offices and is valid for three years from the date of issue. Disability recertification is required for renewal. To recertify, an applicant must furnish proof, in the manner prescribed by the department, that he or she is currently receiving disability benefits and is a domiciled resident of this State.” /

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**A** **BILL**

TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, BY ADDING SECTION 50‑9‑15, TO DEFINE “LICENSE SALES VENDOR” AND “LICENSE YEAR”; TO AMEND SECTION 50‑9‑20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE FOR THE DURATION OF LICENSES FOR RECREATIONAL AND COMMERCIAL USE, AND PERMITS THE DEPARTMENT TO ISSUE A LICENSE THAT EXPIRES ON THE DAY BEFORE THE ANNIVERSARY OF ITS ISSUANCE; TO AMEND SECTION 50‑9‑30, RELATING TO RESIDENCY REQUIREMENTS FOR LICENSES, TO REVISE THE REQUIREMENTS; TO AMEND SECTION 50‑9‑350, RELATING TO APPRENTICE HUNTING LICENSES, TO PROVIDE THAT THE HOLDER OF AN APPRENTICE HUNTING LICENSE WHO OBTAINS A CERTIFICATE OF COMPLETION PRIOR TO THE EXPIRATION DATE OF HIS APPRENTICE HUNTING LICENSE WILL USE HIS APPRENTICE HUNTING LICENSE AS HIS STATEWIDE HUNTING LICENSE, PROVIDED THE LICENSEE MUST HAVE THE CERTIFICATE OF COMPLETION IN HIS POSSESSION WHILE HUNTING; TO AMEND SECTION 50‑9‑510, RELATING TO LICENSES FOR PURCHASE FOR THE PRIVILEGE OF HUNTING, TO REMOVE THE HUNTING LICENSE VALID ONLY IN A SINGLE COUNTY, TO REMOVE RESTRICTIONS ON THE THREE YEAR LICENSE PURCHASE, TO CLARIFY REQUIREMENTS FOR MIGRATORY WATERFOWL PERMITS, AND TO PROVIDE FOR THE RETAINED VENDOR FEE; TO AMEND SECTION 50‑9‑530, RELATING TO CATAWBA LICENSES, TO PROVIDE THERE IS NO COST TO A CATAWBA HUNTING AND FISHING LICENSEE FOR ANY OTHER TAGS REQUIRED BY LAW FOR RECREATIONAL HUNTING AND FISHING EXCEPT FOR THOSE DEPARTMENT HUNTING AND FISHING ACTIVITIES CONTROLLED BY LOTTERY; TO AMEND SECTION 50‑9‑540, RELATING TO RECREATIONAL LICENSES, TO PROVIDE THAT RESIDENTS AND NONRESIDENTS MUST PURCHASE ANY OTHER LICENSE THAT GRANTS FISHING PRIVILEGE, TO DELETE THE LAKES AND RESERVOIRS PERMIT, AND TO CHANGE THE TEMPORARY NONRESIDENT FISHING LICENSE FROM SEVEN TO FOURTEEN DAYS; TO AMEND SECTION 50‑9‑610, RELATING TO ADDITIONAL REQUIREMENTS FOR TAKING NONGAME FRESHWATER FISH, TO PROVIDE THAT TAGS MUST BE ATTACHED AS PRESCRIBED; TO AMEND SECTION 50‑9‑665, RELATING TO BEAR TAGS, TO PROVIDE FOR THE REQUIREMENT FOR BEAR TAGS; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO MAKE CONFORMING CHANGES AND TO PROVIDE FOR LICENSE REVENUE DISTRIBUTION; TO AMEND SECTION 50‑9‑950, RELATING TO THE FISH AND WILDLIFE PROTECTION FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50‑9‑955, RELATING TO THE FISH AND WILDLIFE DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; TO AMEND SECTION 50‑9‑960, RELATING TO THE MARINE RESOURCES FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50‑9‑965, RELATING TO THE MARINE RESOURCES DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; AND TO REPEAL SECTION 50‑15‑65(E).

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

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

“Section 50‑9‑15. For the purposes of this title:

(1) ‘License Sales vendor’ means a business, not for profit entity, or unit of state or local government that has entered into an agreement with the department to offer for sale hunting and fishing licenses.

(2) ‘License year’ means the period beginning July first and ending June thirtieth.”

SECTION 2. Section 50‑9‑20 of the 1976 Code is amended to read:

“Section 50‑9‑20. (A) The duration for hunting and fishing licenses, permits, ~~stamps~~, and tags for recreational purposes is as follows:

(1) ~~A~~ a temporary ~~privilege~~ license, permit, or tag expires after the specified number of consecutive days ~~from the start date~~ inclusive of the start date and expiration date~~.~~;

(2) ~~An~~ an annual ~~privilege~~ license, permit, or tag expires on the last day of the license year for which the license was issued~~.~~; provided the department may issue an annual license, permit, or tag that expires the day before the anniversary of the date of its issuance;

(3) ~~A~~ a three year ~~privilege~~ license or permit expires on the last day of the third license year of issue~~.~~; provided, the department may issue a three year license or permit that expires the day before the third anniversary of the date of its issuance;

(4) ~~A~~ a three year disability license expires ~~three years from the date of issue.~~ the day before the third anniversary of the date of its issuance; and

(5) ~~The~~ the Catawba Indian license ~~ends~~ expires October 27, 2092.

(B) ~~License year means: period beginning July first and ending June thirtieth.~~ For commercial purposes, an annual license, permit, or tag expires on the last day of the license year for which the license, permit, or tag was issued.

(C) This section does not alter the start date or expiration date of a permit which by law has other terms.”

SECTION 3. Section 50‑9‑30 of the 1976 Code is amended to read:

“Section 50‑9‑30. (A) For the purposes of obtaining:

(1) a recreational license, permit, or tag with a duration of three years or less, ~~three hundred sixty‑five days, ‘resident’ means a United States citizen who has been domiciled in this State for thirty consecutive days or more immediately preceding the date of application;~~

~~(2)~~ ~~a multiyear recreational license, ‘resident’ means a United States citizen who has been domiciled in this State for one hundred eighty consecutive days or more immediately preceding the date of application;~~

~~(3)~~ ~~a recreational license, permit, or tag in item (1) or (2), the following are considered residents:~~ ‘resident’, unless otherwise specified, means a United States citizen or a citizen of a foreign country lawfully in the United States who:

(a) has been domiciled in this State for thirty consecutive days or more immediately preceding the date of application;

(b) is a regularly enrolled full‑time student in a high school, technical school, college, or university within this State; or

~~(b)~~(c) is an active member of the United States Armed Forces, ~~and~~ or the member’s ~~dependents~~ dependent, stationed in this State for ~~sixty~~ thirty consecutive days or ~~longer or who is domiciled in this State~~ more immediately preceding the date of application;

~~(4)~~(2) a lifetime recreational license, ‘resident’ means a United States citizen who has been domiciled in this State for one hundred eighty consecutive days or more immediately preceding the date of application;

~~(5)~~(3) a disability recreational license, ‘resident’ means a United States citizen who has been domiciled in this State for three hundred sixty‑five consecutive days or more immediately preceding the date of application;

~~(6)~~(4)(a) a commercial license, permit, or tag, ‘resident’ means a United States citizen who has been domiciled in this State for three hundred sixty‑five consecutive days or more immediately preceding the date of application; and

(b) a commercial license or permit~~,~~ issued for a business, ‘resident’ means a business that has been incorporated and operating in this State for three hundred sixty‑five days or more immediately preceding the date of application.

(B) An applicant for a resident license must furnish proof of residency as may be required by the department.

(C)~~(1)~~ ‘Nonresident’ means ~~a citizen of a foreign country or a United States citizen who is not domiciled in this State or who maintains a permanent residence in another state or who does not otherwise meet the definition of a resident~~ an individual or business that is not a resident under subitem (A).

~~(2)~~ ~~For a business, a ‘nonresident’ means a business that is not incorporated in this State or that does not otherwise meet the definition of resident in subitem (A)(6)(b).~~”

SECTION 4. Section 50‑9‑350 of the 1976 Code is amended to read:

“Section 50‑9‑350. To encourage the recruitment of persons as responsible hunters:

(1) The certificate of completion requirement may be waived for one license year if a person obtains an apprentice hunting license, and a person ~~only~~ may receive such a waiver only one time. An apprentice hunting license may be issued if the applicant:

(a) is at least sixteen years of age and otherwise required to obtain a certificate of completion to obtain a hunting license;

(b) has not been convicted of or received deferred adjudication for violation of the hunter education requirement in this State; and

(c) has not been convicted of a hunting violation.

~~(2)~~ ~~In addition to obtaining the apprentice hunting license, the applicant must obtain any other license, permit, receipt, stamp, and tag required to participate in a specific hunting activity.~~

~~(3)~~(2) While afield, the apprentice hunter must be accompanied by a licensed hunter who:

(a) has attained the age of twenty‑one years;

(b) is not licensed as an apprentice hunter; and

(c) stays within a distance that enables uninterrupted, unaided, visual and oral communication with the apprentice hunter and provides adequate direction to the apprentice.

(3) If the holder of an apprentice hunting license obtains a certificate of completion prior to the expiration date of his apprentice hunting license, his apprentice hunting license will be used as his statewide hunting license; provided, the licensee must have the certificate of completion in his possession while hunting.

(4) ~~An apprentice license holder may obtain other hunting permits and tags which are required for specific hunting activities.~~ In addition to obtaining the apprentice hunting license, an apprentice license holder must obtain any other license, permit, receipt, stamp, and tag required to participate in a specific hunting activity.”

SECTION 5. Section 50‑9‑510 of the 1976 Code is amended to read:

“Section 50‑9‑510. (A) For the privilege of hunting:

(1) a resident ~~shall~~ must purchase:

~~(a)~~ ~~an annual county hunting license, which is valid only in the licensee’s county of residence, for five dollars, one dollar of which the issuing sales vendor may retain;~~

~~(b)~~(a) an annual statewide hunting license for twelve dollars, one dollar of which the issuing sales vendor may retain;

~~(c)~~(b) a three year statewide hunting license for thirty‑six dollars, three dollars of which the issuing sales vendor may retain; ~~or~~

~~(d)~~(c) a lifetime statewide hunting license for three hundred dollars at designated licensing locations; or

(d) any other license which grants statewide hunting privileges;

(2) a resident who meets the qualifications as an apprentice hunter ~~shall~~ must purchase an annual statewide apprentice hunting license for twelve dollars, one dollar of which the issuing sales vendor may retain;

(3) a nonresident ~~shall~~ must purchase:

(a) a three day temporary statewide hunting license for forty dollars, one dollar of which the issuing sales vendor may retain;

(b) a ten day temporary statewide hunting license for seventy‑five dollars, two dollars of which the issuing sales vendor may retain; ~~or~~

(c) an annual statewide hunting license for one hundred twenty‑five dollars, two dollars of which the issuing sales vendor may retain; or

(d) any other license which grants statewide hunting privileges;

(4) a nonresident who meets the qualifications as an apprentice hunter ~~shall~~ must purchase an annual statewide apprentice hunting license for one hundred twenty‑five dollars, two dollars of which the issuing sales vendor may retain.

(B) For the privilege of hunting big game ~~including bear, deer, and wild turkey~~:

(1) a resident ~~shall~~ must purchase in addition to the required hunting license:

(a) an annual big game permit~~, in addition to the required hunting license,~~ for six dollars, one dollar of which the issuing sales vendor may retain; ~~or~~

(b) a three year big game permit for eighteen dollars, three dollars of which the issuing sales vendor may retain; ~~however, the three year permit is only available to a person:~~

~~(i)~~  ~~purchasing a three year hunting license;~~

~~(ii)~~ ~~holding a three year hunting license in the first year of issue; or~~

~~(iii)~~ ~~holding a lifetime hunting license;~~ or

(c) any other license which grants big game privileges;

(2) a nonresident ~~shall~~ must purchase in addition to the required hunting license~~,~~:

(a) ~~a~~ an annual big game permit for one hundred dollars, two dollars of which the issuing sales vendor may retain; or

(b) any other license which grants big game privileges.

(C)~~(1)~~ ~~On~~ For the privilege of hunting on wildlife management areas~~, in addition to the required hunting license,~~:

(1) a resident ~~shall~~ must purchase in addition to the required hunting license:

(a) an annual wildlife management area permit for thirty dollars and fifty cents, one dollar of which the issuing sales vendor may retain; ~~or~~

(b) a three year wildlife management area permit for ninety‑one dollars and fifty cents, three dollars of which the issuing sales vendor may retain~~; however, the three year permit is only available to a person:~~

~~(i)~~ ~~purchasing a three year hunting license;~~

~~(ii)~~ ~~holding a three year hunting license in its first year;~~

~~(iii)~~ ~~holding a lifetime hunting license; or~~

~~(iv)~~ ~~holding a lifetime combination license~~; or

(c) any other license which grants wildlife management area privileges.

(2) ~~On wildlife management areas~~, the department may issue residents temporary wildlife management area permits from the department’s designated licensing locations for department specified hunting events for five dollars and fifty cents, fifty cents of which the issuing sales vendor may retain.

(3) ~~On wildlife management area lands, in addition to the required hunting license,~~ a nonresident ~~shall~~ must purchase in addition to the required hunting license:

(a) a wildlife management area permit for seventy‑six dollars, one dollar of which the issuing sales vendor may retain; or

(b) any other license which grants wildlife management area privileges.

(D) For the privilege of hunting migratory game birds, in addition to the required hunting license:

(1) a resident must obtain an annual migratory game bird permit at no cost;

(2) a nonresident must obtain an annual migratory game bird permit at no cost~~;~~.

(E) For the privilege of hunting migratory waterfowl, in addition to the required hunting license and permits and any required federal stamp or permit:

(1) a resident ~~shall~~ must purchase a migratory waterfowl permit for five dollars and fifty cents, ~~one dollar~~ fifty cents of which the issuing sales vendor may retain;

(2) a nonresident ~~shall~~ must purchase a migratory waterfowl permit for five dollars and fifty cents, ~~one dollar~~ fifty cents of which the issuing sales vendor may retain.

(F) For the privilege of hunting only the authorized released species on a licensed shooting preserve, in lieu of a hunting license, an individual may purchase an annual statewide shooting preserve license for eight dollars and fifty cents, one dollar of which the issuing sales vendor may retain.”

SECTION 6. Section 50‑9‑530 of the 1976 Code is amended by adding:

“(G) There is no cost to a Catawba hunting and fishing licensee for any other tags required by law for recreational hunting and fishing except for those department hunting and fishing activities controlled by lottery.”

SECTION 7. Section 50‑9‑540 of the 1976 Code is amended to read:

“Section 50‑9‑540. (A) For the privilege of recreational statewide fishing in saltwater:

(1) a resident ~~shall~~ must purchase:

(a) a fourteen day temporary saltwater fishing license for five dollars, one dollar of which the issuing sales vendor may retain;

(b) an annual saltwater fishing license for ten dollars, one dollar of which the issuing sales vendor may retain;

(c) a three year saltwater fishing license for thirty dollars, one dollar of which the issuing sales vendor may retain; ~~or~~

(d) a lifetime statewide saltwater fishing license for three hundred dollars at designated licensing locations; or

(e) any other license which grants saltwater fishing privileges;

(2) a nonresident ~~shall~~ must purchase:

(a) a fourteen day temporary saltwater fishing license for eleven dollars, one dollar of which the issuing sales vendor may retain;

(b) an annual saltwater fishing license for thirty‑five dollars, one dollar of which the issuing sales vendor may retain; ~~or~~

(c) a three year saltwater fishing license for one hundred five dollars, three dollars of which the issuing sales vendor may retain; or

(d) any other license which grants saltwater fishing privileges.

(B) For the privilege of recreational statewide fishing in freshwater:

(1) a resident ~~shall~~ must purchase:

(a) a fourteen day temporary freshwater fishing license for five dollars, one dollar of which the issuing sales vendor may retain;

(b) an annual freshwater fishing license for ten dollars, one dollar of which the issuing sales vendor may retain;

(c) a three year freshwater fishing license for thirty dollars, three dollars of which the issuing sales vendor may retain; ~~or~~

(d) a lifetime statewide freshwater fishing license for three hundred dollars at designated licensing locations; or

(e) any other license which grants freshwater fishing privileges;

(2) a nonresident ~~shall~~ must purchase:

(a) a ~~seven~~ fourteen day temporary freshwater fishing license for eleven dollars, one dollar of which the issuing sales vendor may retain;

(b) an annual freshwater fishing license for thirty‑five dollars, one dollar of which the issuing sales vendor may retain; ~~or~~

(c) a three year freshwater fishing license for one hundred five dollars, three dollars of which the issuing sales vendor may retain; or

(d) any other license which grants freshwater fishing privileges.

~~(C)~~ ~~In lieu of obtaining an annual freshwater fishing license, a resident may purchase a lakes and reservoirs permit for three dollars, one dollar of which the issuing sales vendor may retain. The permit is only valid when used with nonmanufactured tackle or natural bait in the following waters:~~

~~(1)~~ ~~Catawba and Wateree rivers within Chester, Fairfield, Kershaw, and Lancaster counties, except waters lying more than one hundred yards south of the Wateree Dam in Kershaw County;~~

~~(2)~~ ~~Savannah River between the Stevens Creek Dam and the S.C. State Highway 72 bridge, including the waters impounded between Stevens Creek Dam and J. Strom Thurmond Dam;~~

~~(3)~~ ~~Lake Ashwood in Lee County;~~

~~(4)~~ ~~Lake Greenwood;~~

~~(5)~~ ~~Lake Hartwell;~~

~~(6)~~ ~~Lake Jocassee;~~

~~(7)~~ ~~Lake Keowee;~~

~~(8)~~ ~~Lake Marion;~~

~~(9)~~ ~~Lake Moultrie, the Diversion Canal, and the Tailrace Canal;~~

~~(10)~~ ~~Lake Murray;~~

~~(11)~~ ~~Lake Richard B. Russell;~~

~~(12)~~ ~~Lake Wiley;~~

~~(13)~~ ~~the Parr Hydroelectric Project Fish and Game Management Area:~~

~~(a)~~ ~~Parr Reservoir;~~

~~(b)~~ ~~Monticello Reservoir;~~

~~(c)~~ ~~Monticello Reservoir Sub Impoundment.~~

~~The provisions of this subsection do not affect in any way any reciprocal agreement with the State of Georgia as to recognition of residents’ fishing licenses or permits.~~

~~(D)~~(C) For the privilege of operating a public fishing pier in the salt waters of this State, the owner or operator must purchase an annual saltwater public fishing pier license. For a pier with a total length:

(1) of one hundred feet or less, the fee is one hundred fifty dollars;

(2) greater than one hundred feet, the fee is three hundred fifty dollars.

~~(E)~~(D) For the privilege of operating a charter fishing vessel in the salt waters of this State, the owner or operator ~~shall~~ must purchase an annual charter vessel license for each vessel. For a vessel:

(1) to carry six or fewer passengers, the fee is one hundred fifty dollars;

(2) to carry seven but no more than forty‑nine passengers, the fee is two hundred fifty dollars;

(3) to carry fifty or more passengers, the fee is three hundred fifty dollars.”

SECTION 8. Section 50‑9‑610 of the 1976 Code is amended to read:

“Section 50‑9‑610. (A) In addition to the licenses required ~~to take~~ for freshwater ~~fish~~ fishing, each licensee ~~taking~~ attempting to take nongame freshwater fish~~, when using these devices must have~~ must obtain:

(1) a tag for each eel pot, at five dollars a tag for residents and fifty dollars a tag for nonresidents;

(2) a tag for each fyke net, at ten dollars for residents and fifty dollars for nonresidents;

(3) a tag for each gill net, at five dollars a tag for residents and fifty dollars a tag for nonresidents;

(4) a tag for each hoop net, at ten dollars a tag for residents and fifty dollars a tag for nonresidents;

(5) a tag for each trap, at five dollars a tag for residents and fifty dollars a tag for nonresidents;

(6) a tag for each trotline, not to exceed fifty hooks each, at two dollars fifty cents a tag for residents and fifty dollars a tag for nonresidents;

(7) a permit for using up to fifty jugs, at five dollars a permit for residents and fifty dollars for nonresidents;

(8) a permit for using up to fifty set hooks, at five dollars a permit for residents and fifty dollars for nonresidents.

(B) Permits for jugs and set hooks are not required for residents assisting permit holders.

(C) ~~A resident sixty‑five years of age or older is not required to purchase a permit for recreational fishing of fifty set hooks or less but must tag each device with his name and department customer identification number.~~ The licensee must affix the tag or identification information to the respective device.”

SECTION 9. Section 50‑9‑665(A) of the 1976 Code is amended to read:

“(A) For the privilege of ~~taking~~ hunting bear, in addition to the required hunting license and big game permit ~~a hunter~~ the licensee must obtain a bear tag issued in his name, and the fee:

(1) for a resident is twenty‑five dollars per tag, one dollar of which may be retained by the license sales vendor;

(2) for a nonresident is one hundred dollars per tag, two dollars of which may be retained by the license sales vendor.”

SECTION 10. Section 50‑9‑920 of the 1976 Code is amended to read:

“Section 50‑9‑920. (A) Revenue generated from the sale of lifetime privileges ~~must~~ shall be deposited in the Wildlife Endowment Fund.

(B) Revenue generated from the sale of other hunting and freshwater fishing licenses, permits, and tags ~~must~~ shall be remitted to the State Treasurer and unless otherwise required by law credited to the Fish and Wildlife Protection Fund. Revenue from each:

(1) ~~Wildlife~~ wildlife management area permit ~~only must~~ shall be used for the management and the procurement of wildlife management area lands~~.~~;

(2) ~~A~~ nonresident annual statewide hunting license ~~must~~ shall be used as follows:

(a) one dollar for the propagation, management, and protection of ducks and geese in this State;

(b) one dollar contributed by the department to proper agencies along the Atlantic Flyway for the propagation, management, and protection of ducks and geese; and

(c) the balance to the Fish and Wildlife Protection Fund~~.~~;

(3) ~~A~~ nonresident temporary statewide hunting license ~~must~~ shall be used as follows:

(a) fifty cents for the propagation, management, and protection of ducks and geese in this State;

(b) fifty cents contributed by the department to proper agencies ~~in Canada~~ along the Atlantic Flyway for the propagation, management, and protection of ducks and geese; and

(c) the balance to the Fish and Wildlife Protection Fund~~.~~;

(4) ~~A~~ nonresident annual freshwater fishing license ~~must~~ shall be distributed as follows:

(a) ~~fifty~~ twenty‑five percent to the County Game and Fish Fund account for the respective county in which the license was sold, except that these licenses sold through a central point such as online, call centers, and department mass mailings ~~must~~ shall be equally allocated to the counties; ~~and~~

(b) twenty‑five percent for the operation and management of department freshwater fish hatcheries; and

(c) the balance to the Fish and Wildlife Protection Fund~~.~~;

(5) ~~Application and other fees, permits, and tags for the privilege of taking alligators must be used by the department to support the alligator management program~~ application fee, permit, tag, and nonresident hunting fee for the privilege of hunting alligators shall be used to administer the alligator management program~~.~~;

(6) ~~Antlerless~~ antlerless deer quota permit (ADQP) ~~must~~ shall be exclusively used to administer the ADQP program and for deer management and research~~.~~;

(7) ~~Individual~~ individual antlerless deer tags ~~must~~ shall be used as follows:

(a) eighty percent to administer the tag program, deer management, and research; and

(b) the remaining twenty percent for law enforcement~~.~~;

(8) ~~A nonresident annual freshwater fishing license must be distributed as follows:~~

~~(a)~~ ~~fifty percent to the County Game and Fish Fund account for the respective county in which the license was sold, except that these licenses sold through a central point such as online, call centers, and department mass mailings must be equally allocated to each county; and~~

~~(b)~~ ~~the balance to the Fish and Wildlife Protection Fund~~ application fee, permit, and tag for the privilege of hunting bear shall be used to administer the tag program, protect bear habitats, and support bear research and management~~.~~;

(9) ~~Lakes and reservoirs permits must be equally distributed to the County Game and Fish Fund of those counties in which the specified bodies of water are found in whole or in part~~ field trial permit and shooting preserve operation permit shall be used to support the management of small game programs~~.~~;

(10) lottery hunt application fee shall be used to administer the lottery hunt program and support management of lands on which the lottery hunts take place;

(11) falconry permit shall be used to support the falconry permitting program.

(C) Revenue generated from the sale of recreational and commercial marine licenses, permits, and tags ~~must~~ shall be deposited to the Marine Resources Fund unless otherwise required by law. Revenue ~~must~~ shall be distributed as follows, from each:

(1) annual or temporary recreational saltwater fishing license:

(a) twenty‑five cents to saltwater administration;

(b) one dollar to law enforcement; and

(c) the balance to recreational saltwater programs;

(2) charter vessel license:

(a) five percent to saltwater administration;

(b) twenty percent to law enforcement; and

(c) the balance to recreational saltwater programs;

(3) saltwater fishing pier license:

(a) five percent to saltwater administration;

(b) twenty percent to law enforcement; and

(c) the balance to recreational saltwater programs;

(4) shrimp baiting license:

(a) seventy percent for additional enforcement efforts during the established shrimp baiting period to assist existing law enforcement personnel in monitoring and enforcement of the shrimp baiting laws; and

(b) the balance to the Marine Resources Fund;

(5) sale of stamps, prints, and related articles:

(a) five percent to saltwater administration;

(b) twenty percent to saltwater enforcement; and

(c) the balance to recreational saltwater programs.

(D) Two‑thirds of the revenue generated from the sale of ~~multiyear~~ three year recreational saltwater licenses ~~must~~ shall be allocated to the Marine Resources Deferred License Fund.

(E) Two‑thirds of the revenue generated from the sale of ~~multiyear~~ three year recreational freshwater fishing and hunting licenses ~~must~~ shall be allocated to the Fish and Wildlife Deferred License Fund.

(F) Revenue generated from the sale of duplicate or replacement licenses, permits, and tags ~~must~~ shall be credited to the Fish and Wildlife Protection Fund.

~~(G)~~ ~~Revenue generated from the sale of bear tags and application fees must be used to administer the tag program, protect bear habitat, and support bear research and management.~~”

SECTION 11. Section 50‑9‑950 of the 1976 Code is amended to read:

“Section 50‑9‑950. (A) The Fish and Wildlife Protection Fund is created for the purpose of ~~receiving revenue generated from the following sources:~~ supporting the department and its effort to conserve freshwater fisheries and wildlife. The assets of the fund are derived from the following sources:

(1) revenue from the sale of freshwater fisheries and wildlife licenses, permits, stamps, and tags;

(2) application fees for recreational events and charges for room and board on state property where the property was procured with proceeds from the fund and its predecessor funds;

(3) revenue generated from the sale of timber and property procured with proceeds from the fund and its predecessor funds;

(4) revenue transmitted to the department from the Department of Motor Vehicles for specialty license plates to support department operations;

(5) restricted interest income, contributions, and donations;

(6) indirect cost recoveries where the department matched a grant using the fund; and

(7) any other source of revenue recognized by the United States Fish and Wildlife Service, where the disposition of such revenue to any other fund could be interpreted as a loss of control or misdirection of funds by the department.

These funds ~~must~~ shall be remitted to the State Treasurer and credited to a special account separate and distinct from the general fund.

(B) Revenue ~~must~~ shall be expended by the department for the protection, ~~promotion,~~ propagation, and management of freshwater fisheries and wildlife, the enforcement of related laws, the administration of the department, and the dissemination of information, facts, and findings the department considers necessary. Revenue may be expended on permanent improvement or deferred maintenance projects consistent with the purposes of the fund.

(C) Interest earned on balances in the ~~Fish and Wildlife Protection Fund must~~ fund shall be credited to the fund and expended for those same purposes.

(D) Balances in the fund ~~must~~ shall be retained and carried forward annually and may be used to match available federal funds.”

SECTION 12. Section 50‑9‑955 of the 1976 Code is amended to read:

“Section 50‑9‑955. (A) The Fish and Wildlife Deferred License Fund is created for the purpose of receiving revenue generated from the sale of ~~multiyear~~ three year hunting and freshwater fishing licenses, permits, stamps, and tags.

(B) ~~Revenue generated in prior years for each new license year must be transferred to the Fish and Wildlife Protection Fund the first month of each license year. Not more than one transfer may be made each license year. When transferred, the revenue must be allocated as specified in Section 50‑9‑920(B).~~ Receipts from each license year shall be transferred to the Fish and Wildlife Protection Fund as follows:

(1) fifty percent during the first fiscal year after receipt; and

(2) the balance during the second fiscal year after receipt.

Where applicable, each transfer shall distribute the receipts based on the allocations specified in Section 50‑9‑920(B).

(C) Interest earned on balances in the ~~Fish and Wildlife Deferred License Fund must~~ fund shall be credited to the fund and transferred to the Fish and Wildlife Protection Fund in the same manner.

(D) Balances in the fund ~~must~~ shall be retained and carried forward annually.”

SECTION 13. Section 50‑9‑960 of the 1976 Code is amended to read:

“Section 50‑9‑960. (A) The Marine Resources Fund is created for the purpose of ~~receiving revenue generated from the following sources:~~ supporting the department and its effort to conserve marine fisheries. The assets of the fund are derived from the following sources:

(1) revenue from the sale of saltwater licenses, permits, stamps, and tags;

(2) revenue generated from the sale of posters, prints, and related articles;

(3) revenue generated from the sale of property procured with proceeds from the fund and its predecessor funds;

(4) revenue transmitted to the department from the Department of Motor Vehicles for specialty license plates;

~~(4)~~(5) restricted interest income, contributions, and donations;

~~(5)~~(6) indirect cost recoveries where the department matched a grant using the fund; and

(7) any other source of revenue recognized by the United States Fish and Wildlife Service, where the disposition of such revenue to any other fund could be interpreted as a loss of control or misdirection of funds by the department.

(B) Revenue generated from the sale of:

(1) recreational saltwater privileges ~~must~~ shall be expended by the department for purposes authorized pursuant to the South Carolina Marine Resources Act of 2000. The Saltwater Recreational Fishing Advisory Committee shall assist in prioritizing the expenditure of saltwater license funds for:

(a) the protection, maintenance, or enhancement of saltwater habitat important to the continued production of marine fish stocks and their food sources of significance to recreational saltwater fisheries;

(b) development of recreational saltwater fishing facilities;

(c) scientific research and management of recreational saltwater fisheries;

(d) permanent improvement or deferred maintenance projects consistent with the purposes described herein;

(e) other programs directly benefiting recreational saltwater fisheries recommended by the Saltwater Recreational Fisheries Advisory Committee; and

~~(e)~~(f) an annual report made available on the department website indicating how the previous year’s funds were expended;

(2) commercial saltwater privileges, culture and mariculture permits, and marine permits ~~must~~ shall be expended for the administration and implementation of programs in the Marine Resources Division and may be expended on permanent improvement or deferred maintenance projects consistent with the purposes of the fund.

(C) Funds generated pursuant to this section ~~must~~ shall be remitted to the State Treasurer and credited to a special account separate and distinct from the general fund.

(D) Interest earned on balances in the ~~Marine Resources Fund must~~ fund shall be credited to the fund and expended for the same purposes.

(E) Balances in the fund ~~must~~ shall be retained and carried forward annually and may be used to match available federal funds.”

SECTION 14. Section 50‑9‑965 of the 1976 Code is amended to read:

“Section 50‑9‑965. (A) The Marine Resources Deferred License Fund is created for the purpose of receiving revenue generated from the sale of ~~multiyear~~ three year saltwater licenses, permits, stamps, and tags.

(B) ~~Revenue generated in prior years for each new license year must be transferred to the Marine Resources Fund the first month of each license year. Not more than one transfer may be made each license year. When transferred, the revenue must be allocated as specified in Section 50‑9‑920(C).~~ Receipts from each license year shall be transferred to the Marine Resources Fund as follows:

(1) fifty percent during the first fiscal year after receipt; and

(2) the balance during the second fiscal year after receipt. Where applicable, each transfer shall distribute the receipts based on the allocations specified in Section 50‑9‑920(C).

(C) Interest earned on balances in the ~~Marine Resources Deferred License Fund must~~ fund shall be credited to the fund and transferred to the Marine Resources Fund in the same manner.

(D) Balances in the fund ~~must~~ shall be retained and carried forward annually.”

SECTION 15. Section 50‑15‑65(E) of the 1976 Code is repealed.

SECTION 16. This act takes effect July 1, 2013.

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