~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 27, 2022

**H. 4177**

Introduced by Reps. Lowe and Pope

S. Printed 1/27/22--H.

Read the first time April 7, 2021.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4177) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑3‑190 so as to require the Department of Natural Resources to hire a Waterfowl, 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. Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50‑3‑190. (A) The Chief of Wildlife shall establish a Statewide Waterfowl Program Manager within the Wildlife and Freshwater Fisheries Division. The Waterfowl Program Manager shall:

(1) manage all aspects of the waterfowl and wetland management program where management is directed toward the requirements of native and migratory waterfowl and their allies;

(2) manage the conservation and management of waterfowl habitat that is titled or licensed to the department and ensure the successful utilization of this acreage for the benefit of waterfowl, waterfowl hunters, and other waterfowl enthusiasts;

(3) supervise all waterfowl management activities conducted by staff and contractors for such areas;

(4) coordinate with regional personnel on waterfowl management activities on regional wildlife management areas; and

(5) undertake all other duties as necessary to successfully conserve and manage waterfowl habitat.

(B) The Waterfowl Program Manager must have:

(1) a masters degree in biology or wildlife management;

(2) at least seven years of experience in waterfowl and wetlands management;

(3) a high level of knowledge of waterfowl and wetland management techniques in the Southeast or Atlantic Flyway;

(4) specialized knowledge and experience in coastal ecology, impoundment management, and the ecological principles of water control;

(5) experience in waterfowl resource and habitat data collection and assessment;

(6) a fundamental understanding of federal and state waterfowl hunting rules and regulations; and

(7) the ability to work with the general population and provide clear, concise, and technically accurate presentations and written reports to division leaders, agency executive level staff, the Department of Natural Resources Board, and members of the General Assembly when required.

(C) The department may employ or contract with a qualified individual or entity to provide the services and complete the responsibilities required by the provisions of this section.”

SECTION 2. Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50‑3‑195.(A) The Waterfowl Advisory Committee is established to assist in the management of waterfowl habitats, assist in the development, protection, and propagation of waterfowl in this State, assist in prioritizing the expenditures of monies to accomplish this purpose, and review the activities of the Waterfowl Program Manager of the department. The committee consists of the following members who serve for a four year term with a limit of two consecutive terms:

(1) one member of the Board of the Department of Natural Resources appointed by the Chairman of the Board of the Department of Natural Resources, serving ex officio;

(2) one at large member appointed by the Governor;

(3) one member appointed by the Chairman of the Senate Finance Committee;

(4) one member appointed by the Chairman of the House Ways and Means Committee;

(5) one member appointed by the Chairman of the Senate Fish, Game and Forestry Committee; and

(6) one member appointed by the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee.

(B) The members of the committee shall receive no salary but must be allowed the usual mileage, subsistence, and per diem as authorized by law for commissions, committees, and boards paid from the revenues generated by the sale of stamps, licenses, prints, and related articles.

(C) Vacancies must be filled for the remainder of the unexpired term in the manner of the original appointment.

(D) The committee shall make a report of its findings, activities, and long term plans to the General Assembly by December thirty first of each year.”

SECTION 3. Section 50‑9‑510(E) of the 1976 Code is amended to read:

“(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 must purchase a migratory waterfowl permit for ~~five~~ fifteen dollars and fifty cents, fifty cents of which the issuing sales vendor may retain;

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

SECTION 4. Section 50‑9‑520(B) of the 1976 Code, as last amended by Act 152 of 2020, is further amended to read:

(B) Revenue generated from the sale of other hunting and freshwater fishing licenses, permits, and tags 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 management area permit shall be used for the management and the procurement of wildlife management area lands;

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

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

(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) nonresident temporary statewide hunting license shall be used as follows:

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

(b) ~~fifty cents 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;

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

(a) 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 shall be equally allocated to the counties;

(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 fee, permit, tag, and nonresident hunting fee for the privilege of hunting alligators shall be used to administer the alligator management program;

(6) Deer Quota Program permit shall be exclusively used to administer the Deer Quota Program and for deer management and research;

(7) individual antlerless and nonresident antlered deer tags 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) 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) 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;

(12) resident antler restriction individual antlered deer tag shall be used to administer the Coyote Management Program;

(13) resident and nonresident wild turkey tags shall only be used for the following purposes:

(a) the funding of wild turkey scientific research on public lands and private lands with the consent of landowners;

(b) the improvement of the wild turkey habitat and hunting opportunities for wild turkeys on public lands;

(c) wild turkey predator control;

(d) the enforcement of the wild turkey hunting laws and regulations; and

(e) the printing and mailing of the wild turkey tags;

(14)(a) resident and nonresident migratory waterfowl permit shall be used for the management of waterfowl habitats and for the development, protection, management, and propagation of wild waterfowl in this State~~, provided that~~ and along the Atlantic Flyway as follows:

(i) a minimum of two hundred and fifty thousand dollars of gross revenue received from the waterfowl permit fee must be used to restore and manage waterfowl habitat on state wildlife management areas and such funds must be leveraged with other sources when available;

(ii) ten percent of the revenue from the waterfowl permit fee contributed annually for the first three years following the enactment of this section to the AFWA Fall Flight Program for the propagation, management, and protections of ducks and geese in the areas that benefit South Carolina; and

(iii) twenty percent of the revenue from the waterfowl permit fee contributed annually in the fourth and succeeding years following the enactment of this section to the AFWA Fall Flight Program for the propagation, management, and protections of ducks and geese in the areas that benefit South Carolina; and

(iv) all remaining funds shall be used for the development, protection, management, and propagation of wild waterfowl in this State. All balances must be retained and carried forward annually.

(b) no revenue generated from the sale of a waterfowl permit may be expended for administrative salaries.”

SECTION 5. The amendments contained in SECTIONS 3 and 4 of this act are repealed on December 31, 2027, and the text of these SECTIONS therefore shall revert back to the language as contained in the South Carolina Code of Laws as of January 1, 2020.

SECTION 6. This act takes effect July 1, 2022. /

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 50‑3‑190 SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO HIRE A WATERFOWL PROGRAM MANAGER WITHIN THE WILDLIFE AND FRESHWATER FISHERIES DIVISION, TO PROVIDE CERTAIN DUTIES AND RESPONSIBILITIES FOR THE POSITION; BY ADDING SECTION 50‑9‑930 SO AS TO ESTABLISH THE WATERFOWL ADVISORY COMMITTEE TO ASSIST IN THE DEVELOPMENT, PROTECTION, AND PROPAGATION OF NATIVE WATERFOWL IN THIS STATE AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE; TO AMEND SECTION 50‑9‑510, AS AMENDED, RELATING TO MIGRATORY WATERFOWL PERMITS, SO AS TO INCREASE THE FEES FOR MIGRATORY WATERFOWL PERMITS; TO AMEND SECTION 50‑9‑920, AS AMENDED, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, SO AS TO PROVIDE FOR CERTAIN EXPENDITURES FROM THE REVENUES OF RESIDENT AND NONRESIDENT MIGRATORY WATERFOWL PERMITS; AND TO PROVIDE THAT SECTIONS 3 AND 4 OF THIS ACT ARE REPEALED ON JANUARY 1, 2027.

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

SECTION 1. Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50‑3‑190. (A) The Chief of Wildlife shall establish a Statewide Waterfowl Program Manager within the Wildlife and Freshwater Fisheries Division. The Waterfowl Program Manager shall:

(1) manage all aspects of the waterfowl and wetland management program where management is directed toward the requirements of native and migratory waterfowl and their allies;

(2) manage the conservation and management of waterfowl habitat that is titled or licensed to the department and ensure the successful utilization of this acreage for the benefit of waterfowl, waterfowl hunters, and other waterfowl enthusiasts;

(3) supervise all waterfowl management activities for such areas;

(4) coordinate with regional personnel on waterfowl management activities on regional wildlife management areas;

(5) directly supervise all staff at Upper Coastal and Lower Coastal Waterfowl Management Projects;

(6) supervise all staff responsible for other Category I and II Waterfowl Management Areas; and

(7) undertake all other duties as necessary to successfully conserve and manage waterfowl habitat.

(B) The Waterfowl Program Manager must have:

(1) a masters degree in biology or wildlife management;

(2) at least seven years of experience in waterfowl and wetlands management;

(3) a high level of knowledge of waterfowl and wetland management techniques in the Southeast or Atlantic Flyway;

(4) specialized knowledge and experience in coastal ecology, impoundment management, and the ecological principles of water control;

(5) experience in waterfowl resource and habitat data collection and assessment;

(6) a fundamental understanding of federal and state waterfowl hunting rules and regulations; and

(7) the ability to work with the general population and provide clear, concise, and technically accurate presentations and written reports to division leaders, agency executive level staff, the Department of Natural Resources Board, and members of the General Assembly when required.

(C) The department may employ or contract with a qualified individual or entity to provide the services and complete the responsibilities required by the provisions of this section.”

SECTION 2. Article 9, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑930. (A) The Waterfowl Advisory Committee is established to assist in the management of waterfowl habitats, assist in the development, protection, and propagation of waterfowl in this State, assist in prioritizing the expenditures of monies to accomplish this purpose, and review the activities of the Waterfowl Program Manager of the department. The committee consists of the following members who serve for a four‑year term with a limit of two consecutive terms:

(1) one member of the Board of the Department of Natural Resources appointed by the Chairman of the Board of the Department of Natural Resources, serving ex officio;

(2) one at‑large member appointed by the Governor;

(3) one member appointed by the Chairman of the Senate Finance Committee;

(4) one member appointed by the Chairman of the House Ways and Means Committee;

(5) one member appointed by the Chairman of the Senate Fish, Game and Forestry Committee; and

(6) one member appointed by the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee.

(B) The members of the commission shall receive no salary but must be allowed the usual mileage, subsistence, and per diem as authorized by law for commissions, committees, and boards paid from the revenues generated by the sale of stamps, licenses, prints, and related articles.

(C) Vacancies must be filled for the remainder of the unexpired term in the manner of the original appointment.

(D) The committee shall make a report of its findings, activities, and long‑term plans to the General Assembly by December thirty‑first of each year.”

SECTION 3. Section 50‑9‑510(E) of the 1976 Code is amended to read:

“(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 must purchase a migratory waterfowl permit for ~~five~~ fifteen dollars and fifty cents, fifty cents of which the issuing sales vendor may retain;

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

SECTION 4. Section 50‑9‑920(B) of the 1976 Code, as last amended by Act 152 of 2020, is further amended to read:

“(B) Revenue generated from the sale of other hunting and freshwater fishing licenses, permits, and tags 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 management area permit shall be used for the management and the procurement of wildlife management area lands;

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

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

(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) nonresident temporary statewide hunting license 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 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) nonresident annual freshwater fishing license shall be distributed as follows:

(a) 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 shall be equally allocated to the counties;

(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 fee, permit, tag, and nonresident hunting fee for the privilege of hunting alligators shall be used to administer the alligator management program;

(6) Deer Quota Program permit shall be exclusively used to administer the Deer Quota Program and for deer management and research;

(7) individual antlerless and nonresident antlered deer tags 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) 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) 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;

(12) resident antler restriction individual antlered deer tag shall be used to administer the Coyote Management Program;

(13) resident and nonresident wild turkey tags shall only be used for the following purposes:

(a) the funding of wild turkey scientific research on public lands and private lands with the consent of landowners;

(b) the improvement of the wild turkey habitat and hunting opportunities for wild turkeys on public lands;

(c) wild turkey predator control;

(d) the enforcement of the wild turkey hunting laws and regulations; and

(e) the printing and mailing of the wild turkey tags;

(14)(a) resident and nonresident migratory waterfowl permit shall be used for the management of waterfowl habitats and for the development, protection, and propagation of native waterfowl in this State~~, provided that~~ and along the Atlantic Flyway to fulfill South Carolina’s commitments to appropriate interstate compacts as follows:

(i) two hundred and fifty thousand dollars of gross revenue received from the waterfowl permit fee must be used as matching funds for federal and private grants to restore and manage waterfowl habitat on state wildlife management areas;

(ii) ten percent of the revenue from the waterfowl permit fee contributed annually for the first three years following the enactment of this section to the AFWA Fall Flight Program for the propagation, management, and protection of ducks and geese in areas that benefit South Carolina; and

(iii) twenty percent of the revenue from the waterfowl permit fee contributed annually in the fourth and succeeding years following the enactment of this section to the AFWA Fall Flight Program for the propagation, management, and protections of ducks and geese in areas that benefit South Carolina; and

(b) no revenue generated from the sale of a waterfowl permit may be expended for administrative salaries.”

SECTION 5. The amendments contained in SECTIONS 3 and 4 of this act are repealed on December 31, 2027, and the text of these SECTIONS therefore shall revert back to the language as contained in the South Carolina Code of Laws as of January 1, 2020.

SECTION 6. This act takes effect upon approval by the Governor.

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