**South Carolina General Assembly**

118th Session, 2009-2010

**A286, R346, H3541**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hiott, Frye, Duncan, M.A. Pitts, Whitmire and Rice

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Introduced in the House on February 17, 2009

Introduced in the Senate on May 14, 2009

Last Amended on May 13, 2009

Passed by the General Assembly on June 15, 2010

Governor's Action: June 25, 2010, Vetoed

Legislative veto action(s): Veto overridden

Summary: Hunting

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/17/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-17-09.docx)‑4

 2/17/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-17-09.docx)‑5

 4/1/2009 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-01-09.docx)‑4

 4/2/2009 Scrivener's error corrected

 4/21/2009 House Debate adjourned until Tuesday, May 12, 2009 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-21-09.docx)‑42

 5/12/2009 House Debate adjourned until Wednesday, May 13, 2009 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-12-09.docx)‑25

 5/13/2009 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-13-09.docx)‑10

 5/13/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-13-09.docx)‑14

 5/14/2009 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-14-09.docx)‑29

 5/14/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-14-09.docx)‑8

 5/14/2009 Senate Referred to Committee on **Fish, Game and Forestry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-14-09.docx)‑8

 5/14/2009 Scrivener's error corrected

 6/1/2010 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-01-10.docx)‑26

 6/2/2010 Scrivener's error corrected

 6/2/2010 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-02-10.docx)‑150

 6/2/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-02-10.docx)‑150

 6/3/2010 Senate Read third time and returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-03-10.docx)‑12

 6/15/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-15-10.docx)‑102

 6/15/2010 House Roll call Yeas‑111 Nays‑0 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-15-10.docx)‑102

 6/21/2010 Ratified R 346

 6/25/2010 Vetoed by Governor

 6/29/2010 House Veto overridden by originating body Yeas‑108 Nays‑2 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-29-10.docx)‑42

 6/29/2010 Senate Veto overridden Yeas‑28 Nays‑9 [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-29-10.docx)‑103

 7/13/2010 Effective date 06/29/10

 7/14/2010 Act No. 286

**VERSIONS OF THIS BILL**

[2/17/2009](file:///p%3A%5Cpprever%5C2009-10%5C3541_20090217.docx)

[4/1/2009](file:///p%3A%5Cpprever%5C2009-10%5C3541_20090401.docx)

[4/2/2009](file:///p%3A%5Cpprever%5C2009-10%5C3541_20090402.docx)

[5/13/2009](file:///p%3A%5Cpprever%5C2009-10%5C3541_20090513.docx)

[5/14/2009](file:///p%3A%5Cpprever%5C2009-10%5C3541_20090514.docx)

[6/1/2010](file:///p%3A%5Cpprever%5C2009-10%5C3541_20100601.docx)

[6/2/2010](file:///p%3A%5Cpprever%5C2009-10%5C3541_20100602.docx)

[6/2/2010-A](file:///p%3A%5Cpprever%5C2009-10%5C3541_20100602A.docx)

(A286, R346, H3541)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑665 SO AS TO PROVIDE THAT A HUNTER MUST OBTAIN A BEAR TAG IN ORDER TO TAKE A BEAR AND TO PROVIDE THE PROCEDURES AND FEES FOR OBTAINING THESE TAGS; BY ADDING SECTION 50‑11‑435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE A BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE CRIMINAL PENALTIES; TO AMEND SECTION 50‑9‑920, AS AMENDED, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DESIGNATE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50‑11‑310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN ARCHERY AND FIREARMS MAY BE USED IN GAME ZONE 1; TO AMEND SECTION 50‑11‑430, RELATING TO THE OPEN SEASON FOR TAKING BEAR IN GAME ZONE 1 AND PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE DATES OF THIS SEASON AND PROVIDE REQUIREMENTS FOR PARTY HUNTS; TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO ESTABLISH REQUIREMENTS FOR THE TAKING AND HUNTING OF BEAR IN ALL OTHER GAME ZONES; TO REQUIRE BEAR TAGS; AND TO REVISE VARIOUS BEAR TAKING REQUIREMENTS AND PROHIBITIONS; AND TO REPEAL SECTION 50‑11‑380 RELATING TO THE TAKING OF ANTLERLESS DEER.**

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

**Bear tags**

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

 “Section 50‑9‑665. (A) For the privilege of taking bear, in addition to the required hunting license and big game permit a hunter 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.

 (B) In game zones other than Game Zone 1, applicants for bear tags must be chosen by a random drawing. The application fee is ten dollars per applicant and is nonrefundable. Tags are only valid for the specified game zone.

 (C) Youth under the age of sixteen are required to obtain youth tags for bear from the department at its designated licensing locations at no cost.”

**Weight restriction on bear taken; penalties**

SECTION 2. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

 “Section 50‑11‑435. It is unlawful to take or attempt to take a bear of less than one hundred pounds. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. In addition, each person convicted of a violation of this section may be required to pay restitution to the department of not more than one thousand five hundred dollars for each bear that is taken in violation of this section.”

**Use of bear tag revenue**

SECTION 3. Section 50‑9‑920 of the 1976 Code, as last amended by Act 183 of 2010, is further amended by adding at the end:

 “( ) 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.”

**Open season for hunting antlered deer**

SECTION 4. Section 50‑11‑310(A) of the 1976 Code, as last amended by Act 286 of 2008, is further amended to read:

 “(A) The open season for hunting and taking antlered deer is:

 (1) In Game Zone 1: October 1 through October 10, with primitive weapons only; October 11 through October 16, with archery equipment and firearms; October 17 through October 30, with archery equipment only; and October 31 through January 1, with archery equipment and firearms.

 (2) In Game Zone 2: September 15 through September 30, with archery equipment only; October 1 through October 10, with primitive weapons only; October 11 through January 1, with archery equipment and firearms.

 (3) In Game Zone 3: August 15 through January 1, with archery equipment and firearms.

 (4) In Game Zone 4: September 1 through September 14, with archery equipment; and September 15 through January 1, with archery equipment and firearms.

 (5) In Game Zone 5: August 15 through August 31, with archery equipment; and September 1 through January 1, with archery equipment and firearms.

 (6) In Game Zone 6: August 15 through January 1, with archery equipment and firearms.”

**Open season for hunting bear**

SECTION 5. Section 50‑11‑430 of the 1976 Code is amended to read:

 “Section 50‑11‑430. (A)(1) The open season for hunting and taking bear in Game Zone 1 for still gun hunts is October 17 through October 23; for party dog hunts is October 24 through October 30. A party dog hunt in Game Zone 1 may not exceed twenty‑five participants per party and shall register with the department by September first. Party participants, except those not required to have licenses shall submit their hunting license number in order to register.

 (2) In all other game zones, the General Assembly finds it in the best interest of the State to allow the taking of black bear under strictly controlled conditions and circumstances. The department may establish a bear management program that allows for hunting and selective removal of bear in order to provide for the sound management of the animals and to ensure the continued viability of the species. The department must set the conditions for taking, including methods of take, areas, times, and seasons, and other conditions to properly control the harvest of bear. The department may issue bear permits to allow hunting and taking of bear in any game zone where bear occur. In Game Zones 2, 3, 4, 5, and 6, a person desiring to hunt and take bear must apply to the department. The application fee is ten dollars and is nonrefundable. Successful applicants must be randomly selected for the permit, and must pay a twenty‑five dollar fee for residents and one‑hundred dollar fee for nonresidents.

 (B) In Game Zones 2, 3, 4, 5, and 6 where the department declares an open season, the department shall promulgate regulations necessary to properly control the harvest of bear.

 (C) Any bear taken must be tagged with a valid bear tag and reported to the department. The tag must be attached to the bear as prescribed by the department before being moved from the point of kill.

 (D) It is unlawful to:

 (1) hunt, take, or attempt to take a bear except during the open season;

 (2) possess an untagged bear;

 (3) take more than one bear per person during all seasons. In Game Zone 1 a registered party dog hunt may take up to five bear per season per party; a person who has taken a bear during the season may participate in a registered party hunt as long as the hunting license shows the bear tag endorsement, but the person may not take another bear;

 (4) take or attempt to take a sow bear with cubs;

 (5) possess or transport a freshly killed bear or bear part except during the open season for hunting and taking bear. This prohibition does not apply to bear lawfully taken in other jurisdictions. The department may issue a special permit for possession or transportation of a freshly killed bear or bear part outside of the season;

 (6) possess a captive bear except pursuant to a permit issued by the department. A violation of the terms of the permit may result in revocation or a civil penalty of up to five thousand dollars, or both. An appeal must be made in accordance with the Administrative Procedures Act;

 (7) pursue bear with dogs; except during the open season for hunting and taking bear with dogs;

 (8) hunt or take bear by the use or aid of bait; or attempt to hunt or take bear by use or aid of bait; hunt or take bear on or over a baited area. As used in this item:

 (a) ‘Bait’ means salt or shelled, shucked, or unshucked corn, wheat or other grain, or other foodstuffs that could constitute a lure, attraction, or enticement for bear.

 (b) ‘Baiting’ or ‘to bait’ means placing, depositing, exposing, distributing, or scattering bait.

 (c) ‘Baited area’ means an area where bait is directly or indirectly placed, exposed, deposited, distributed, or scattered, and the area remains a baited area for ten days following complete removal of all bait. Nothing in this section prohibits the hunting and taking of bear on or over lands or areas that are not otherwise baited and where:

 (i) there are standing crops on the field where grown, including crops grown for wildlife management purposes; or

 (ii) shelled, shucked, or unshucked corn, wheat or other grain, or seeds that have been distributed or scattered solely as the result of a normal agricultural practice as prescribed by the Clemson University Extension Service or its successor;

 (9) buy, sell, barter, or exchange or attempt to buy, sell, barter, or exchange a bear or bear part;

 (10) take or attempt to take a bear from a watercraft or other water conveyance or molest, take, or attempt to take a bear while the bear is swimming in a lake or river.

 (E)(1) Each of the acts provided for in subsection (D) is a violation of this section and is a separate offense.

 (2) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than two years, or both. Hunting and fishing privileges of a person convicted under the provisions of this section must be suspended for three years. In addition, each person convicted of a violation of this section shall pay restitution to the department of not less than one thousand five hundred dollars for each bear or bear part that is the subject of a violation of this section.”

**Section repealed**

SECTION 6. Section 50‑11‑380 of the 1976 Code is repealed.

**Time effective**

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 21st day of June, 2010.

Vetoed by the Governor -- 6/25/2010.

Veto overridden by House -- 6/29/2010.

Veto overridden by Senate -- 6/29/2010.

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