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COMMITTEE REPORT

May 8, 2014

**S. 1177**

Introduced by Senator Gregory

S. Printed 5/8/14--H.

Read the first time April 29, 2014.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1177) to amend Section 50‑11‑2200, as amended, Code of Laws of South Carolina, 1976, relating to the establishment, operation, and maintenance of wildlife management, etc., respectfully

**REPORT:**

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

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 50‑11‑2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF WILDLIFE MANAGEMENT AREAS, SO AS TO PROVIDE THAT CERTAIN ACTS OR CONDUCT THAT ARE PROHIBITED MAY BE ALLOWED BY REGULATION, THAT THESE ACTS OR CONDUCT ARE PROHIBITED ON STATE LAKES AND PONDS OWNED OR LEASED BY THE DEPARTMENT AND HERITAGE PRESERVES OWNED BY THE DEPARTMENT, TO MAKE TECHNICAL CHANGES, AND TO REVISE THE LIST OF ACTS OR CONDUCT THAT ARE PROHIBITED.

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

SECTION 1. Section 50‑11‑2200 of the 1976 Code, as last amended by Act 63 of 2009, is further amended to read:

“Section 50‑11‑2200. (A) Subject to available funding, the department shall acquire sufficient wildlife habitat through lease or purchase or otherwise to establish wildlife management areas for the protection, propagation, and promotion of fish and wildlife and for public hunting, fishing, and other natural resource dependent recreational use. The department may not have under lease at any one time more than one million six hundred thousand acres in the wildlife management area program. The department may not pay more than fair market value for the lease of lands in the area. The department may not lease land for the program which, during the preceding twenty‑four months, was held under a private hunting lease. However, this restriction does not apply:

(1) if the former lessee executes a voluntary consent to the proposed wildlife management area lease;

(2) if the lessor cancels the lease; or

(3) to any lands which, during the twenty‑four months before June 5, 1986, were in the game management area program.

(B) The department may promulgate regulations for the protection, preservation, operation, maintenance, and use of wildlife management areas and Heritage Trust areas and those other lands owned by the department.

(C) The following acts or conduct are prohibited and shall be unlawful on all wildlife management areas, state lakes and ponds owned or leased by the department, heritage preserves owned by the department, and all other lands owned by the department; provided, however, the department may promulgate regulations allowing any of the acts or conduct by prescribing acceptable times, locations, means, and other appropriate restrictions not inconsistent with the protection, preservation, operation, maintenance, and use of such lands and areas:

(1) hunting or taking wildlife or fish;

(2) exceeding bag or creel limits;

(3) hunting or taking wildlife or fish by unauthorized methods, weapons, or ammunition;

(4) hunting or taking wildlife or fish during closed seasons, days, or times;

(5) hunting or taking wildlife by aid of bait or feeding or baiting wildlife;

(6) hiking;

(7) rock climbing or rappelling;

(8) operation of motorized and nonmotorized vehicles;

(9) swimming;

(10) camping;

(11) horse riding;

(12) staging or participating in ‘paintball’, ‘airsoft’, or similar games;

(13) possession of pets and specialty animals;

(14) use of fire, fireworks, or explosives;

(15) polluting or contaminating any land or water;

(16) acting in a disorderly manner or creating any noise which would result in annoyance to others and no person shall operate or use ~~a public address system~~ electronic sound devices except as permitted by the department;

(17) consumption of alcoholic beverages or possession of open containers of alcoholic beverages on ~~land~~ lands and areas designated for hunting or fishing;

(18) conducting commercial activity or using the area for commercial gain, except by permit;

(19) gathering, damaging, or destroying rocks, minerals, fossils, artifacts, geological formations, or ecofacts, except by permit;

(20) gathering, damaging, or destroying plants, fallen vegetation, animals, and fungi except to the extent these activities are authorized by permit, or are incidental to other activities authorized in wildlife management areas by this title;

(21) entering a closed area or unauthorized entry;

(22) launching or landing parachutes or parasails or aircraft including models or remotely piloted aircraft and similar devices, except for law enforcement or emergencies;

(23) placing temporary or permanent structures ~~in the WMA~~ on these lands and areas, except permitted stands and blinds;

(24) obstructing or creating a hazard to land or water traffic or obstructing a watercourse;

(25) operating a motor vehicle in or across watercourses other than at designated fording sites;

(26) posting bills, signs, or other notices;

(27) indecently exposing one’s person or performing an indecent act in public;

(28) abandoning vehicles, equipment, or other ~~equipment~~ material;

(29) defacing, altering, destroying, or removing any sign, marker, guidepost, fence, gate, lock, barrier, improvement, building, bridge, culvert, structure, natural landmark, or feature;

(30) geocaching;

(31) use or possession of metal detectors, except by permit;

(32) digging or excavating, except by permit;

(33) use of herbicides or pesticides, excluding insect repellent;

(34) introducing nonnative or cultivated plants or other organisms, or releasing an animal;

(35) cutting or collecting of firewood, except by permit;

(36) discharging weapons or target shooting, except in areas designated by the department;

(37) trapping; ~~and~~

(38) shooting onto or across WMA areas closed to hunting or attempting to take wildlife on WMA areas closed to hunting;

(39) use or operation of watercraft; and

(40) depositing refuse, garbage, or other waste materials.

(D) The department or emergency service personnel may undertake these activities for enforcement, emergencies, or management purposes.

(E) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

(F) As used in this section ‘bait’, ‘baiting’, or ‘feeding’ means placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or food stuffs to constitute an attraction, lure, or enticement for wildlife to, on, or over an area. ‘Baited area’ means an area where bait or feed is directly or indirectly placed, deposited, exposed, distributed, or scattered, and the area remains a baited area for ten days following the complete removal of all bait or feed. Nothing in this section prohibits the hunting and taking of wildlife on or over lands or areas that are not otherwise baited and where:

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

(2) 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.

(G) An activity permitted by regulation may be temporarily suspended for up to one hundred eighty days if the activity is adversely affecting natural resources or human health or safety.

(H) Nothing contained in this section shall interfere with the use and management of lands by a state agency in charge of these lands in the functions of the agency as authorized by law.”

SECTION 2. Section 50‑13‑2011 of the 1976 Code is repealed.

SECTION 3. This act takes effect upon approval by the Governor.

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