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COMMITTEE REPORT

April 1, 2014

**H. 4839**

Introduced by Reps. Pitts, Goldfinch, Spires, Finlay, Gagnon, Hosey, Lowe, McCoy, Putnam, Ridgeway, Ryhal, Thayer, White, Whitmire, Willis and Vick

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Read the first time March 4, 2014.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4839) to amend Section 50‑1‑60, as amended, Sections 50‑11‑120, 50‑11‑150, and Sections 50‑11‑310, 50‑11‑335, 50‑11‑430, all as amended, 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 deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. Section 50‑11‑150 of the 1976 Code is amended to read:

“Section 50‑11‑150. (A) For purposes of this section a ‘day’ means the twenty‑four hours between one hour before sunrise one day and one hour before sunrise the following day. It is a measure of time for the purposes of setting a bag limit only. It is unlawful to exceed the small game bag limits as follows:

(1) Game Zone 1:

(a) rabbit: five per day;

(b) squirrel: ten per day;

(c) raccoon: three per party per day;

(d) quail: twelve per day;

(e) grouse: three per day.

(2) Game ~~Zone~~ Zones 2 through 4:

(a) rabbit: five per day;

(b) squirrel: ten per day;

(c) raccoon: three per party per day;

(d) quail: twelve per day.

~~(3)~~ ~~Game Zone 3:~~

~~(a)~~ ~~rabbit: five per day;~~

~~(b)~~ ~~squirrel: ten per day;~~

~~(c)~~ ~~raccoon: no limit;~~

~~(d)~~ ~~quail: twelve per day.~~

~~(4)~~ ~~Game Zone 4:~~

~~(a)~~ ~~rabbit: five per day;~~

~~(b)~~ ~~squirrel: ten per day;~~

~~(c)~~ ~~raccoon: three per party per day;~~

~~(d)~~ ~~quail: twelve per day.~~

~~(5)~~ ~~Game Zone 5:~~

~~(a)~~ ~~rabbit: five per day;~~

~~(b)~~ ~~squirrel: ten per day;~~

~~(c)~~ ~~raccoon: three per party per day;~~

~~(d)~~ ~~quail: twelve per day.~~

~~(6)~~ ~~Game Zone 6:~~

~~(a)~~ ~~rabbit: five per day;~~

~~(b)~~ ~~squirrel: ten per day;~~

~~(c)~~ ~~raccoon: no limit;~~

~~(d)~~ ~~quail: twelve per day.~~

(B) Except as provided in this section, there is no limit on small game animals.” /

Renumber sections to conform.

Amend title to conform.

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 50‑1‑60, AS AMENDED, SECTIONS 50‑11‑120, 50‑11‑150, AND SECTIONS 50‑11‑310, 50‑11‑335, 50‑11‑430, ALL AS AMENDED, RELATING TO THE DIVISION OF THE STATE INTO GAME ZONES, SMALL GAME SEASONS, SMALL GAME BAG LIMITS, THE OPEN SEASON FOR ANTLERED DEER, THE BAG LIMIT ON ANTLERED DEER, AND BEAR HUNTING, SO AS TO DECREASE THE NUMBER OF GAME ZONES, REVISE THE DATES FOR THE VARIOUS SMALL GAME SEASONS, TO REVISE THE SMALL GAME BAG LIMITS FOR THE VARIOUS GAME ZONES, REVISE THE DATES FOR THE VARIOUS ANTLERED DEER OPEN SEASON; AND TO REPEAL SECTION 50‑11‑2110, RELATING TO FIELD TRIALS IN AND PERMIT FOR GAME ZONE NINE.

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

SECTION 1. Section 50‑1‑60 of the 1976 Code, as last amended by Act 195 of 2012, is further amended to read:

“Section 50‑1‑60. For the purpose of protection and management of wildlife, the State is divided into ~~six~~ four zones:

(1) Game Zone 1 consists of all properties north of the main line of the Norfolk Southern Railroad from the Georgia state line to South Carolina Highway 183 in Westminster, then north of South Carolina Highway 183 to intersection of South Carolina Highway 183 and the Norfolk Southern Railroad main line in Greenville and then north of the main line of the Norfolk Southern Railroad to the Spartanburg County line.

(2) Game Zone 2 consists of the counties of Abbeville, Anderson, Chester, Cherokee, Edgefield, Fairfield, Greenwood, Lancaster, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union, York; and those portions of the counties of Greenville, Oconee, and Pickens south of the main line of the Norfolk Southern Railroad from the Georgia state line to South Carolina Highway 183 in Westminster, then south of South Carolina Highway 183 to the intersection of South Carolina Highway 183 and the Norfolk Southern Railroad main line in Greenville and then south of the main line of the Norfolk Southern Railroad to the Spartanburg County line.

(3) Game Zone 3 consists of the counties of Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Hampton, Jasper, Lexington, Orangeburg, and Richland.

(4) Game Zone 4 consists of the counties of Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Kershaw, Lee, Marion, ~~and~~ Marlboro, Sumter, and Williamsburg.

~~(5)~~ ~~Game Zone 5 consists of the counties of Clarendon, Darlington, Georgetown, Horry, Lee, Sumter, and Williamsburg.~~

~~(6)~~ ~~Game Zone 6 consists of the counties of Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg.~~”

SECTION 2. Section 50‑11‑120 of the 1976 Code is amended to read:

“Section 50‑11‑120. (A) Except as otherwise specified, the season for hunting and taking small game is Thanksgiving Day through March 1.

(1) Game Zone 1:

(a) rabbit: Thanksgiving Day through March 1, with weapons and dogs, day only; March 2 through the day before Thanksgiving Day, with dogs only, day and night, and no rabbits may be taken;

(b) squirrel: October 1 through March 1, with weapons and dogs; March 2 through September 30, with dogs only, and no squirrels may be taken;

(c) fox: year round but no fox may be taken March 2 through the day before Thanksgiving Day, inclusive;

(d) raccoon and opossum: ~~October~~ September 15 through March ~~1~~ 15, with weapons and dogs; March ~~2~~ 16 through ~~October~~ September 14, with dogs only, and no raccoon or opossum may be taken;

(e) quail: Monday before Thanksgiving Day through March 1, with weapons and dogs; March 2 to the Sunday before Thanksgiving, with dogs only, and no quail may be taken;

(f) grouse: Thanksgiving Day through March 1;

(g) beaver: year round.

(2) Game ~~Zone~~ Zones 2 through 4:

(a) rabbit: Thanksgiving Day through March 1, with weapons and dogs, day only; March 2 through the day before Thanksgiving Day with dogs only, day and night, and no rabbits may be taken;

(b) squirrel: October 1 through March 1, with weapons and dogs; March 2 through September 30, with dogs only, and no squirrels may be taken;

(c) fox: year round but no fox may be taken March 2 through the day before Thanksgiving Day, inclusive;

(d) raccoon and opossum: ~~October~~ September 15 through March ~~1~~ 15, with weapons and dogs; March ~~2~~ 16 through ~~October~~ September 14, with dogs only, and no raccoon or opossum may be taken;

(e) quail: Monday before Thanksgiving Day through March 1, with weapons and dogs; March 2 to the Sunday before Thanksgiving, with dogs only, and no quail may be taken;

(f) beaver: year round.

~~(3)~~ ~~Game Zone 3:~~

~~(a)~~ ~~rabbit: Thanksgiving Day through March 1, with weapons and dogs, day only; March 2 through the day before Thanksgiving Day, with dogs only, day and night, and no rabbits may be taken;~~

~~(b)~~ ~~squirrel: October 1 through March 1, with weapons and dogs; March 2 through September 30, with dogs only, and no squirrels may be taken;~~

~~(c)~~ ~~fox: year round but no fox may be taken March 2 through the day before Thanksgiving Day, inclusive;~~

~~(d)~~ ~~raccoon and opossum: September 15 through March 15, with weapons and dogs; March 16 through September 14, with dogs only, and no raccoon or opossum may be taken;~~

~~(e)~~ ~~quail: Monday before Thanksgiving Day through March 1, with weapons and dogs; March 2 to the Sunday before Thanksgiving, with dogs only, and no quail may be taken;~~

~~(f)~~ ~~beaver: year round.~~

~~(4)~~ ~~Game Zone 4:~~

~~(a)~~ ~~rabbit: Thanksgiving Day through March 1, with weapons and dogs, day only; March 2 through the day before Thanksgiving Day, with dogs only, day and night, and no rabbits may be taken;~~

~~(b)~~ ~~squirrel: October 1 through March 1, with weapons and dogs; March 2 through September 30, with dogs only, and no squirrels may be taken;~~

~~(c)~~ ~~fox: year round but no fox may be taken March 2 through the day before Thanksgiving Day, inclusive;~~

~~(d)~~ ~~raccoon and opossum: September 15 through March 15, with weapons and dogs; March 16 through September 14, with dogs only, and no raccoon or opossum may be taken;~~

~~(e)~~ ~~quail: Monday before Thanksgiving Day through March 1, with weapons and dogs; March 2 to the Sunday before Thanksgiving Day, with dogs only, and no quail may be taken;~~

~~(f)~~ ~~beaver: year round.~~

~~(5)~~ ~~Game Zone 5:~~

~~(a)~~ ~~rabbit: Thanksgiving Day through March 1, with weapons and dogs, day only; March 2 through the day before Thanksgiving Day, with dogs only, day and night, and no rabbits may be taken;~~

~~(b)~~ ~~squirrel: October 1 through March 1, with weapons and dogs; March 2 through September 30, with dogs only, and no squirrels may be taken;~~

~~(c)~~ ~~fox: year round but no fox may be taken March 2 through the day before Thanksgiving Day, inclusive;~~

~~(d)~~ ~~raccoon and opossum: September 15 through March 15, with weapons and dogs; March 16 through September 14, with dogs only, and no raccoon or opossum may be taken;~~

~~(e)~~ ~~quail: Monday before Thanksgiving Day through March 1, with weapons and dogs; March 2 to the Sunday before Thanksgiving, with dogs only, and no quail may be taken;~~

~~(f)~~ ~~beaver: year round.~~

~~(6)~~ ~~Game Zone 6:~~

~~(a)~~ ~~rabbit: Thanksgiving Day through March 1, with weapons and dogs, day only; March 2 through the day before Thanksgiving Day, with dogs only, day and night, and no rabbits may be taken;~~

~~(b)~~ ~~squirrel: October 1 through March 1, with weapons and dogs; March 2 through September 30, with dogs only, and no squirrels may be taken;~~

~~(c)~~ ~~fox: year round but no fox may be taken March 2 through the day before Thanksgiving Day, inclusive;~~

~~(d)~~ ~~raccoon and opossum: September 15 through March 15, with weapons and dogs; March 16 through September 14, with dogs only, and no raccoon or opossum may be taken;~~

~~(e)~~ ~~quail: Monday before Thanksgiving Day through March 1, with weapons and dogs; March 2 to the Sunday before Thanksgiving, with dogs only, and no quail may be taken;~~

~~(f)~~ ~~beaver: year round.~~

(B) The season dates in this section are inclusive except as otherwise provided. Unless otherwise specified during the small game seasons when weapons are allowed, dogs also may be used.

(C) In all game zones it is lawful to run rabbits with dogs at any time during the year in enclosures but no rabbits may be taken.

(D) As used in this section where night hunting is authorized, ‘night’ means the time between one hour after official sundown of a day and one hour before official sunrise the following day. Where day time hunting only is allowed ‘day’ means the time between one hour before official sunrise of a day and one hour after official sunset of the same day.”

SECTION 3. Section 50‑11‑150 of the 1976 Code is amended to read:

“Section 50‑11‑150. (A) For purposes of this section a ‘day’ means the twenty‑four hours between one hour before sunrise one day and one hour before sunrise the following day. It is a measure of time for the purposes of setting a bag limit only. It is unlawful to exceed the small game bag limits as follows:

(1) Game Zone 1:

(a) rabbit: five per day;

(b) squirrel: ten per day;

(c) raccoon: three per ~~party~~ person per day;

(d) quail: twelve per day;

(e) grouse: three per day.

(2) Game ~~Zone~~ Zones 2 through 4:

(a) rabbit: five per day;

(b) squirrel: ten per day;

(c) raccoon: three per ~~party~~ person per day;

(d) quail: twelve per day.

~~(3) Game Zone 3:~~

~~(a) rabbit: five per day;~~

~~(b) squirrel: ten per day;~~

~~(c) raccoon: no limit;~~

~~(d) quail: twelve per day.~~

~~(4) Game Zone 4:~~

~~(a) rabbit: five per day;~~

~~(b) squirrel: ten per day;~~

~~(c) raccoon: three per party per day;~~

~~(d) quail: twelve per day.~~

~~(5) Game Zone 5:~~

~~(a) rabbit: five per day;~~

~~(b) squirrel: ten per day;~~

~~(c) raccoon: three per party per day;~~

~~(d) quail: twelve per day.~~

~~(6) Game Zone 6:~~

~~(a) rabbit: five per day;~~

~~(b) squirrel: ten per day;~~

~~(c) raccoon: no limit;~~

~~(d) quail: twelve per day.~~

(B) Except as provided in this section, there is no limit on small game animals.”

SECTION 4. Section 50‑11‑310 of the 1976 Code, as last amended by Act 70 of 2013, is further amended to read:

“Section 50‑11‑310. (A) The open season for the hunting and taking of antlered deer is:

(1) In Game Zone 1: October 1 through October 10, with primitive weapons only; October 11 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~~ August 15 through ~~September 14~~ August 31, with archery equipment; and September ~~15~~ 1 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.~~

(B) In Game Zones 1 and 2, it is unlawful to pursue deer with dogs.

(C) ~~On Wildlife Management Area lands, the~~ The department may promulgate regulations in accordance with the Administrative Procedures Act to establish the seasons for the hunting and taking of deer, methods for the hunting and taking of deer, and other restrictions for the hunting and taking of deer on wildlife management areas, heritage trust lands, and properties owned or leased by the department.

(D) It is unlawful to pursue deer with dogs except during the prescribed season for hunting deer.

(E) For special primitive weapons seasons, primitive weapons include bow and arrow, crossbows, muzzle‑loading shotguns of twenty gauge or larger, and rifles of .36 caliber or larger with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro‑cellulose or nitro‑glycerin components as the propellant charge. There are no restrictions on ignition systems including flintstone, percussion cap, shotgun primer, disk, or electronic. During primitive weapons seasons, no revolving rifles are permitted.”

SECTION 5. Section 50‑11‑335(2) of the 1976 Code, as last amended by Act 286 of 2008, is further amended to read:

“(2) Game Zones 3, and 4~~, 5, and 6~~: no daily or season limit.

Each animal over the limit is a separate offense.”

SECTION 6. Section 50‑11‑430(A) and (B) of the 1976 Code, as last amended by Act 286 of 2010, is further 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, and 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, and 4~~, 5, and 6~~ where the department declares an open season, the department shall promulgate regulations necessary to properly control the harvest of bear.”

SECTION 7. Section 50‑11‑2110 of the 1976 Code is repealed.

SECTION 8. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 9. This act takes effect July 1, 2015.

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