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COMMITTEE REPORT

May 6, 2010

**S. 1130**

Introduced by Senator Grooms

S. Printed 5/6/10--H.

Read the first time March 10, 2010.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1130) to amend Section 50‑15‑65, Code of Laws of South Carolina, 1976, relating to the alligator management program and conditions under which alligators may be hunted, etc., respectfully

**REPORT:**

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

JEFF D. DUNCAN for Committee.

**A** **BILL**

TO AMEND SECTION 50‑15‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLIGATOR MANAGEMENT PROGRAM AND CONDITIONS UNDER WHICH ALLIGATORS MAY BE HUNTED OR TAKEN, SO AS TO PROHIBIT A DEPREDATION PERMIT HOLDER TO SELL, BARTER, OR TRADE THE PRIVILEGE TO TAKE AN ALLIGATOR; TO AMEND SECTION 50‑9‑20, AS AMENDED, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, PERMITS, STAMPS, AND TAGS, SO AS TO FURTHER SPECIFY THESE DURATIONAL REQUIREMENTS; TO AMEND SECTION 50‑9‑30, RELATING TO THE REQUIREMENTS FOR OBTAINING A RESIDENT HUNTING OR FISHING LICENSE, SO AS TO FURTHER SPECIFY RESIDENCY REQUIREMENTS; TO AMEND SECTION 50‑9‑920, RELATING TO THE DEPOSITING OF REVENUE GENERATED BY THE SALE OF LICENSES INTO CERTAIN FUNDS, SO AS TO CHANGE THE NAME OF THE GAME PROTECTION FUND TO THE FISH AND WILDLIFE PROTECTION FUND AND TO PROVIDE THAT REVENUE GENERATED FROM APPLICATION FEES, PERMITS, AND TAGS FOR THE PRIVILEGE OF TAKING ALLIGATORS MUST BE USED TO SUPPORT THE ALLIGATOR MANAGEMENT PROGRAM; AND BY ADDING ARTICLE 6 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE APPLICATION REQUIREMENTS AND FEES FOR THE PRIVILEGE OF TAKING ALLIGATORS.

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

SECTION 1. Section 50‑15‑65 of the 1976 Code, as added by Act 179 of 2008, is amended to read:

“Section 50‑15‑65. (A) The General Assembly finds that the American alligator (Alligator mississippiensis) was reclassified by the United States Fish and Wildlife Service from endangered or threatened to ‘threatened due to similarity of appearance throughout the remainder of its range’ pursuant to the federal Endangered Species Act (16 U.S.C. 1531) and the regulations issued to implement that act. American alligators may now be taken under federal law in compliance with 50 C.F.R. 17.42(a)(2)(ii). Therefore, in order to create more opportunity for hunting and for the controlled harvest of the alligator the General Assembly finds it in the best interest of the State to allow the taking of the alligator under strictly controlled conditions and circumstances and in compliance with federal law.

(B)(1) The department must establish an alligator management program that allows for hunting and for selective removal of alligators 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 the size, methods of take, areas, times and seasons, disposition of the parts, and other conditions to properly control the harvest of alligators and the disposition of parts. The department may allow alligators to be taken at any time of the year, on any area, including sanctuaries, as part of its alligator management program. All alligators taken under the alligator management program must be taken pursuant to permits and tags and under conditions established by the department in accordance with state and federal law. All alligators taken must be tagged. Except for those persons operating under authority of depredation permits, a person who hunts, takes, or attempts to take an alligator must have a ~~South Carolina~~ hunting license. It is unlawful for a depredation permit holder or his or her designee to sell, barter, or trade or offer to sell, barter, or trade the privilege to take an alligator under the authority of a depredation permit.

(2) The department may establish an alligator hunting season. The department may issue alligator permits and tags to allow hunting and taking of alligators in any game zone where alligators occur. A person desiring to hunt and take alligators must apply to the department. ~~The application fee is ten dollars and is nonrefundable. Successful applicants must be randomly selected and must pay a one‑hundred‑dollar fee for the permit.~~

(3) A landowner or lessee of property on which alligators occur may apply to the department for a permit to participate in the Private Lands Alligator Program. ~~The application fee for participation in this program is ten dollars and is nonrefundable.~~ On those private lands the season for hunting and taking alligators is from September first through October fifteenth. ~~The cost for each alligator tag under this program is ten dollars.~~ On those lands in the private lands program only, unsecured alligators may be taken by firearms, provided~~,~~ no alligator may be taken by use of rim fire weapons or shotguns. Unsecured alligators may be taken only by firearms from thirty minutes before sunrise until thirty minutes after sunset. A person who takes an alligator by use of firearms must make a reasonable effort to recover the carcass at the time of taking or for the next ensuing forty‑eight hours. A person using a firearm to take an alligator must have a gaff or grappling hook or other similar device to immediately locate and recover the carcass.

(4) The department may designate alligator control agents who demonstrate by training and experience that they possess the skills to remove alligators. Those persons designated serve at the discretion of the department. The department may require periodic demonstrations of skill or require periodic training. Alligator control agents function under the general guidance and supervision of the department for the capture and removal of nuisance alligators including the disposition or the alligator or its parts.

(C) It is unlawful to feed, entice, or molest an alligator except as permitted under state and federal law. ~~Any~~ A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars ~~nor~~ or more than one hundred fifty dollars or imprisoned for up to thirty days, or both. The magistrates court retains jurisdiction of this offense.

(D) A person who hunts or takes an alligator or allows ~~alligators~~ an alligator to be hunted or taken or possesses or disposes of alligator parts, except as allowed by this section and the implementing regulations, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars ~~nor~~ or more than two thousand five hundred dollars or imprisoned for up to thirty days, or both. The magistrate’s court retains jurisdiction of this offense. In addition, the court may order restitution for any animal or part of an animal taken, possessed, or transferred in violation of this section.

(E) All revenue including fines, forfeitures, and sales~~, and fees~~ derived from this section must be deposited in the Fish and Wildlife Protection Fund and used by the department to support the alligator management program.”

SECTION 2. Section 50‑9‑30 of the 1976 Code is amended to read:

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

~~(1)~~  ~~an annual or a lesser short‑term resident license, “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 for a license, permit, or stamp issued pursuant to this title. The following are considered residents pursuant to this section:~~

~~(a)~~ ~~regularly enrolled full‑time students in high schools, technical schools, colleges, or universities within South Carolina;~~

~~(b)~~ ~~members of the United States Armed Forces and their dependents stationed in South Carolina for sixty days or longer or who are domiciled in this State;~~

~~(2)~~ ~~a lifetime 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 the application for the lifetime license;~~

~~(3)~~ ~~an annual or lesser short‑term nonresident license. “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.~~

~~(B)~~ ~~Applicants for resident licenses shall furnish proof of residency to sales agents.~~

(1) a recreational license, permit, or tag with a duration of three hundred sixty‑five days or less, ‘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:

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

(b) an active member of the United States Armed Forces, and the member’s dependents, stationed in this State for sixty days or longer or who is domiciled in this State;

(4) 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) 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)(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.

(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.

(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 item(A)(6)(b).”

SECTION 3. Section 50‑9‑920 of the 1976 Code is amended to read:

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

(B) All wildlife management area revenue must be retained by the department and used exclusively for the management and the procurement of wildlife management area lands.

(C) Revenue generated from the sale of other licenses, ~~and~~ permits, stamps, and tags, except wildlife management area revenue, and revenue from the fines and forfeitures for violations of other sections of this title and for all other offenses investigated or prosecuted by the department, must be deposited with the State Treasury to the credit of the ~~Game~~ Fish and Wildlife Protection Fund. This revenue must be expended by the department for the protection, promotion, propagation, and management of wildlife and fish, the enforcement of related laws, and the dissemination of information, facts, and findings the department considers necessary.

(D) Revenue generated from 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.”

SECTION 4. Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Article 6

Permits and Tags

Section 50-9-660. Except pursuant to a person operating under a depredation permit:

(1) For the privilege of taking an alligator, in addition to the required hunting license, a person must first apply to the department’s Alligator Draw Hunt Program. The application fee is ten dollars. Successful selection provides the applicant an opportunity to obtain one alligator tag at a cost of one hundred dollars.

(2) The property permit fee for participation in the Private Lands Alligator Program is ten dollars. The cost for each tag issued under the permit is ten dollars.

(3) A nonresident sixteen years of age or older who hunts alligators under any alligator management program must pay a nonresident alligator hunting fee of two hundred dollars, four dollars of which may be retained by the issuing sales vendor.

(4) Application, permit, and tag fees are nonrefundable.”

SECTION 5. This act takes effect upon approval by the Governor.

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