COMMITTEE REPORT

April 1, 2009

**H. 3483**

Introduced by Reps. White, M.A. Pitts, Toole and Willis

S. Printed 4/1/09--H.

Read the first time February 10, 2009.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Joint Resolution (H. 3483) to propose an amendment to Article I of the Constitution of South Carolina, 1895, by adding Section 25 so as to provide that hunting, trapping, and fishing and the taking of wild animals, etc., respectfully

**REPORT:**

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

Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. It is proposed that Article I of the Constitution of this State be amended by adding:

“Section 25. The traditions of hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state’s sovereignty over its natural resources.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article I of the Constitution of this State, relating to the declaration of rights under the state’s Constitution, be amended by adding Section 25 so as to provide that hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means of managing nonthreatened wildlife, to provide that the citizens of South Carolina shall have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations prescribed by the General Assembly, and to specify that this section must not be construed to abrogate any private property rights, existing state laws or regulations, or the state’s sovereignty over its natural resources?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”/

Renumber sections to conform.

Amend title to read:

/TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE, TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PRESCRIBED BY THE GENERAL ASSEMBLY, AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE’S SOVEREIGNTY OVER ITS NATURAL RESOURCES. /

JEFF D. DUNCAN for Committee.

**A** **JOINT RESOLUTION**

TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING, TRAPPING, AND FISHING AND THE TAKING OF WILD ANIMALS, BIRDS, AND FISH ARE A VALUED PART OF OUR HERITAGE AND SHALL BE FOREVER PRESERVED FOR THE PEOPLE, TO PROVIDE THAT FISH AND WILDLIFE SHALL BE MANAGED BY LAWS AND REGULATIONS THAT PROVIDE PERSONS WITH THE CONTINUED OPPORTUNITY TO TAKE, BY TRADITIONAL MEANS AND METHODS, SPECIES TRADITIONALLY PURSUED BY HUNTERS, ANGLERS, AND TRAPPERS, TO PROVIDE FISH AND WILDLIFE MANAGEMENT, INCLUDING TAKING, SHALL BE CONSISTENT WITH THE STATE’S DUTY TO PROTECT THIS HERITAGE AND ITS DUTY TO CONSERVE WILD ANIMALS, BIRDS, AND FISH, TO PROVIDE HUNTING, FISHING, OR TRAPPING BY SPORTSMEN SHALL ALWAYS BE A PREFERRED AND AVAILABLE MEANS OF CONTROLLING ALL INVASIVE OR OVERPOPULATED SPECIES, TO PROVIDE THAT ANY PERSON WHO IS LICENSED TO HUNT, FISH, OR TRAP AND WHO IS ADVERSELY AFFECTED BY A FAILURE TO COMPLY WITH THIS SECTION SHALL HAVE A PRIVATE CAUSE OF ACTION TO ENFORCE THIS SECTION, AND TO PROVIDE THAT THE RIGHT OF THE PEOPLE TO HUNT, FISH, TRAP, AND HARVEST GAME SHALL BE SUBJECT ONLY TO SUCH REGULATIONS AND RESTRICTIONS AS THE GENERAL ASSEMBLY MAY PRESCRIBE BY GENERAL LAW.

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

SECTION 1. It is proposed that Article I of the Constitution of this State be amended by adding:

“Section 25. Hunting, trapping, and fishing and the taking of wild animals, birds, and fish are a valued part of our heritage and shall be forever preserved for the people. Fish and wildlife shall be managed by laws and regulations that provide persons with the continued opportunity to take, by traditional means and methods, species traditionally pursued by hunters, anglers, and trappers. Fish and wildlife management, including taking, shall be consistent with the state’s duty to protect this heritage and its duty to conserve wild animals, birds, and fish. Hunting, fishing, or trapping by sportsmen shall always be a preferred and available means of controlling all invasive or overpopulated species. Any person who is licensed to hunt, fish, or trap and who is adversely affected by a failure to comply with this section shall have a private cause of action to enforce this section. The right of the people to hunt, fish, trap, and harvest game shall be subject only to such regulations and restrictions as the General Assembly may prescribe by general law.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article I of the Constitution of this State, relating to the declaration of rights under the state’s Constitution, be amended by adding Section 25 so as to provide that hunting, trapping, and fishing and the taking of wild animals, birds, and fish are a valued part of our heritage and shall be forever preserved for the people, to provide that fish and wildlife shall be managed by laws and regulations that provide persons with the continued opportunity to take, by traditional means and methods, species traditionally pursued by hunters, anglers, and trappers, to provide fish and wildlife management, including taking, shall be consistent with the state’s duty to protect this heritage and its duty to conserve wild animals, birds, and fish, to provide hunting, fishing, or trapping by sportsmen shall always be a preferred and available means of controlling all invasive or overpopulated species, to provide that any person who is licensed to hunt, fish, or trap and who is adversely affected by a failure to comply with this section shall have a private cause of action to enforce this section, and to provide that the right of the people to hunt, fish, trap, and harvest game shall be subject only to such regulations and restrictions as the General Assembly may prescribe by general law?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

‑‑‑‑XX‑‑‑‑