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Indicates New Matter

COMMITTEE REPORT

June 1, 2010

**H. 3541**

Introduced by Reps. Hiott, Frye, Duncan, M.A. Pitts, Whitmire and Rice

S. Printed 6/1/10--S. [SEC 6/2/10 2:17 PM]

Read the first time May 14, 2009.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (H. 3541) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑9‑525 so as to establish the requirement and procedures for obtaining bear tags, 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 striking all after the enacting words and inserting:

/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.”

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.”

SECTION 3. Section 50‑9‑920 of the 1976 Code is amended by adding at the end:

“(D) 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.”

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.”

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 One~~ ~~is:~~

~~(1)~~ in Game Zone 1 for still gun hunts~~:~~ ~~the third Monday in October through the following Saturday inclusive~~ is October 17 through October 23; for party dog hunts~~: the fourth Monday in October through the following Saturday inclusive. In all other zones there is no open season for taking bear;~~ 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) ~~any bear taken must be reported to the department’s Clemson office within the next business day of the time of taking.~~ 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) ~~hunt, take, or attempt to take bear except as allowed by this title~~ possess an untagged bear;

(3) ~~to~~ take more than one bear per person during ~~still gun hunt season~~ all seasons. ~~or more than three per party during party dog hunt season~~ In Game Zone 1 a registered dog hunt party 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 bear of under one hundred pounds;~~

~~(5)~~ take or attempt to take a sow bear with cubs;

~~(6)~~(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;

~~(7)~~(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;

~~(8)~~(7) pursue bear with dogs; except during the open season for hunting and taking bear with dogs;

~~(9)~~(8) hunt or take bear ~~near bait or~~ 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.

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

~~(D)~~(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 ~~which~~ that is the subject of a violation of this section.

~~(E)~~ ~~Party dog hunts may not exceed twenty‑five participants and must register with the department.~~”

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

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

Renumber sections to conform.

Amend title to conform.

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50‑9‑537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50‑11‑435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DEFINE 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 CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50‑11‑430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

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

SECTION 1. 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 provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for 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 less than one thousand five hundred dollars for each bear which is taken in violation of this section.”

SECTION 2. 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.”

SECTION 3. Section 50‑11‑430 of the 1976 Code, is amended to read:

“Section 50‑11‑430. (A) The open season for hunting and taking bear ~~in Game Zone One~~ is:

(1) In Game Zone 1 for still gun hunts: ~~the third Monday in October through the following Saturday inclusive~~ October 17 through October 23; for party dog hunts: ~~the fourth Monday in October through the following Saturday inclusive. In all other zones there is no open season for taking bear;~~ October 24 through October 30;

(2) any bear taken must be reported to the department’s Clemson office within the next business day of the time of taking. In all other game zones, the department may declare an open season by regulation.

(B) In other game zones where the department declares an open season, the regulations must establish dates, methods, and other conditions for hunting and taking bear. In these game zones, it is unlawful to hunt or take bear except as permitted by the regulations in this section.

(C) It is unlawful to:

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

(2) hunt, take, or attempt to take bear except as allowed by this title;

(3) ~~to~~ take more than one bear per person during the still gun hunt season or more than three per party during the party dog hunt season;

~~(4)~~ ~~take or attempt to take a bear of under one hundred pounds;~~

~~(5)~~(4) take or attempt to take a sow bear with cubs;

~~(6)~~(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;

~~(7)~~(6) possess a captive bear except pursuant to a permit issued by the department;

~~(8)~~(7) pursue bear with dogs; except during the open season for hunting and taking bear with dogs;

~~(9)~~(8) hunt or take bear ~~near bait or~~ 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; shelled, shucked, or unshucked corn; wheat or other grain; or other foodstuffs which 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 impeded by water.

~~(C)~~(D) Each of the above acts is a violation of this section and is a separate offense. ~~(D)~~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 which is the subject of a violation of this section.

~~(E)~~(E) Party dog hunts in Game Zone 1 may not exceed twenty‑five participants per party and must register with the department by September 1. Party hunt participants, except those not required to have licenses, must submit their hunting license number in order to register.”

SECTION 4. Section 50-11-380 of the 1976 Code is repealed.

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

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