~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 17, 2022

**H. 3538**

Introduced by Rep. Bradley

S. Printed 2/17/22--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3538) to amend Section 50‑15‑500, Code of Laws of South Carolina, 1976, relating to the alligator management program, so as to establish that the Department of, 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. Section 50‑15‑500 of the 1976 Code is amended to read:

Section 50‑15‑500. (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, in 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 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.

(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. On those private lands, the season for hunting and taking alligators is from September first through May thirty‑first. 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 of the alligator or its parts.

(5) In addition to other conditions which may be required by the department, any person who takes an alligator pursuant to a depredation permit and tag issued by the department must adhere to the following conditions:

(a) Alligators only may be relocated or moved within the boundary of the parcel described on the depredation permit, or the parcel from which the alligator is removed in the case of a permit issued to a municipality, or adjoining parcels under the same ownership, unless written permission of the department authorizes otherwise. Alligators that are habituated to humans or display inappropriate behaviors that may endanger the public may not be relocated.

(b) No alligator may be held alive for more than eight hours and no live alligator may be transferred to another person without written permission from the department.

(c) Persons capturing alligators must take all reasonable precautions to protect the health and safety of members of the public and prevent direct contact between the public and captured alligators.

(d) Conditions stipulated in any alligator depredation permit and specific directions issued by the department must be followed.

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

(D) A person who takes an alligator pursuant to the provisions of this section must comply with all state laws, regulations, and permit conditions concerning disposition of alligators and alligator parts. Disposal of alligator carcasses into waters of the State, ephemeral and intermittent streams, ditches, and swales is prohibited. Disposal on any property without the landowner’s permission is prohibited. Disposal of any portion of an alligator carcass or live alligator at any public boat ramp is prohibited.

(E) Depredation permit holders must report the take of any alligators under the authority of the depredation permit as prescribed by the department. Property management associations and companies, and other entities, that obtain alligator depredation permits and tags for developed communities or complexes must report their activities annually as prescribed by the department as a requirement to obtain additional permits and tags the following year.

(F) A person who hunts or takes, or attempts to take, an alligator, or allows 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 more than two thousand five hundred dollars or imprisoned for up to ~~thirty~~ ninety days, or both. The magistrates court retains jurisdiction over 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.

(G) The official summons issued by enforcement officers may be used to cite violations of this section.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 50‑15‑500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLIGATOR MANAGEMENT PROGRAM, SO AS TO ESTABLISH THAT THE DEPARTMENT OF NATURAL RESOURCES MUST SET CONDITIONS FOR THE HUMANE TAKING AND DISPOSITION OF ALLIGATORS; TO PROHIBIT THE TAKING OF ALLIGATORS FROM A SANCTUARY UNLESS THE ALLIGATOR HAS BEEN DETERMINED TO BE A NUISANCE; TO REQUIRE THE DEPARTMENT TO ESTABLISH SPECIFIC METHODS OF HUMANE CAPTURE, REMOVAL, AND DISPOSAL OF ALLIGATOR PARTS; AND TO EXPAND THE SCOPE OF ACTIONS VIOLATING THE PROVISIONS OF THIS SECTION TO INCLUDE THE INHUMANE TAKING, REMOVING, AND DISPOSITION OF AN ALLIGATOR OR ALLIGATOR PARTS, AND TO PROVIDE THAT THE OFFICIAL CITATION ISSUED BY ENFORCEMENT OFFICERS MAY BE USED TO CITE VIOLATIONS OF THIS SECTION.

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

SECTION 1. Section 50‑15‑500 of the 1976 Code is amended to read:

“Section 50‑15‑500. (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 humanely 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 humane disposition of parts. The department may allow alligators to be taken at any time of the year, in any area, ~~including~~ excluding sanctuaries unless the alligator has been determined to be a nuisance by the department, 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 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.

(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. On those private lands, the season for hunting and taking alligators is from September first through May thirty‑first. 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. A person who takes an alligator pursuant to the provisions of this section must comply with all State laws and regulations concerning alligator disposal and disposition.

(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~~ shall require periodic demonstrations of skill ~~or~~ and 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 of the alligator or its parts. The department shall establish specific methods of humane capture, removal, disposal, and disposition of alligator parts, which must include nonlethal removal options. The department must terminate a designated alligator control agent immediately after the department learns of a violation of a state law or regulation.

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

(D)(1) A person, including those with depredation permits, who hunts or takes an alligator, ~~or~~ allows an alligator to be hunted or taken, or possesses or disposes of alligator parts, or inhumanely takes, removes, or disposes of an alligator or 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 more than two thousand five hundred dollars or imprisoned for up to ~~thirty~~ ninety days, or both. The magistrates court retains jurisdiction over 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.

(2) The official summons issued by enforcement officers may be used to cite violations of this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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