**South Carolina General Assembly**

118th Session, 2009-2010

**A183, R225, S1130**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Grooms

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Introduced in the Senate on February 2, 2010

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Governor's Action: May 28, 2010, Signed

Summary: Alligators

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/2/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C02-02-10.docx)‑6

 2/2/2010 Senate Referred to Committee on **Fish, Game and Forestry** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C02-02-10.docx)‑6

 2/24/2010 Scrivener's error corrected

 2/24/2010 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C02-24-10.docx)‑21

 2/24/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C02-24-10.docx)‑21

 3/10/2010 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-10-10.docx)‑16

 3/10/2010 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-10-10.docx)‑70

 3/10/2010 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-10-10.docx)‑70

 5/6/2010 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-06-10.docx)‑12

 5/18/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-18-10.docx)‑165

 5/18/2010 House Roll call Yeas‑85 Nays‑4 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-18-10.docx)‑165

 5/19/2010 House Read third time and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-19-10.docx)‑11

 5/25/2010 Ratified R 225

 5/28/2010 Signed By Governor

 6/3/2010 Effective date 05/28/10

 6/9/2010 Act No. 183

**VERSIONS OF THIS BILL**

[2/2/2010](file:///p%3A%5Cpprever%5C2009-10%5C1130_20100202.docx)

[2/23/2010](file:///p%3A%5Cpprever%5C2009-10%5C1130_20100223.docx)

[2/24/2010](file:///p%3A%5Cpprever%5C2009-10%5C1130_20100224.docx)

[2/24/2010-A](file:///p%3A%5Cpprever%5C2009-10%5C1130_20100224A.docx)

[5/6/2010](file:///p%3A%5Cpprever%5C2009-10%5C1130_20100506.docx)

(A183, R225, S1130)

**AN ACT 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 50‑9‑30, 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:

**Alligator management program**

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 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 October fifteenth. 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.

 (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 hundred dollars 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 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 or more than two thousand five hundred dollars or imprisoned for up to thirty days, or both. The magistrates 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 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.”

**Residency requirements for hunting and fishing licenses**

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) 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).”

**Disposition of revenue**

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, 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 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.”

**Alligator permits and tags**

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 first must 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.”

**Time effective**

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

Ratified the 25th day of May, 2010.

Approved the 28th day of May, 2010.

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