COMMITTEE REPORT

February 7, 2013

**S. 244**

Introduced by Senators McGill and Cleary

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Read the first time January 16, 2013.

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

To whom was referred a Bill (S. 244) to repeal Section 50-11-940 of the 1976 Code, relating to the designation of certain property of the Belle W. Baruch Foundation in Georgetown County as a bird, etc., respectfully

**REPORT:**

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

GEORGE E. CAMPSEN III for Committee.

**A** **BILL**

TO REPEAL SECTION 50-11-940 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF CERTAIN PROPERTY OF THE BELLE W. BARUCH FOUNDATION IN GEORGETOWN COUNTY AS A BIRD AND GAME REFUGE, AND TO REPEAL SECTION 50-11-941, REQUIRING SECTION 50-11-940 TO NOT BE CONSTRUED IN CONFLICT WITH THE LAST WILL AND TESTAMENT OF BELLE W. BARUCH.

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

SECTION 1. The General Assembly finds that:

(1) Pursuant to a request by the trustees of the Belle W. Baruch Foundation, the General Assembly passed Act 1016 of 1974 that declared the 17,000 acres of the Belle W. Baruch Foundation property in Georgetown County a bird and game sanctuary and prohibited the hunting of any birds or game on the property.

(2) Act 1016 of 1974, codified as Section 50‑11‑940 of the 1976 Code, has been amended on several occasions, most recently to allow the hunting of deer, hogs, coyotes, or raccoons by “an employee or agent” of the Belle W. Baruch Foundation.

(3) The Belle W. Baruch Foundation, which at the time of enactment of Act 1016, was a New York foundation, requested that the property be declared a bird and game sanctuary in order to discourage poaching of birds and game on the property, due to the proliferation of poaching resulting from a limited presence of staff of the Belle W. Baruch Foundation and wildlife law enforcement officials on and around the property.

(4) The Belle W. Baruch Foundation is now a South Carolina foundation that employs nine people who work on and manage its property in Georgetown County, and the property is adequately patrolled and protected by staff of the Belle W. Baruch Foundation and law enforcement.

(5) The trustees of the Belle W. Baruch Foundation have undertaken a study of the wildlife management goals for the property and have determined:

(a) the designation of the property as a bird and game refuge is no longer necessary for or helpful to the management of the property;

(b) the restrictions on hunting contained in Section 50‑11‑940 result in increased liability to the Belle W. Baruch Foundation in its efforts to manage populations of deer, hogs, coyotes, and raccoons on the property, by requiring that anyone hunting these animals be “an employee or agent” of the Belle W. Baruch Foundation;

(c) the restrictions contained in Section 50‑11‑940 prevent the Trustees of the Belle W. Baruch Foundation from utilizing hunting leases and paid hunts as both a management tool and a source of revenue for the Belle W. Baruch Foundation, resulting in the loss of hundreds of thousands of dollars of potential revenue to the Belle W. Baruch Foundation, the inability to create jobs in the area of the property for these purposes, and a missed opportunity for the property to be an integral part of the tourism base for the Georgetown and Grand Strand areas; and

(d) the Trustees of the Belle W. Baruch Foundation have by unanimous resolution requested that the designation of the property as a bird and game refuge be removed.

SECTION 2. Sections 50‑11‑940 and 50‑11‑941 of the 1976 Code are repealed.

SECTION 3. This act takes effect upon approval by the Governor.

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