



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3539	Signed by Governor on May 17, 2021
Author:	Davis	
Subject:	Transport of Live Swine	
Requestor:	House of Representatives	
RFA Analyst(s):	Gardner and Gallagher	
Impact Date:	August 31, 2021	

Fiscal Impact Summary

This bill provides that the transportation of live swine on a South Carolina public roadway or waterway requires an official form of identification approved by the State Veterinarian or other appropriate documentation that may be used in lieu of such identification. In addition, it removes the requirement that a person hold a valid Department of Natural Resources (DNR) permit for taking, transporting, and releasing a pig and removes the requirement that pig hunting enclosures be permitted by DNR. This bill will be repealed on July 1, 2024.

This bill will not have an expenditure impact on DNR. The department will be able to adapt to the changing regulations using existing officers and appropriations. However, this bill will result in a decrease in DNR's Other Funds revenue of \$160 a year beginning in FY 2020-21 due to the removal of the requirement that pig hunting enclosures be permitted by DNR at a cost of \$50 annually.

The Department of Public Safety (DPS) indicates that the bill will have no expenditure impact because this bill does not operationally or fiscally impact the agency.

This bill requires the State Veterinarian to approve an official form of identification to legally transport live swine on a public road or waterway within South Carolina. The State Veterinarian did not respond to our requests for information; therefore, the impact is undetermined.

Explanation of Fiscal Impact

Signed by Governor on May 17, 2021

State Expenditure

This bill makes it unlawful to transport live swine on a public road or waterway within South Carolina unless the swine have been assigned an official form of identification approved by the State Veterinarian or are accompanied by a document that may be presented in lieu of an official form of identification. Documents that may be substituted for the required identification include a bill of lading, invoice, receipt, bill of sale, or similar document showing the quantity of swine to be sold or transported and the name of the wholesale producer or dealer from whom the swine were purchased or received. Swine transported without the proper identification are presumed to have been taken from the wild; this constitutes the offense of unlawful transport of a wild pig.

The bill also makes it unlawful for a person to misuse or alter a permit, tag, or other form of identification or to attempt to obtain such identification by fraud or misrepresentation. A person who commits such an act, who knowingly provides identification to someone other than the owner of the swine, or who attempts to otherwise circumvent these provisions is deemed to have committed the offense of misused identification. Unlawful transportation of swine and misused identification are misdemeanor offenses. As first offenses, these are punishable by a fine or imprisonment, or both, in the maximum amount(s) as judicially authorized by a magistrate court. Second or subsequent offenses afford the magistrate court the discretion to prescribe penalties. Each violation constitutes a separate offense. Live swine that remain on the premises of the swine owner do not require official identification.

The bill also amends existing provisions related to the capture, transport, and release of a pig from a free roaming population by removing the following requirements: that a person first obtain a permit from the DNR before capturing, transporting, or releasing a pig; that pigs captured pursuant to a permit be tagged at the point of capture; and that any pig hunting enclosure be permitted by the department at a cost of \$50 annually. Further, the bill makes it unlawful to import, possess, buy, sell, offer for sale, transfer, or transport a pig taken from the wild, and it makes releasing a live pig into the wild illegal. A person who violates these provisions will be charged with a separate offense for each pig that is unlawfully captured, owned, transferred, or released. In addition, the bill repeals §50-9-655 to remove the requirement that a person obtain a pig transport and release permit from DNR for a \$50 annual fee and to remove the requirement that an owner of any pig hunting enclosure obtain a pig enclosure permit from DNR for a \$50 annual fee.

Department of Natural Resources: This bill deletes the requirement that a person holding a valid permit issued by DNR for the taking, transporting, and releasing of a pig may do so in certain circumstances. This bill further stipulates it is unlawful to import, possess, buy, sell, offer for sale, transfer or transport a live pig. Each instance of doing so constitutes a separate offense. It is prohibited to transport a captured live feral hog over county lines or release a live pig into the wild.

This bill will not have an expenditure impact on DNR. The department will be able to adapt to the changing regulations using existing officers and appropriations.

Clemson University – State Veterinarian. This bill requires the State Veterinarian to approve an official form of identification to legally transport live swine on a public road or waterway within South Carolina. The State Veterinarian did not respond to our requests for information; therefore, the impact is undetermined.

Department of Public Safety. This bill makes it unlawful to transport live swine without an official form of identification approved by the State Veterinarian or without appropriate documentation that may be used in lieu of such identification. The department indicates that the bill will have no expenditure impact, because it does not materially or fiscally impact the agency.

State Revenue

This bill deletes the requirement that pig hunting enclosures be permitted by DNR at a cost of \$50 annually. Over a period of ten years, DNR has issued 32 permits, resulting in total Other Funds revenue of \$1,600. The following table displays the annual number of permits issued and associated revenue.

Revenue from Pig Hunting Enclosure Permits, FY 2010-11 through FY 2019-20		
FY	Total Permits Issued	Total Revenue
2010-11	2	\$100
2011-12	2	\$100
2012-13	5	\$250
2013-14	5	\$250
2014-15	4	\$200
2015-16	4	\$200
2016-17	4	\$200
2017-18	4	\$200
2018-19	2	\$100
2019-20	0	\$0
Total	32	\$1,600

Note: Data provided by DNR.

Therefore, this bill will result in a decrease in DNR's Other Funds revenue by approximately \$160 a year on average beginning in FY 2020-21.

This bill is repealed on July 1, 2024. However, §2-7-20 specifies that the repeal of an act will not revive any law theretofore repealed. Therefore, the repeal of this bill will not reinstate the requirement of a pig hunting enclosure permitted by DNR.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director