

Session 114 - (2001-2002)

H 5174 General Bill, By Sharpe, Witherspoon and Ott

Summary: Saltwater game fish, documents required for taking of

A BILL TO AMEND SECTION 50-1-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATIONS OF BIRDS, ANIMALS, AND FISH, SO AS TO ADD A CLASSIFICATION FOR SALTWATER GAME FISH AND PROVIDE THAT SPOTTED SEA TROUT (WINTER TROUT), CYNOSCION NEBULOSUS, RED DRUM (CHANNEL BASS), SCIAENOPS OCELLATUS, TARPON, MEGALOPS ATLANTICUS, AND ANY SPECIES OF BILLFISH OF THE FAMILY ISTIOPHORIDAE ARE SALTWATER GAME FISH; TO AMEND CHAPTER 9, TITLE 50 RELATING TO HUNTING, FISHING, AND TRAPPING LICENSES, BY ADDING SECTION 50-9-75 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO PURCHASE, ACQUIRE, OR POSSESS A LICENSE, PERMIT, STAMP, REGISTRATION, OR TAG WHILE PRIVILEGES ALLOWED BY THE LICENSE, PERMIT, STAMP, REGISTRATION, OR TAG ARE SUSPENDED OR REVOKED, AND THAT IT IS UNLAWFUL TO PURCHASE A LICENSE, PERMIT, STAMP, REGISTRATION, OR TAG WITH A CHECK, DRAFT, OR OTHER WRITTEN INSTRUMENT ON A BANK, OR DEPOSITORY WHEN THE PERSON PRESENTING THE CHECK, DRAFT, OR OTHER WRITTEN INSTRUMENT DOES NOT HAVE AN ACCOUNT WITH, OR DOES NOT HAVE SUFFICIENT FUNDS ON DEPOSIT WITH THE BANK, OR DEPOSITORY TO PAY THE CHECK, AND TO PROVIDE FOR RESTITUTION AND PENALTIES FOR VIOLATIONS; TO AMEND SECTION 50-5-1700, RELATING TO TAKING OF SALTWATER GAME FISH AND IMPORTATION BY SEAFOOD DEALERS OF RED DRUM OR SPOTTED SEA TROUT, SO AS TO PROVIDE THAT PROOF OF ORIGIN REQUIRED OF WHOLESALE OR RETAIL SEAFOOD DEALERS OR BUSINESSES IMPORTING RED DRUM OR SPOTTED SEA TROUT MUST BE AN ORIGINAL OR COPY OF A HARVEST DOCUMENT, TRIP TICKET, INVOICE, OR BILL OF SALE INDICATING WHERE THE FISH WERE TAKEN, AND THE NAME OF THE COMMERCIAL FISHERMAN WHO TOOK THE FISH; TO AMEND SECTION 50-5-1705, RELATING TO CERTAIN CATCH LIMITS, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR HAVE IN POSSESSION MORE THAN TEN SPOTTED SEA TROUT, TWO RED DRUM, ONE TARPON, OR TWENTY FLOUNDER, THAT IT IS UNLAWFUL TO GIG FOR SPOTTED TROUT OR RED DRUM FROM DECEMBER FIRST THROUGH THE LAST DAY OF FEBRUARY, THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR HAVE IN POSSESSION SPOTTED SEA TROUT OF LESS THAN THIRTEEN INCHES, FLOUNDER OF LESS THAN TWELVE INCHES, OR RED DRUM OF LESS THAN FIFTEEN INCHES, THAT CERTAIN FINFISH SPECIES MUST BE BROUGHT TO THE DOCK OR LANDED WITH THE HEAD AND TAIL FIN INTACT, AND THAT RETURNING A FISH OF UNLAWFUL SIZE IMMEDIATELY TO THE WATER DOES NOT CONSTITUTE A VIOLATION OF THIS SECTION; TO AMEND SECTION 50-5-1710, RELATING TO CERTAIN SIZE LIMITS, SO AS TO STRIKE CERTAIN PROVISIONS RELATING TO THE TAKING, POSSESSION, AND SALE OF SPOTTED SEA TROUT, FLOUNDER, AND RED DRUM, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, POSSESS, LAND, SELL, OR PURCHASE CERTAIN SPECIES OF FISH INDIGENOUS TO THE WATERS OF THE ATLANTIC OCEAN ADJACENT TO THIS STATE, AND TO PROVIDE FOR WHEN A WHOLESALE OR RETAIL SEAFOOD DEALER OR OTHER BUSINESS MAY IMPORT UNDERSIZED FISH; TO AMEND SECTION 50-9-710, RELATING TO CERTAIN CHILDREN, PRIVATE PONDS, AND PAY-TO-FISH BUSINESSES, SO AS TO STRIKE CERTAIN PROVISIONS RELATING TO COMMERCIAL FISHING LAKE OPERATORS AND PAY-TO-FISH COMMERCIAL BUSINESS LICENSES AND PROVIDE COMMERCIAL FISHING LAKES AND PAY-TO-FISH COMMERCIAL BUSINESSES HAVING AQUACULTURE PERMITS OR REGISTRATION ARE EXEMPT FROM THE REQUIREMENT TO PURCHASE ANNUAL LICENSES; TO AMEND SECTION 50-13-280, RELATING TO LIMITS ON POSSESSION OF GAME FISH, SO AS TO PROVIDE THAT CERTAIN AQUACULTURE PRODUCED FISH DO NOT APPLY; TO AMEND SECTION 50-13-1130, RELATING TO A COMMERCIAL FRESHWATER FISHING LICENSE BEING REQUIRED WHEN TAKING CATFISH FOR SALE FROM PUBLIC WATERS, SO AS TO PROVIDE THAT A COMMERCIAL FRESHWATER FISHING LICENSE IS REQUIRED WHEN TAKING CERTAIN FRESHWATER NONGAME FISH FOR SALE FROM PUBLIC WATERS, TO PROVIDE FOR CERTAIN REQUIRED DOCUMENTATION, AND TO PROVIDE PENALTIES; TO AMEND SECTION 50-13-1610, RELATING TO THE UNLAWFUL SALE OR TRAFFIC IN CERTAIN GAME FISH, SO AS TO REVISE THE PENALTIES; TO RENAME AND AMEND ARTICLE 1, CHAPTER 18, TITLE 50 OF THE 1976 CODE, RELATING TO AQUACULTURE, SO AS TO ENACT "THE AQUACULTURE ENABLING ACT OF 2002", INCLUDING PROVISIONS; TO AMEND SECTION 50-18-10, AS AMENDED, RELATING TO DEFINITIONS USED IN THIS CHAPTER, SO AS TO PROVIDE CERTAIN DEFINITIONS RELATING TO AQUACULTURE AND REGULATION OF AQUACULTURE BUSINESS; TO AMEND SECTION 50-18-20, AS AMENDED, RELATING TO PRODUCTION AND SALE OF HYBRIDS AND CERTAIN CERTIFICATES OF PERMISSION AND PERMITS, SO AS TO REWRITE THE SECTION AND PROVIDE THAT, WITH THE EXCEPTION OF SALTWATER MOLLUSCAN SHELLFISH, THE DEPARTMENT OF NATURAL RESOURCES HAS JURISDICTION TO REGULATE AND CONTROL AQUACULTURE IN THIS STATE AND IS AUTHORIZED TO CONDUCT RESEARCH, SURVEYS, AND INVESTIGATIONS TO PROVIDE FOR THE DEVELOPMENT OF AQUACULTURE

AND AQUATIC STOCK ENHANCEMENT IN THIS STATE; TO AMEND SECTION 50-18-30, AS AMENDED, RELATING TO DOCUMENTATION REQUIRED FOR THE TRANSFER OF HYBRIDS, SO AS TO REWRITE THE SECTION AND PROVIDE THAT CERTAIN OUT-OF-STATE AQUACULTURISTS, COMMON CARRIERS WHO DELIVER PRODUCTS IN THIS STATE, AND OTHER PERSONS BUYING, RECEIVING, OR SELLING OUT-OF-STATE AQUACULTURE PRODUCTS IN THIS STATE MUST COMPLY WITH THE REGISTRATION, PERMITTING, LICENSING, AND DOCUMENTATION REQUIREMENTS OF THIS CHAPTER; TO AMEND SECTION 50-18-40, AS AMENDED, RELATING TO DESTRUCTION OF NONCERTIFIED STRIPED BASS, SO AS TO REWRITE THE SECTION AND PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN AQUACULTURE FOR A COMMERCIAL PURPOSE EXCEPT AS PROVIDED IN TITLE 50 OF THE 1976 CODE; TO AMEND SECTION 50-18-50, AS AMENDED, RELATING TO ACQUISITION AND PRODUCTION OF BROOD STOCK, SO AS TO REWRITE THE SECTION AND PROVIDE FOR CERTAIN AQUACULTURE PERMITS AND REGISTRATION REQUIRED BEFORE ENGAGING IN CERTAIN AQUACULTURE ACTIVITIES, AND TO PROVIDE FOR EXCEPTIONS TO THE PERMIT AND REGISTRATION REQUIREMENTS; TO AMEND SECTION 50-18-60, AS AMENDED, RELATING TO INVOICES REQUIRED FOR THE SALE OF FINGERLINGS, SO AS TO REWRITE THE SECTION AND PROVIDE FOR AQUACULTURE PERMIT FEES AND FOR THE USE OF REVENUE; TO PROVIDE FOR CERTAIN PREREQUISITES FOR ENGAGING IN NONINDIGENOUS SPECIES AQUACULTURE; TO AMEND SECTION 50-18-70, AS AMENDED, RELATING TO CERTAIN INVOICES OR NOTICES REQUIRED FOR SHIPMENTS OF HYBRIDS, LIVE FISH, OR EGGS, SO AS TO REWRITE THE SECTION AND PRESCRIBE CERTAIN PREREQUISITES FOR NONINDIGENOUS SPECIES AQUACULTURE; TO AMEND SECTION 50-18-80, AS AMENDED, RELATING TO DECALS REQUIRED FOR CERTAIN VEHICLES, BOATS, AND TRANSPORTATION DEVICES, SO AS TO REWRITE THE SECTION AND PROVIDE FOR CERTAIN POWERS AND DUTIES RELATING TO AQUACULTURE INSPECTIONS BY THE DEPARTMENT; TO AMEND SECTION 50-18-90, AS AMENDED, RELATING TO INVOICES REQUIRED FOR TRANSFERS OF CERTAIN AQUACULTURE SPECIES, FEED AND SUPPLIES, AND NOTIFICATION OF DIE-OFFS, SO AS TO REWRITE THE SECTION AND PROVIDE FOR WHOLESALE AQUACULTURE LICENSES; TO AMEND SECTION 50-18-100, AS AMENDED, RELATING TO CERTAIN LABELING REQUIREMENTS, SO AS TO REWRITE THE SECTION AND PROVIDE FOR AQUACULTURED GAME FISH RETAIL LICENSES; TO AMEND SECTION 50-18-110, AS AMENDED, RELATING TO MISUSE OF CERTAIN INSTRUMENTS REQUIRED BY CHAPTER 18, TITLE 50 OF THE 1976 CODE, SO AS TO REWRITE THE SECTION AND PROVIDE FOR CERTAIN DOCUMENTATION AND REPORTS REQUIRED FOR AQUACULTURE PRODUCT TRANSFERS; TO AMEND SECTION 50-18-120, AS AMENDED, RELATING TO INVOICES REQUIRED FOR TRANSFER OF HYBRIDS AND INSPECTION OF CERTAIN FACILITIES, SO AS TO REWRITE THE SECTION AND PROVIDE THAT IT IS UNLAWFUL TO RELEASE AQUACULTURED SPECIES IN THE WATERS OF THIS STATE WITHOUT A PERMIT ISSUED BY THE DEPARTMENT AND TO PROVIDE FOR THE AUTHORITY OF THE DEPARTMENT TO ISSUE A PERMIT FOR THE RELEASE OF AQUACULTURED SPECIES; TO AMEND SECTION 50-18-130, AS AMENDED, RELATING TO AQUACULTURE SPECIES BEING DESIGNATED AS "FARM RAISED", SO AS TO REWRITE THE SECTION AND PROVIDE FOR THE ACQUISITION OF AQUACULTURE BROOD STOCK FROM STATE WATERS; TO AMEND SECTION 50-18-140, AS AMENDED, RELATING TO CERTAIN INVOICES AND LABELS REQUIRED FOR THE SALE OF HYBRIDS FOR AQUACULTURE, SO AS TO REWRITE THE SECTION AND PROHIBIT THE MISUSE OF AN INSTRUMENT REQUIRED BY THIS CHAPTER TO DEFRAUD A PERSON OR THE DEPARTMENT; TO AMEND SECTION 50-18-150, AS AMENDED, RELATING TO PERMITS, NOTICES, INVOICES, AND INSPECTIONS WHEN SHIPPING HYBRIDS INTO THE STATE, SO AS TO REWRITE THE SECTION AND PROVIDE THAT IT IS UNLAWFUL TO TAMPER WITH, DAMAGE, VANDALIZE, POISON, OR STEAL THE PRODUCTS OR FACILITIES UTILIZED IN AQUACULTURE OR AQUACULTURE BUSINESSES OF A PERSON PERMITTED, REGISTERED, OR LICENSED UNDER THIS CHAPTER; TO AMEND SECTION 50-18-160, AS AMENDED, RELATING TO INVOICES, BILLS OF LADING, INSPECTIONS, AND LABELS REQUIRED WHEN TRANSPORTING HYBRIDS, SO AS TO REWRITE THE SECTION AND PROVIDE FOR MAGISTRATE'S COURT JURISDICTION AND PENALTIES FOR VIOLATIONS OF THIS CHAPTER; TO AMEND SECTION 50-18-170, AS AMENDED, RELATING TO THE PROHIBITION OF LABELS UNATTACHED TO PRODUCT, SO AS TO REWRITE THE SECTION AND PROVIDE THAT THE DEPARTMENT MAY BRING A CIVIL ACTION TO PREVENT DAMAGE TO OR TO RESTORE NATURAL RESOURCES FOR ANY LOSS CAUSED BY A PERSON REQUIRED TO BE LICENSED, REGISTERED, OR PERMITTED PURSUANT TO THIS CHAPTER; AND TO REPEAL ARTICLE 21 OF CHAPTER 5, TITLE 50, AND SECTIONS 50-13-120, 50-13-350, 50-13-510, 50-13-1620, 50-13-1640, 50-13-1650, 50-13-1670, 50-13-1680, 50-13-1690, 50-13-1700, 50-13-1710, 50-13-1720, 50-13-1730, 50-13-1740, 50-13-1750, AND 50-13-1760 OF THE 1976 CODE.

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