**South Carolina General Assembly**

119th Session, 2011-2012

**A113, R120, H3864**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G.M. Smith, Pinson, Ballentine, D.C. Moss, Mitchell, J.H. Neal, R.L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J.E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Huggins, Ott and Weeks

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Introduced in the House on March 8, 2011

Introduced in the Senate on May 3, 2011

Last Amended on June 1, 2011

Passed by the General Assembly on January 24, 2012

Governor's Action: February 1, 2012, Signed

Summary: Protection of Freshwater Game Fish

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/8/2011 House Introduced and read first time ([House Journal‑page 54](file:///h%3A%5Chj%20archive%5C2011%5C03-08-11.docx))

 3/8/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 54](file:///h%3A%5Chj%20archive%5C2011%5C03-08-11.docx))

 3/10/2011 House Member(s) request name added as sponsor: Quinn

 3/15/2011 House Member(s) request name added as sponsor: Barfield, Hearn

 3/30/2011 House Member(s) request name added as sponsor: Tallon

 4/6/2011 House Member(s) request name added as sponsor: Herbkersman, Hiott, Hodges, G.M.Smith, Pinson, Ballentine, D.C.Moss, Mitchell, J.H.Neal, R.L.Brown, Whipper

 4/7/2011 House Member(s) request name added as sponsor: Toole, Forrester

 4/12/2011 House Member(s) request name added as sponsor: Butler Garrick, Hayes

 4/13/2011 House Member(s) request name added as sponsor: Chumley, J.E.Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J.R.Smith, Knight, Long, Huggins, Ott

 4/13/2011 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 8](file:///h%3A%5Chj%20archive%5C2011%5C04-13-11.docx))

 4/14/2011 House Member(s) request name added as sponsor: Weeks

 4/19/2011 Scrivener's error corrected

 4/26/2011 House Requests for debate‑Rep(s). Cobb‑Hunter, Ott, JH Neal, Saab, Mack, Loftis, Jefferson, Forrester, McEachern, Hosey, and Gilliard ([House Journal‑page 77](file:///h%3A%5Chj%20archive%5C2011%5C04-26-11.docx))

 4/27/2011 House Requests for debate removed‑Rep(s). Forrester, Ott, Hosey, McEachern, Cobb‑Hunter, JH Neal, and Sabb ([House Journal‑page 19](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Amended ([House Journal‑page 62](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Read second time ([House Journal‑page 62](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Roll call Yeas‑110 Nays‑0 ([House Journal‑page 62](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 House Read third time and sent to Senate ([House Journal‑page 14](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 5/3/2011 Senate Introduced and read first time ([Senate Journal‑page 25](file:///h%3A%5Csj%20archive%5C2011%5C05-03-11.docx))

 5/3/2011 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 25](file:///h%3A%5Csj%20archive%5C2011%5C05-03-11.docx))

 5/19/2011 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2011%5C05-19-11.docx))

 6/1/2011 Senate Committee Amendment Adopted ([Senate Journal‑page 62](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 6/1/2011 Senate Read second time ([Senate Journal‑page 62](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 6/1/2011 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 62](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 1/12/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C01-12-12.docx))

 1/18/2012 House Debate adjourned until Thur., 01‑19‑12 ([House Journal‑page 21](file:///h%3A%5Chj%20archive%5C2012%5C01-18-12.docx))

 1/19/2012 House Debate adjourned until Tues., 01‑24‑12 ([House Journal‑page 14](file:///h%3A%5Chj%20archive%5C2012%5C01-19-12.docx))

 1/24/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 27](file:///h%3A%5Chj%20archive%5C2012%5C01-24-12.docx))

 1/24/2012 House Roll call Yeas‑93 Nays‑3 ([House Journal‑page 28](file:///h%3A%5Chj%20archive%5C2012%5C01-24-12.docx))

 1/26/2012 Ratified R 120

 2/1/2012 Signed By Governor

 2/8/2012 Effective date 07/01/12

 2/10/2012 Act No. 113

**VERSIONS OF THIS BILL**

[3/8/2011](file:///p%3A%5Cpprever%5C2011-12%5C3864_20110308.docx)

[4/13/2011](file:///p%3A%5Cpprever%5C2011-12%5C3864_20110413.docx)

[4/19/2011](file:///p%3A%5Cpprever%5C2011-12%5C3864_20110419.docx)

[4/27/2011](file:///p%3A%5Cpprever%5C2011-12%5C3864_20110427.docx)

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[6/1/2011](file:///p%3A%5Cpprever%5C2011-12%5C3864_20110601.docx)

(A113, R120, H3864)

**AN ACT TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; BY ADDING SECTION 50‑13‑1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50‑13‑610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50‑13‑620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50‑13‑680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50‑13‑690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50‑13‑730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50‑13‑2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.**

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

**Freshwater fishing, general restrictions**

SECTION 1. Article 1, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 1

General Restrictions on Freshwater Fishing

 Section 50‑13‑10. The following definitions apply in this chapter as applicable:

 (A) Equipment definitions:

 (1) ‘Archery equipment’ means a bow and arrow, long bow, recurve bow, compound bow, or crossbow.

 (2) ‘Artificial lure’ means manufactured or handmade flies, spinners, plugs, spoons, and reproductions of live animals, which are made completely of natural or colored wood, cork, feathers, hair, rubber, metal, plastic, tinsel, styrofoam, sponge, or string, or any combination of these materials, in imitation of or as substitute for natural bait. Lures or fish eggs enhanced with scents or salts are not artificial lures. Artificially produced organic baits are not artificial lures.

 (3) ‘Cast net’ means a nonbaited circular webbing having a weighted peripheral line that is thrown by hand and retrieved by a central line connected to radiating tuck lines attached to the peripheral line.

 (4) ‘Crayfish trap’ means a device constructed of coated wire with the opening of the throat or flues not exceeding two and one‑quarter inches with a minimum mesh size of one‑quarter inch bar mesh.

 (5) ‘Creel’ means anything used to hold or keep fish while afloat or afield.

 (6) ‘Device’ means an appliance or equipment or combination designed or used for taking or attempting to take fish.

 (7) ‘Eel pot’ means an enclosed structure used to take eels only and which conforms to the following specifications:

 (a) no larger than twenty‑four inches by forty‑eight inches; and

 (b) must be constructed of wire so that:

 (i) the mesh size is no smaller than one‑half by one‑half inch, except for the throat or muzzle and the end opposite the throat or muzzle of cylindrical pots; and

 (ii) a throat opening not to exceed two inches measured in any direction.

 (8) ‘Elver fyke net’ means a net with wings not exceeding ten feet in length and fourteen feet in depth; the distance from throat to cod end does not exceed twenty feet. The maximum bar mesh for any part of the net does not exceed one‑eighth inch square.

 (9) ‘Game fishing device’ means a hook and line, pole or artificial pole, or rod and reel.

 (10) ‘Gig’ means a device consisting of a staff with a sharp point or points designed for thrusting and used to take fish by hand; to take fish by hand by use of a spear, prong, or similar device.

 (11) ‘Gill net’ means a net designed to hang vertically and capture fish by entanglement usually of the head, gill covers, or preopercles.

 (12) ‘Hoop net’ means a device in which fish are taken in an enclosed structure which conforms to the following specifications: the maximum size of hoop nets must be sixteen feet in length by five and one‑half feet in diameter. Hoop nets must be made of a textile netting (no wire) of a mesh size not less than one inch square nor greater than two inches square enclosing a series of round hoops with two or more muzzle openings which must be made of a netting material. One side of the hoop must be flat to hold the nets in place.

 (13) ‘Jug fishing’ means fishing by use of a single hook and line attached to a floating device other than a flotation marker for trotlines, traps, or other devices.

 (14) ‘Minnow seine’ means a seine of a size not greater than four feet in depth by twenty feet in length with a mesh size of not more than one‑fourth inch square mesh.

 (15) ‘Minnow trap’ means a cylindrical device not longer than twenty‑four inches and no more than thirty inches in circumference or a rectangular device not larger than twenty‑four inches long, eight inches high, and nine inches wide. The mesh must be no smaller than one‑quarter inch bar mesh. The throat opening of the funnel of the trap may not exceed one inch in diameter.

 (16) ‘Net’ means an open work fabric or fiber woven or knotted at regular intervals; to catch or ensnare.

 (17) ‘Pump net’ means a manually operated dip‑type net with webbing hung from rigid cross members that form an ‘X’ which are attached to a pole. The pole utilizes a fulcrum to raise and lower the net. The ‘X’ cross members may not exceed twenty feet. The net must be no smaller than one inch stretched mesh.

 (18) ‘Seine’ means a net having a stretch mesh of not less than one inch and not more than one and one‑half inches which do not exceed seventy‑five feet in length or six feet in depth.

 (19) ‘Set hook’ means a single hook and line set in or along any of the waters of this State used to catch fish while attached to bushes, limbs, vines, undergrowth, or other parts of vegetation, set poles, pegs, sticks, or similar structures. ‘Set hooks’ include all similar hook and line devices by whatever name called.

 (20) ‘Skimbow net’ means a hand operated dip net constructed of wood with wire or textile netting with a mesh size not greater than one and one‑half inches square hung within a frame formed by a length of wood looped and attached to itself to form a bow. The bow may not exceed fourteen feet in any direction

 (21) ‘Single‑hook artificial lure’ means an artificial lure with a single point. A multiple number of single‑hook lures (such as dropper flies) fished in a series is considered a single‑hook artificial lure.

 (22) ‘Spear’ means a device for thrusting or throwing consisting of a long staff with a sharpened point or to which a sharp head is fixed.

 (23) ‘Trap’ means a device in which fish are taken in an enclosed structure which conforms to the following specifications and includes fish traps, baskets, and like devices:

 (a) a trap must be made of:

 (i) wire or textile material and be cylindrical in shape not more than six feet in length and not more than three feet in diameter or width;

 (ii) the mesh size must not be smaller than one inch by one inch and there must be only one application of exterior wire to the trap; and

 (iii) the muzzle must have one of the following designs:

 (1) a trap door on the second muzzle or catch muzzle which remains in a closed position and which only opens for the entry of fish into the trap; the trap door must be constructed of the same material as the trap; or

 (2) construction of a netting so that the opening of the small end of the second muzzle or catch muzzle is held in the shape of a slit and the trap configuration constructed such that as the trap rests on the bottom the slit must be oriented horizontally with the greatest vertical opening being no greater than one inch; or

 (b) a trap must be made of:

 (i) wood strips or slats and be cylindrical or rectangular in shape. The length may not exceed six feet and the width or diameter may not exceed two feet;

 (ii) the throat opening of the catch muzzle in a resting position may not exceed three inches measured in any direction; and

 (iii) the sides, top, and rear of the trap must have a minimum of one inch openings between the slats;

 (c) eel pots, minnow traps, and crayfish traps are not included in this definition.

 (24) ‘Trotline’ means a device consisting of a horizontal common line with two or more hooks suspended from it.

 (25) ‘Yoyo’ means a device to which ‘set hooks’ are attached which is activated by spring‑like devices.

 (B) Miscellaneous definitions:

 (1) ‘Bait fish’ means a fish allowed to be used as bait in the freshwaters including: Asian clams (Corbicula spp.), crayfish, eels, herring, shad, and fathead minnows (Pimephales promelas), golden shiners (Notemigonus crysoleucas), and goldfish, including ‘black salties’ (Carassius auratus).

 (2) ‘Commercial purpose’ means:

 (a) being engaged in selling fish; or

 (b) taking or attempting to take fish in order to derive income or other consideration; or

 (c) fishing more devices than allowed for recreation.

 (3) ‘Day’ means the twenty‑four hour period from one‑half hour before official sunrise of one day to one‑half hour before official sunrise the following day.

 (4) ‘Freshwaters’ or ‘freshwaters of this State’ means all waters of this State from the saltwater/freshwater dividing line inland to the jurisdictional limits of this State and those naturally occurring freshwaters seaward of the saltwater/freshwater line, but does not include private lakes or ponds which are entirely segregated from other freshwaters.

 (5) ‘Fish’ means finfish and shellfish, including mollusks and crustaceans.

 (6) ‘Fishing’ means all activity and effort involved in taking or attempting to take fish.

 (7) ‘Hand grabbing’ (noodling) means taking nongame fish by hand without the aid of hook, snare, or artificial breathing device. A stick, pole, rod, or PVC pipe must be used to dislodge the fish.

 (8) ‘Land’ means take and retain possession while afloat or take and bring ashore.

 (9) ‘Limit’ means the number or size of fish one person lawfully may possess in any one day while afloat or afield.

 (10) ‘Night’ means one‑half hour after official sunset of one day to one‑half hour before official sunrise the following day.

 (11) ‘Possess’ or ‘possession’ means to take and retain.

 (12) ‘Striker’ means a person other than a licensed freshwater commercial fisherman, who under immediate supervision assists a licensed commercial freshwater fisherman, but does not use separate nongame fishing devices from the vessel engaged in commercial fishing. A striker is not required to have a commercial freshwater fishing license.

 (13) ‘Snagging’ means pulling a device equipped with one or more hooks through the water in an attempt to impale fish. ‘Snagging’ does not include using lures or baited hooks designed to catch fish in or about the mouth.

 (14) ‘Take’ means to catch, capture, gather, wound, kill, harvest, or remove, but does not include a catch and immediate release.

 (15) ‘Total length’ means the length of a fish laid flat and measured from the closed mouth (snout) to the tip of the tail fin when pinched together. It is a straight line measure, not over the curvature of the body.

 (16) ‘Unattended’ means the device operator is not in the immediate vicinity.

 (C) Species definitions:

 (1) ‘Black bass’ means largemouth (Micropterus salmoides), smallmouth (Micropterus dolomieu), redeye (Micropterus coosae), and spotted bass (Micropterus punctulatus).

 (2) ‘Hybrid bass’ means those fish produced by crossing striped bass (Morone saxatilis) with white bass (Morone chrysops).

 (3) ‘Striped bass’ or ‘rockfish’ means the species Morone saxatilis.

 (4) ‘Trout’ means rainbow, brook, brown, or other species of cold‑water trout of the family Salmonidae.

 Section 50‑13‑20. This chapter governs the freshwaters of this State.

 Section 50‑13‑30. Unless otherwise provided, a person convicted of a violation of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than five hundred dollars or imprisoned for up to thirty days, or both. The magistrates court retains jurisdiction of offenses in this chapter.

 Section 50‑13‑40. Fishing in the freshwaters constitutes consent to inspection of creels at any time by a law enforcement officer.

 Section 50‑13‑50. (A) The possession or use on the freshwaters of this State of any device or gear designed or used to take fish not authorized by this chapter is unlawful.

 (B) Taking species not authorized by this chapter is unlawful.

 (C) Taking by any method not authorized by this chapter is unlawful.

 (D) It is unlawful to leave a game fishing device unattended. A game fishing device left unattended is contraband.

 (E) It is unlawful to use, place, set, or fish a device so as to constitute a hazard to boating or public safety.

 (F) It is unlawful to anchor a seine and leave it unattended.

 Section 50‑13‑60. (A) It is unlawful for a person to possess more than the legal limit of fish in any one day on the freshwaters of this State.

 (B) It is unlawful to possess any fish not of legal size.

 (C) It is unlawful to possess any game fish without head and tail fin intact and, where a length limit is imposed on any species, it is unlawful to possess that species without head and tail fin intact.

 (D) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for up to thirty days, or both. Each fish illegally possessed is a separate offense.

 Section 50‑13‑70. Except as otherwise provided, there is no closed season for taking fish, however, when because of natural or other conditions fish are vulnerable to predation or are in distress and in the professional judgment of the department need temporary protection or in order to protect the public safety, the department may declare a closed season for taking any species until the condition has abated but the closed season may not be longer than ninety days. The department shall give notice of the closure by the most expeditious means. It is unlawful to take or possess the affected species during the closed season.

 Section 50‑13‑80. (A) It is unlawful to take fish by snagging within one thousand feet downstream of a hydroelectric facility. Nothing in this section prohibits the use of lures or baited hooks.

 (B) It is unlawful to take trout by snagging.”

**Freshwater game fish**

SECTION 2. Chapter 13, Title 50 of the 1976 Code is amended to by adding:

“Article 2

Protection of Freshwater Game Fish

 Section 50‑13‑200. It is unlawful to take freshwater game fish except by game fish devices. A fisherman may use only four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat older than sixteen years have valid fishing licenses.

 Section 50‑13‑210. (A) Except as otherwise provided, the daily possession limit for game fish is an aggregate of forty of which:

 (1) not more than five may be largemouth, redeye (coosae), or smallmouth bass or their hybrids or any combination;

 (2) not more than fifteen may be spotted bass;

 (3) not more than ten may be hybrid bass or striped bass or a combination;

 (4) not more than ten may be white bass;

 (5) not more than eight may be walleye or sauger or a combination;

 (6) not more than five may be trout, except on Lake Jocassee not more than three trout may be taken;

 (7) not more than twenty may be crappie;

 (8) not more than fifteen may be redbreast; and

 (9) not more than thirty may be other freshwater game fish species not listed in this section.

 (B) On Lakes Hartwell, Keowee, Russell, (including the Lake Hartwell tail water), Thurmond, Tugaloo, Yonah, the Chattooga and Savannah Rivers and Stevens Creek Reservoir the daily possession limit for black bass is an aggregate of ten.

 Section 50‑13‑220. It is unlawful to possess crappie less than eight inches in total length.

 Section 50‑13‑230. (A) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo River in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Santee River system except the lower reach of the Saluda River; Tulifinny River; Thoroughfare Creek; and Waccamaw River from June first to September thirtieth, it is unlawful to take, attempt to take, or to possess striped bass. Striped bass taken must be returned immediately to the waters from where it came.

 (B) On the lower reach of the Saluda River from June first to September thirtieth, it is unlawful to take or possess striped bass. Striped bass taken must be returned immediately to the waters from where it came.

 (C) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo River in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Santee River system; Tulifinny River; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess more than three striped bass a day.

 (D) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo River in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Santee River system; Tulifinny River; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess a striped bass less than twenty‑six inches in total length.

 (E) On Lake Murray and the middle reach of the Saluda River it is unlawful to possess more than five striped bass a day. From June first through September thirtieth, it is unlawful to take, attempt to take, or possess more than five striped bass a day. (F) On Lake Murray and the middle reach of the Saluda River from October first through May thirty‑first, it is unlawful to possess a striped bass less than twenty‑one inches in total length. From June first to September thirtieth there is no minimum length.

 (G) On Lakes Hartwell and Thurmond it is unlawful to possess more than ten striped bass or hybrid bass or a combination of those a day and only three may be over twenty‑six inches in total length.

 (H) On Lake Richard B. Russell and the Lake Hartwell tail water it is unlawful to possess more than two striped bass or hybrid bass or a combination of those a day, and only one may be over thirty‑four inches total length.

 (I) On the lower reach of the Savannah River it is unlawful to possess more than two striped bass, hybrid bass, white bass, or a combination of these. Any of these fish taken from the lower reach of the Savannah River must be at least twenty‑seven inches in total length.

 (J) It is unlawful to land striped bass unless the head and tail fin are intact.

 (K) The department shall establish the daily possession and size limits for striped bass on all other waters of this State, provided, limits must not be set by emergency regulation.

 (L) The department shall make a study of the striped bass fishery on the Santee and Cooper River systems and make recommendations on any needed modifications of this section before January, 2015.

 Section 50‑13‑240. (A) It is unlawful to possess largemouth bass on Lakes Blalock, Greenwood, Jocassee, Marion, Monticello, Moultrie, Murray, Secession, Wateree, Wylie, and the middle reach of the Saluda River and the upper reach of the Santee River less than fourteen inches in total length.

 (B) It is unlawful to possess largemouth bass on Lakes Hartwell, Keowee, Russell (including the Lake Hartwell tail water), Robinson (Greenville County), Thurmond, Tugaloo, Yonah, Stevens Creek Reservoir, the Chattooga, and Savannah Rivers less than twelve inches in total length.

 Section 50‑13‑250. It is unlawful to possess smallmouth bass less than twelve inches in total length.

 Section 50‑13‑260. (A) In order to establish a ‘catch and release’ fishery for trout it is unlawful to possess, take, and retain trout from November first of each year through May fourteenth of the following year inclusive on the following waters:

 (1) that portion of the Chattooga River beginning at S.C. State Highway 28 upstream to its confluence with Reed Creek (Rabun County, GA);

 (2) that portion of Cheohee Creek that runs through the Piedmont Forestry Center;

 (3) Devils Fork Creek; Howard Creek from its confluence with Corbin Creek upstream to its confluence with Limberpole Creek; and Corbin Creek upstream from its confluence with Howard Creek to S.C. State Highway S‑37‑130 (Whitewater Road) in Oconee County;

 (4) Chauga River from S.C. State Highway S‑37‑290 (Cassidy Bridge Road) upstream to its confluence with Bone Camp Creek in Oconee County; and

 (5) Eastatoe River from the backwaters of Lake Keowee upstream to S.C. State Highway S‑39‑143 (Roy Jones Road) in Pickens County.

 (B) Trout taken must be released immediately.

 Section 50‑13‑270. (A) From November first through May fourteenth inclusive, it is unlawful to use or possess any lure or bait except single hook artificial lures in the following waters;

 (1) that portion of the Chattooga River beginning at S.C. State Highway 28 upstream to its confluence with Reed Creek (Rabun County, GA );

 (2) that portion of Cheohee Creek that runs through the Piedmont Forestry Center;

 (3) Devils Fork Creek; Howard Creek from its confluence with Corbin Creek upstream to its confluence with Limberpole Creek; and Corbin Creek upstream from its confluence with Howard Creek to S.C. State Highway S‑37‑130 (Whitewater Road) in Oconee County;

 (4) Chauga River from S.C. State Highway S‑37‑290 (Cassidy Bridge Road) upstream to its confluence with Bone Camp Creek in Oconee County; and

 (5) Eastatoe River from the backwaters of Lake Keowee upstream to S.C. State Highway S‑39‑143 (Roy Jones Road) in Pickens County.

 (B) It is unlawful to use or possess any lure or bait except artificial lures in the following waters:

 (1) Whitewater River;

 (2) Matthews Creek from Asbury Drive Bridge at Asbury Methodist Camp upstream including all tributaries and headwaters;

 (3) Middle Saluda River from the foot bridge at Jones Gap Natural Area Office upstream to U.S. Highway 176 in Greenville County; and

 (4) Eastatoe River on Eastatoe Heritage Preserve in Pickens County.

 (C) It is unlawful to use or possess corn, cheese, fish eggs, or imitations of them on Lake Jocassee.

 Section 50‑13‑271. On Lake Jocassee it is unlawful to possess more than three trout. It is unlawful to possess trout less than fifteen inches in total length or possess more than one trout greater than twenty inches in total length. Provided, from June first through September thirtieth, there is no length limit but it is unlawful to take, attempt to take, or possess more than three trout.

 Section 50‑13‑272. The department may promulgate regulations for the protection and management of the trout fishery.”

**Fish culture and scientific investigations**

SECTION 3. Article 13, Chapter 13, Title 50 of the 1976 Code is amended by adding:

 “Section 50‑13‑1995. The department may permit the federal government to conduct fish culture and scientific investigations in the waters of this State in connection with hatchery operations or management of those species under federal jurisdiction.”

**Repeal**

SECTION 4. Sections 50‑13‑610, 50‑13‑620, 50‑13‑680, 50‑13‑690, 50‑13‑730, and 50‑13‑2010 of the 1976 Code are repealed.

**Time effective**

SECTION 5. Upon approval by the Governor, this act takes effect July 1, 2012.

Ratified the 26th day of January, 2012.

Approved the 1st day of February, 2012.

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