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COMMITTEE REPORT

March 26, 2009

**S. 445**

Introduced by Senators Cleary and McGill

S. Printed 3/26/09--S.

Read the first time February 18, 2009.

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

To whom was referred a Bill (S. 445) to amend Chapter 13, Title 50 of the 1976 Code, relating to the protection of fish, by adding Section 50-13-2017 to establish the flounder population study, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 5, Title 50 of the 1976 Code is amended by adding:

“Section 50‑5‑17. (A) There is established the Flounder Pilot Program to be administered by the Department of Natural Resources. The program shall institute statewide catch limits for flounder (*Paralichthys* species) and prohibit artificial illumination powered by generators used to harvest flounder in all inshore estuarine waters from Pawley’s Inlet, north to the northern terminus of Main Creek at Garden City Beach.

(B) During the term of the program it is unlawful to use any type of artificial illumination powered by a generator while gigging or fishing for flounder from a boat or while wading in the water that comprises the inshore estuarine waters from Pawley’s Inlet, north to the northern terminus of Main Creek at Garden City Beach.

(C) The program shall begin July 1, 2009, and end June 30, 2014.”

SECTION 2. Section 50-5-1705(F) of the 1976 Code is amended to read:

“(F) It is unlawful for a person to take or possess more than ~~twenty~~ ten flounder (Paralichthys species) taken by means of gig, spear, hook and line, or similar device in any one day, not to exceed ~~forty~~ twenty flounder in any one day on any boat.”

SECTION 3. This act takes effect upon approval of the Governor. /

Amend title to conform.

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND CHAPTER 13, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF FISH, BY ADDING SECTION 50-13-2017 TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM IN GEORGETOWN COUNTY, IN THE WATERS OF MURRELLS INLET ESTUARY, PAWLEYS ISLAND ESTUARY, AND THE CREEKS OF LITCHFIELD FLOWING INTO PAWLEYS ISLAND ESTUARY, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, TO SET PENALTIES FOR VIOLATIONS OF THIS RESOLUTION, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

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

SECTION 1. Chapter 13, Title 50 of the 1976 Code is amended by adding:

“Section 50-13-2017. (A) There is established the Flounder Population Study Program to be administered by the Department of Natural Resources. The program shall study the effects of flounder catch limits and the prohibition of artificial illumination powered by generators on flounder of the species *Paralichthys dentatus*, commonly known as the summer flounder, located in the waters of Murrells Inlet Estuary, Pawleys Island Estuary, and the creeks of Litchfield flowing into Pawleys Island Estuary. For purposes of this resolution, ‘gigging’ means using a rod with one or multiple prongs to spear a fish.

(B) During the term of the program:

(1) the lawful flounder gigging and fishing catch limit is ten per day for any individual;

(2) it is unlawful to use any type of artificial illumination powered by generator while gigging or fishing for flounder from a boat or while wading in the water.

(C) A person violating a provision of subsection (B) is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars or more than one hundred dollars per fish, or imprisoned not less than ten days or more than thirty days, or both.

(D) The program shall run for five years, beginning January 1, 2010, and ending December 31, 2015.

(E) The Department of Natural Resources must compile its findings and submit the report to the General Assembly by March 16, 2016.”

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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