**South Carolina General Assembly**

119th Session, 2011-2012

**A245, R272, S1087**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Jackson, Cromer, Grooms, Ford, Scott, Elliott, Setzler, Land, Pinckney, Anderson, Ryberg, Matthews, Rankin and Verdin

Document Path: l:\council\bills\swb\5077cm12.docx

Companion/Similar bill(s): 4788

Introduced in the Senate on January 11, 2012

Introduced in the House on February 29, 2012

Last Amended on May 31, 2012

Passed by the General Assembly on June 6, 2012

Governor's Action: June 18, 2012, Signed

Summary: Free Fishing Days

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/11/2012 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h%3A%5Csj%20archive%5C2012%5C01-11-12.docx))

 1/11/2012 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 4](file:///h%3A%5Csj%20archive%5C2012%5C01-11-12.docx))

 2/22/2012 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2012%5C02-22-12.docx))

 2/23/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 33](file:///h%3A%5Csj%20archive%5C2012%5C02-23-12.docx))

 2/23/2012 Senate Read second time ([Senate Journal‑page 33](file:///h%3A%5Csj%20archive%5C2012%5C02-23-12.docx))

 2/23/2012 Senate Roll call Ayes‑31 Nays‑0 ([Senate Journal‑page 33](file:///h%3A%5Csj%20archive%5C2012%5C02-23-12.docx))

 2/28/2012 Senate Read third time and sent to House ([Senate Journal‑page 22](file:///h%3A%5Csj%20archive%5C2012%5C02-28-12.docx))

 2/29/2012 House Introduced and read first time ([House Journal‑page 7](file:///h%3A%5Chj%20archive%5C2012%5C02-29-12.docx))

 2/29/2012 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 8](file:///h%3A%5Chj%20archive%5C2012%5C02-29-12.docx))

 5/23/2012 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 6](file:///h%3A%5Chj%20archive%5C2012%5C05-23-12.docx))

 5/29/2012 House Debate adjourned ([House Journal‑page 19](file:///h%3A%5Chj%20archive%5C2012%5C05-29-12.docx))

 5/30/2012 House Debate adjourned until Thur., 05‑31‑12 ([House Journal‑page 28](file:///h%3A%5Chj%20archive%5C2012%5C05-30-12.docx))

 5/31/2012 House Amended

 5/31/2012 House Read second time ([House Journal‑page 39](file:///h%3A%5Chj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 House Roll call Yeas‑95 Nays‑2 ([House Journal‑page 40](file:///h%3A%5Chj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 House Unanimous consent for third reading on next legislative day ([House Journal‑page 41](file:///h%3A%5Chj%20archive%5C2012%5C05-31-12.docx))

 6/1/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 2](file:///h%3A%5Chj%20archive%5C2012%5C06-01-12.docx))

 6/6/2012 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 101](file:///h%3A%5Csj%20archive%5C2012%5C06-06-12.docx))

 6/6/2012 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 101](file:///h%3A%5Csj%20archive%5C2012%5C06-06-12.docx))

 6/12/2012 Ratified R 272

 6/18/2012 Signed By Governor

 6/25/2012 Effective date 07/01/12

 6/27/2012 Act No. 245

**VERSIONS OF THIS BILL**

[1/11/2012](file:///p%3A%5Cpprever%5C2011-12%5C1087_20120111.docx)

[2/22/2012](file:///p%3A%5Cpprever%5C2011-12%5C1087_20120222.docx)

[2/23/2012](file:///p%3A%5Cpprever%5C2011-12%5C1087_20120223.docx)

[5/23/2012](file:///p%3A%5Cpprever%5C2011-12%5C1087_20120523.docx)

[5/31/2012](file:///p%3A%5Cpprever%5C2011-12%5C1087_20120531.docx)

(A245, R272, S1087)

**AN ACT** **TO AMEND SECTION 50‑9‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABILITY OF THE DEPARTMENT OF NATURAL RESOURCES TO DESIGNATE “FREE FISHING DAYS” AND SANCTION FISHING EVENTS EXEMPT FROM FISHING LICENSE REQUIREMENTS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT TO DESIGNATE “FREE FISHING DAYS”, TO DESIGNATE JULY FOURTH AND NATIONAL MEMORIAL DAY AS DAYS WHEN A RESIDENT IS NOT REQUIRED TO POSSESS A LICENSE OR PERMIT FOR FRESHWATER RECREATIONAL FISHING, TO LIMIT DEPARTMENT‑SANCTIONED EVENTS THAT ARE EXEMPT FROM FISHING LICENSE REQUIREMENTS TO FRESHWATER EVENTS, TO EXEMPT CERTAIN COMMERCIAL FISHERMEN FROM THE PROVISIONS OF THIS SECTION, AND TO DIRECT THE DEPARTMENT TO DESIGNATE TWO DAYS A YEAR AS “FREE HUNTING DAYS”; TO AMEND SECTION 50‑1‑160, RELATING TO THE RELEASE OF THE SEIZED PROPERTY TO AN INNOCENT OWNER BY THE DEPARTMENT, SO AS TO CLARIFY APPLICATION OF THE SECTION TO PROPERTY SEIZED FOR A VIOLATION OF TITLE 50; AND TO AMEND SECTION 50‑9‑410, AS AMENDED, RELATING TO CIRCUMSTANCES IN WHICH A COMMERCIAL FISHING LICENSE IS REQUIRED, SO AS TO MODIFY SPECIFICS PERTAINING TO TROTLINES, TAGS, AND HOOKS.**

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

**July fourth and National Memorial Day exempt from freshwater recreational fishing license and permit requirements, exceptions, “free hunting days” must be established**

SECTION 1. Section 50‑9‑730 of the 1976 Code is amended to read:

 “Section 50‑9‑730. (A) A resident is not required to possess a license or permit for recreational fishing in the freshwaters of this State on the following days:

 (1) the fourth day of July; and

 (2) the date observed by the State for National Memorial Day.

 (B) The department also may designate department‑sanctioned fishing events in the freshwaters of the State as exempt from recreational freshwater fishing license requirements. However, the events may not exceed one for each county a year.

 (C) This section does not apply to individuals fishing for a commercial purpose or when a commercial fishing license is required to use certain nongame fishing devices.

 (D) The department must designate two days a year as ‘free hunting days’ during which state residents may hunt without procuring the necessary licenses and permits. These days need not be consecutive.”

**Release of seized property to innocent owner**

SECTION 2. Section 50‑1‑160(A) of the 1976 Code, as added by Act 114 of 2012, is amended to read:

 “Section 50‑1‑160. (A) Notwithstanding another provision of law, the department may release a vehicle, boat, motor, or fishing device seized from a person charged with a violation of this title to an innocent owner or lien holder of the property.”

**Circumstances when commercial fishing license required**

SECTION 3. Section 50‑9‑410(C) of the 1976 Code, as added by Act 200 of 2010, is amended to read:

 “(C) A commercial freshwater license is required to:

 (1) fish six or more crayfish traps;

 (2) fish three or more eel pots;

 (3) fish an Elver fyke net;

 (4) fish four or more gill nets or a total of more than one hundred yards of net;

 (5) fish two or more hoop nets;

 (6) fish three or more traps;

 (7) fish two or more trotlines;

 (8) acquire more than one trotline tag or fish a trotline with more than fifty hooks;

 (9) take freshwater fish for commercial purposes.”

**Time effective**

SECTION 4. This act takes effect July 1, 2012.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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