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Indicates New Matter

COMMITTEE REPORT

May 23, 2012

**S. 1087**

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

S. Printed 5/23/12--H.

Read the first time February 29, 2012.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1087) to amend Section 50‑9‑730, Code of Laws of South Carolina, 1976, relating to the Department of Natural Resources’ ability to designate “Free Fishing Days”, etc., respectfully

**REPORT:**

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

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 50‑9‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ ABILITY 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 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, AND TO EXEMPT CERTAIN COMMERCIAL FISHERMEN FROM THE PROVISIONS CONTAINED IN THIS SECTION.

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

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

“Section 50‑9‑730. (A) ~~The department may designate up to two days a year as ‘free fishing days’ during which state residents may fish without procuring the necessary licenses and permits. These days need not be consecutive. This subsection does not apply to commercial fishing privileges.~~ 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.”

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 ~~chapter~~ title to an innocent owner or lien holder of the property.”

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 ~~four~~ two or more trotlines;

(8) acquire more than ~~three~~ one trotline ~~tags~~ tag or fish ~~trotlines~~ a trotline with ~~a combined total of~~ more than ~~one hundred fifty‑one~~ fifty hooks;

(9) take freshwater fish for commercial purposes.”

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

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