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COMMITTEE AMENDMENT ADOPTED

April 19, 2012

**S. 1231**

Introduced by Senator Gregory

S. Printed 4/19/12--S.

Read the first time February 16, 2012.

**A** **BILL**

TO AMEND SECTION 50‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VARIOUS CLASSIFICATIONS OF BIRDS, GAME ANIMALS, AND FISH, SO AS TO CLASSIFY COBIA RACHYCENTRON CANADUM AS A SALTWATER GAME FISH.

Amend Title To Conform

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

SECTION 1. Section 50‑1‑30(7) of the 1976 Code, as last amended by Act 200 of 2010, is further amended to read:

“(7) Saltwater game fish: Cobia Rachycentron canadum; spotted seatrout (winter trout) Cynoscion nebulosus~~,~~; red drum (channel bass) Sciaenops ocellatus; tarpon Megalops atlanticus~~,~~; and any species of billfish of the Family Istiophoridae.”

SECTION 2. Section 50‑5‑1700 of the 1976 Code is amended to read:

“Section 50‑5‑1700. (A) It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter saltwater gamefish in this State regardless of where taken except as provided in this chapter.

(B) It is unlawful to take or attempt to take saltwater gamefish in the waters of this State, except by:

(1) hand‑held hook and line which includes rod and reel and pole; or

(2) gigging during legal periods.

Any saltwater gamefish taken by any other means must be returned immediately to the water.

(C) It is unlawful for a person to have in possession a saltwater gamefish while fishing or transporting a seine or a gill net or other commercial fishing equipment. A saltwater gamefish caught in the net or commercial fishing equipment must be returned to the water immediately.

(D) A wholesale or retail seafood dealer or other business may import cobia, red drum or spotted seatrout from another state or country where the taking and sale of the fish is lawful. A copy of the bill of sale, bill of lading, or other proof of origin for each lot or shipment of the fish must accompany any fish resold and must be in the possession of the person or business offering imported cobia, red drum, or spotted seatrout for sale until it is sold to the ultimate consumer and must be retained by any seller for a period of one year.

(E) It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter cobia taken from state waters.”

SECTION 3. Section 50‑5‑32 of the 1976 Code is amended to read:

“Section 50‑5‑32. (A) The department has the authority to close any commercial or recreational fishing season, area, or activity in the salt waters of this State when ~~an emergency exists. For the purposes of this section an emergency is an unusual, sudden, and unexpected~~ a natural or man‑induced emergency ~~situation or occurrence which~~ threatens the future or present well‑being of a fishery resource or its habitat in a part of or in all of the salt waters of this State.

(B) The department must use all reasonable means to give notice to the public or an emergency closure issued pursuant to subsection (A) as soon as practicable. An emergency closure notice must specify the cause of the emergency and the fishing season, area, or activity closed, and, if known, the duration of the closure.

(C) When taking emergency action under this section, the department must notify the appropriate standing committees of the Senate and the House of Representatives of its actions as soon as practicable. Supporting resource assessments, scientific documentation, and notice of action taken must be provided to the committees.

(D) During the first three days of an emergency closure instituted under this section, the department must issue only warnings for first offense, noncommercial violations of the closure.

(E) The department must monitor the situation or occurrence under which the emergency arose and must reopen the closed season, area, or activity as soon as, but only when, the threat to the resource or its habitat no longer exists.

(F) It is unlawful to ~~take or attempt to take~~ possess specified saltwater fish in violation of an emergency closure. A person violating an emergency closure is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days.”

SECTION 4. This act takes effect upon approval by the Governor.

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