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AMENDED

May 29, 2012

**S. 1231**

Introduced by Senator Gregory

S. Printed 5/30/12--H. [SEC 5/31/12 2:26 PM]

Read the first time April 25, 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. Section 50‑5‑1506 of the 1976 Code is amended to read:

“Section 50‑5‑1506. In addition to other provisions of law, the following provisions govern seasons, times, methods, equipment, size limits, and take limits in commercial fishing for shad in the waters of this State specified below:

(a) ~~Winyah Bay system~~ ~~including Black River, Sampit River,~~ Great Pee Dee River, Little Pee Dee River, Lynches River, Waccamaw River from ~~its northern ocean outlet at Little River~~ Big Bull Creek to Winyah Bay, Winyah Bay, and all tributaries and distributaries thereto as follows:

(i) Pee Dee River and tributaries above U.S. Highway 701~~, Waccamaw River with tributaries above entrance of Big Bull Creek, and Black River above County Road 179~~:

(1) Season: ~~February 1~~ January 15 through April ~~30~~ 15;

(2) Times: noon Monday through noon Saturday;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(ii) Remainder of Winyah Bay system including all of Big Bull Creek and ~~Sampit River~~ Waccamaw River with tributaries below the entrance of Big Bull Creek:

(1) Season: ~~February 1~~ January 15 through April ~~15~~ 1;

(2) Times: Monday noon to Saturday noon, local time;

(3) Methods and equipment: No restriction provided drift nets of not more than nine hundred feet in length are allowed in Waccamaw River between Butler Island and U.S. Highway 17 during lawful times;

(4) Size and take limits: No limits.

(b) Santee River below Wilson Dam including the Rediversion Canal below St. Stephen Dam, North Santee River and Bay, South Santee River, and all tributaries and distributaries thereto as follows:

(i) Rediversion Canal from St. Stephen Dam seaward to the seaward terminus of the northern dike of the Rediversion Canal:

Season: No open season;

(ii) Rediversion Canal from the seaward terminus of the northern dike of the Rediversion Canal seaward to Santee River:

(1) Season: ~~February 1~~ January 15 through April ~~30~~ 15;

(2) Times: 7:00 a.m. to 7:00 p.m. local time, Tuesday and Thursday;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(iii) Wilson Dam seaward to U.S. Highway 52 bridge:

Season: No open season.

(iv) U.S. Highway 52 bridge seaward to S.C. Highway 41 bridge:

(1) Season: ~~February 1~~ January 15 through April ~~30~~ 15;

(2) Times: 7:00 a.m. to 7:00 p.m. local time, Tuesday and Thursday;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(v) S.C. Highway 41 bridge seaward:

(1) Season: ~~February 1~~ January 15 through March ~~31~~ 15;

(2) Times: Monday noon to Saturday noon, local time;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(c) ~~Charleston Harbor System including~~ Wando River and Cooper River seaward to the U.S. Highway 17 bridges, Charleston Harbor, Ashley River, and all tributaries and distributaries thereto as follows:

(i) Tailrace Canal from Wadboo Creek to the Jefferies Power Plant:

Season: No open season.

(ii) Cooper River from Wadboo Creek to U.S. Highway 17:

Season: No open season.

(iii) Ashley River seaward to its confluence with Popper Dam Creek:

(1) Season: ~~February 1 through March 31~~ No open season;

(2) ~~Times: Wednesday noon to Saturday noon, local time;~~ Reserved

(3) ~~Methods and equipment: No restrictions;~~ Reserved

(4) ~~Size and take limits: None.~~ Reserved

(iv) Remainder of the Charleston Harbor system:

(1) Season: ~~February 1 through March 31~~ No open season;

(2) ~~Times: Wednesday noon to Saturday noon, local time;~~ Reserved

(3) ~~Methods and equipment: Drift gill nets only;~~ Reserved

(4) ~~Size and take limits: No limits.~~ Reserved

(d) ~~Edisto River basin including~~ Edisto River Estuary, Edisto River, North and South Branches (Forks) of the Edisto River, and all tributaries and distributaries thereto as follows:

(i) Above U.S. Highway 15 bridge:

(1) Season: ~~January 15~~ February 1 through ~~April 15~~ March 30;

(2) Times: Tuesday noon to Saturday noon, local time;

(3) Methods and equipment: Any lawful method and equipment~~; provided, however, shad gill nets having a mesh size no smaller than four and one‑half inches and no larger than five and one‑half inches may be used until April 15, 2002, and shad gill nets having a mesh size no smaller than five inches and no larger than five and one‑half inches may be used thereafter~~;

(4) Size and take limits: No limits.

(ii) Seaward of U. S. Highway 15 bridge and above U. S. Highway 17 bridge:

(1) Season: ~~January 15~~ February 1 through ~~April 15~~ March 30;

(2) Times: Tuesday noon to Saturday noon, local time;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(iii) Seaward of U.S. Highway 17 bridge:

(1) Season: ~~January~~ February 1 through March ~~31~~ 30;

(2) Times: Wednesday noon to Friday midnight, local time;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(e) Ashepoo River and all tributaries and distributaries thereto as follows:

(1) Season: ~~February 1 through March 31~~ No open season;

(2) ~~Times: Friday noon to Saturday noon, local time;~~ Reserved

(3) ~~Methods and equipment: Any lawful method and equipment;~~ Reserved

(4) ~~Size and take limits: No limits.~~ Reserved

(f) Combahee River and all tributaries and distributaries thereto as follows:

(i) Tributaries and distributaries, except main stems of Salkehatchie Rivers: Season: No open season.

(ii) Main river including main stems of Salkehatchie Rivers:

(1) Season: ~~January 15~~ February 1 through March ~~31~~ 15;

(2) Times: For anchored nets, Tuesday noon to Friday noon, local time; for driftnets, Monday noon to Saturday noon, local time;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(g) Coosawhatchie River and all tributaries and distributaries thereto as follows:

Season: No open season.

(h) South Carolina portions of Savannah River and all tributaries and distributaries thereto as follows:

(i) Main river ~~above U.S. Interstate Highway 95 bridge~~ below U. S. Highway 301 and above U. S. Interstate Highway 95:

(1) Season: January 1 through April 15;

(2) Times: 7:00 a.m. Wednesday to 7:00 p.m. Saturday, local time;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(ii) Tributaries and distributaries above U.S. Interstate Highway 95 bridge:

Season: No open season.

(iii) Seaward of U.S. Interstate Highway 95 bridge.

(1) Season: January 1 through March 31. Taking or attempting to take shad with anchored nets is prohibited at all times in the Savannah River’s Little Back River, Back River and the north channel of the Savannah River downstream from the New Savannah Cut;

(2) Times: 7:00 a.m. Tuesday to 7:00 p.m. Friday, local time;

(3) Methods and equipment: Any lawful method and equipment;

(4) Size and take limits: No limits.

(i) Atlantic Ocean territorial sea as follows:

(1) Season: ~~February 1 through March 31; beginning July 1, 2004,~~ No open season;

(2) ~~Times: 7:00 a.m. Tuesday to 7:00 p.m. Saturday, local time; beginning July 1, 2004, no open times;~~ Reserved

~~(3)~~ ~~Methods and equipment: gill net; may be drift fished only; anchor nets are prohibited; gill nets, stake row nets, or pound nets are prohibited off Winyah Bay within three nautical miles of the midpoint of a line extending from where the north jetty of Winyah Bay intersects North Island running southwesterly to where the south jetty of Winyah Bay intersects Sand Island, including all waters between the jetties; beginning July 1, 2004, no lawful methods or equipment;~~ Reserved

~~(4)~~ ~~Size and take limits: No limits. Beginning July 1, 2004, no take allowed.~~ Reserved

(j) Lake Moultrie, Lake Marion, Diversion Canal, Intake Canal of Rediversion Canal, and all tributaries and distributaries thereto as follows:

(1) Season: No closed season;

(2) Times: No restrictions;

(3) Methods and equipment: Cast net and lift net for bait;

(4) Size and take limits: Two hundred fifty pounds per boat per day combined catch of herring and shad.”

SECTION 5. This act takes effect upon approval by the Governor.

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