~~Indicates Matter Stricken~~

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COMMITTEE REPORT

March 5, 2013

**S. 304**

Introduced by Senators Shealy, Cromer and Campsen

S. Printed 3/5/13--H.

Read the first time February 20, 2013.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 304) to amend Sections 50‑13‑10, as amended, Code of Laws of South Carolina, 1976, relating to certain terms and their definitions regarding general restrictions on freshwater, 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 deleting SECTION 8 in its entirety on pages 3 and 4, and inserting:

/ SECTION 8. Section 50‑13‑620(A) of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

“(A) A trotline, trap, eel pot, gill net, and hoop net must be marked with a white floating marker not less than a capacity of one quart and not more than a capacity of one gallon and must be made of solid, buoyant material that does not sink if punctured or cracked. A floating marker must be constructed of plastic, PVC spongex, plastic foam, or cork. A hollow buoy or float, including plastic, metal, or glass bottles or jugs, must not be used, except that a manufactured buoy or float specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. ~~A floating marker used the first through the fifteenth inclusive of each month must be colored white only; for the remainder of the month markers must be yellow only and, except for a trotline, there must not be any other color marker attached to the device.~~ The owner’s name and department customer identification number must be legible on each of the white ~~or yellow~~ floating markers. Both commercial and recreational fishermen shall comply with provisions of this title pertaining to the marking and use of a nongame fishing device. A trotline must be marked on both ends. A commercial trotline must be marked at intervals of every fifty hooks. A recreational trotline must be marked at intervals of every twenty‑five hooks. ~~An end marker must conform to the white and yellow marking scheme.~~ Each interval float must be ‘International Orange’ in color.” /

Renumber sections to conform.

Amend title to conform.

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTIONS 50‑13‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING GENERAL RESTRICTIONS ON FRESHWATER FISHING, SO AS TO MAKE A TECHNICAL CHANGE AND TO REVISE THE DEFINITION OF THE TERM “BAIT FISH”; TO AMEND SECTION 50‑13‑60, AS AMENDED, RELATING TO THE LAWFUL POSSESSION OF FISH, SO AS TO MAKE A TECHNICAL CHANGE TO THE PROVISION RELATING TO THE POSSESSION OF A GAME FISH; TO AMEND SECTIONS 50‑13‑200, 50‑13‑210, 50‑13‑250, 50‑13‑260, AND 50‑13‑270, ALL AS AMENDED, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, SO AS TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, TO REVISE THE NUMBER OF TROUT THAT MAY BE TAKEN ON THE LOWER REACH OF THE SALUDA RIVER, TO PROVIDE THE LEGAL LENGTH OF SMALLMOUTH BASS THAT MAY BE TAKEN FROM CERTAIN LAKES, RIVERS, AND RESERVOIRS ALONG THE STATE’S WESTERN REGION, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 50‑13‑620, 50‑13‑625, AND 50‑13‑635, ALL AS AMENDED, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO PROVIDE THAT A COMMERCIAL TROTLINE WHICH USES FIFTY OR FEWER HOOKS MUST BE MARKED AT INTERVALS OF TWENTY‑FIVE HOOKS, TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, AND TO REVISE THE NUMBER OF SET HOOKS A RECREATIONAL FISHERMAN MAY USE.

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

SECTION 1. Section 50‑13‑10(B)(1), as last amended by Act 113 of 2012, is further amended to read:

“(B) Miscellaneous definitions:

(1) ‘Bait fish’ means a fish allowed to be used as bait in the freshwaters including: Asian clams (Corbicula spp.), crayfish, eels, herring, shad, and fathead minnows (Pimephales promelas), golden shiners (Notemigonus crysoleucas), and goldfish, including ‘black salties’ (Carassius auratus). Except for bream (other than redbreast), no other game fish is allowed to be used as bait, provided, trout are allowed to be used as bait only on Lakes Hartwell, Russell, Thurmond, Tugaloo, Yonah, Stevens Creek Reservoir, and the Savannah River.”

SECTION 2. Section 50‑13‑60(C) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

“(C) ~~It~~ Except as otherwise provided, it is unlawful to possess any game fish without head and tail fin intact and, where a length limit is imposed on any species, it is unlawful to possess that species without head and tail fin intact.”

SECTION 3. Section 50‑13‑200 of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

“Section 50‑13‑200. It is unlawful to take freshwater game fish except by game fish devices. A fisherman may use only four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat sixteen years and older ~~than sixteen years~~ have valid fishing licenses.”

SECTION 4. Section 50‑13‑210(A)(6) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

“(6) not more than five may be trout. However, on the lower reach of the Saluda River, only one trout out of the five possessed may be more than sixteen inches in total length. On~~, except on~~ Lake Jocassee not more than three trout may be taken;”

SECTION 5. Section 50‑13‑250 of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

“Section 50‑13‑250. It is unlawful to possess smallmouth bass less than twelve inches in total length, except on Lakes Hartwell, Russell (including the Lake Hartwell tail water), Thurmond, Tugaloo, Yonah, the Chattooga, and Savannah Rivers, and Steven Creek Reservoir where there is no length limit on small mouth bass.”

SECTION 6. Section 50‑13‑260(A)(5) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

“(5) Eastatoe ~~River~~ Creek from the backwaters of Lake Keowee upstream to S.C. State Highway S‑39‑143 (Roy Jones Road) in Pickens County.”

SECTION 7. Section 50‑13‑270(B)(4) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

“(4) Eastatoe ~~River~~ Creek on Eastatoe Heritage Preserve in Pickens County.”

SECTION 8. Section 50‑13‑620(A) of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

“(A) A trotline, trap, eel pot, gill net, and hoop net must be marked with a floating marker not less than a capacity of one quart and not more than a capacity of one gallon and must be made of solid, buoyant material that does not sink if punctured or cracked. A floating marker must be constructed of plastic, PVC spongex, plastic foam, or cork. A hollow buoy or float, including plastic, metal, or glass bottles or jugs, must not be used, except that a manufactured buoy or float specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. A floating marker used the first through the fifteenth inclusive of each month must be colored white only; for the remainder of the month markers must be yellow only and, except for a trotline, there must not be any other color marker attached to the device. The owner’s name and department customer identification number must be legible on each of the white or yellow floating markers. Both commercial and recreational fishermen shall comply with provisions of this title pertaining to the marking and use of a nongame fishing device. A trotline must be marked on both ends. A commercial trotline must be marked at intervals of every fifty hooks. A commercial trotline which uses fifty or fewer hooks must be marked at intervals of twenty‑five hooks. A recreational trotline must be marked at intervals of every twenty‑five hooks. An end marker must conform to the white and yellow marking scheme. Each interval float must be ‘International Orange’ in color.”

SECTION 9. Section 50‑13‑625 of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

“Section 50‑13‑625. Nongame fish may be taken with any lawful game fishing device. A fisherman may use only four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat sixteen years and older ~~than sixteen years~~ have valid fishing licenses.”

SECTION 10. Section 50‑13‑635(14) of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

“(14) ~~three to~~ not more than fifty set hooks;”

SECTION 11. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 12. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 13. This act takes effect upon approval by the Governor.

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