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COMMITTEE AMENDMENT ADOPTED

February 4, 2016

**S. 780**

Introduced by Senator McElveen

S. Printed 2/4/16--S.

Read the first time May 14, 2015.

**A** **BILL**

TO AMEND SECTION 50‑13‑1630 (A) THROUGH (D) OF THE 1976 CODE, RELATING TO THE SALE AND TRAFFICKING IN FISH, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE RELEASE OR STOCKING OF STERILE WHITE AMUR, GRASS CARP, OR GRASS CARP HYBRIDS IN THIS STATE AND TO UPDATE NECESSARY TERMS.

Amend Title To Conform

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

SECTION 1. Section 50‑13‑1630 (A) through (D) of the 1976 Code is amended to read:

“Section 50‑13‑1630. (A) A person may not possess, sell, offer for sale, import, bring, ~~or~~ cause to be brought or imported into this State, or release ~~anywhere~~ in this State the following species at any stage of its life cycle:

(1) carnero or candiru catfish (Vandellia cirrhosa);

(2) freshwater electric eel (Electrophorus electricus);

(3) white amur or grass carp (Ctenopharyngodon idella);

(4) walking catfish or a member of the clariidae family (Clarias, Heteropneustea, Gymnallabes, Channallabes, or Heterobranchus genera);

(5) piranha (all members of Serrasalmus, Rooseveltiella, and Pygocentrus genera);

(6) stickleback;

(7) Mexican banded tetra;

(8) sea lamprey;

(9) rudd (Scardinius erythrophtalmu‑Linneaus);

(10) snakehead (all members of family Channidae);

(11) rusty crayfish (Orconectes rusticus); and

(12) other nonindigenous species not established, except by permit, exclusive of the recognized pet trade species.

(B) The department may issue special import permits to qualified persons for research and education only.

(C)(1) The department may issue permits for the release or the stocking of sterile white amur, grass carp, or grass carp hybrids in ~~the waters of~~ this State. The permits must certify that the permittee’s white amur, grass carp, or grass carp hybrids have been tested and determined to be sterile. The department may charge a testing fee of one dollar for each white amur, grass carp, or grass carp hybrid that measures five inches or longer or twenty‑five cents for each white amur, grass carp, or grass carp hybrid that measures less than five inches. The fee collected for sterility testing must be retained by the department and used to offset the costs of the testing.

(2) The department is authorized to promulgate regulations to establish a fee schedule to replace the fee schedule contained in item (1) of this subsection. Upon these regulations taking effect, the fee schedule contained in item (1) of this subsection no longer applies.

(D) The department may issue permits for the importation, breeding, and possession of nonsterile white amur, grass carp, or grass carp hybrids. The permits must be issued pursuant to the provisions of the Aquaculture Enabling Act in Article 2, Chapter 18 of this title. Provided, however, that no white amur, grass carp, or grass carp hybrids imported, bred, or possessed pursuant to this subsection may be stocked in ~~the waters of~~ this State except as provided in subsection (C) of this section.”

SECTION 2. Section 50-13-1630(F) of the 1976 Code is amended to read:

“Section 50-13-1630. (F) The department shall prescribe the qualifications, methods, controls, and restrictions required of a person or his agent to whom a permit is issued. The department shall condition all permits issued under this section to safeguard public safety and welfare and to prevent the introduction into the wild or release of nonnative species of fish or other organisms into ~~the waters of~~ this State. The department may promulgate regulations necessary to effectuate this section and specifically to prohibit additional species of fish from being imported, possessed, or sold in this State when the department determines the species of fish are potentially dangerous. A violation of the terms of the permit may result in recovation and a civil penalty of up to five thousand dollars. An appeal is pursuant to the provisions of Article 2, Chapter 23, Title 1 (the Administrative Procedures Act).”

SECTION 3. This act takes effect upon approval by the Governor.

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