**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑560 SO AS TO PROVIDE FOR THE SALE OF ANNUAL SUBSISTENCE SALTWATER FISHING LICENSES AND TO PROVIDE FOR THE DISTRIBUTION OF THE FEES; TO AMEND SECTION 50‑9‑715, RELATING TO PERSONS EXEMPTED FROM OBTAINING A RECREATIONAL SALTWATER FISHING LICENSE, SO AS TO PROVIDE THAT A PERSON LESS THAN EIGHTEEN YEARS OF AGE ACCOMPANIED BY A LICENSED SUBSISTENCE FISHERMAN IS EXEMPT FROM PURCHASING A SUBSISTENCE SALTWATER FISHING LICENSE; BY ADDING SECTION 50‑9‑925 SO AS TO PROVIDE FOR THE DISTRIBUTION OF REVENUE COLLECTED FROM THE SALE OF STAMPS, SUBSISTENCE SALTWATER LICENSES, PRINTS, AND RELATED ARTICLES; TO AMEND SECTION 50‑5‑15, RELATING TO DEFINITIONS OF TERMS PERTAINING TO SALTWATER FISHING, SO AS TO DEFINE THE TERM “SUBSISTENCE”; TO AMEND SECTION 50‑5‑955, RELATING TO THE DESIGNATION AND MAINTENANCE OF PUBLIC SHELLFISH GROUNDS, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL IDENTIFY FISH STOCKS THAT SUPPORT SUBSISTENCE FISHERIES AND ADOPT REGULATIONS THAT PROVIDE OPPORTUNITIES FOR SUBSISTENCE USES; TO AMEND SECTION 50‑9‑40, RELATING TO THE ISSUANCE OF LICENSES, PERMITS, AND TAGS BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO PROVIDE THE PROVISIONS CONTAINED IN THIS SECTION APPLY TO SUBSISTENCE FISHING; AND TO AMEND SECTION 50‑9‑540, RELATING TO THE ISSUANCE OF VARIOUS FISHING LICENSES BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO PROVIDE FOR THE ISSUANCE OF LIFETIME SUBSISTENCE SALTWATER FISHING LICENSES.

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

SECTION 1. Article 5, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑560. For the privilege of subsistence fishing in the saltwaters surrounding the Sea Islands and the Lowcountry of this State, a resident shall purchase an annual subsistence saltwater fishing license for ten dollars, of which one dollar may be retained by the issuing agent and one dollar shall go into a fund to monitor fisheries that are based on the use of traditional fishing methods of Gullah/Geechees and Native Americans of this State.”

SECTION 2. Section 50‑9‑715 of the 1976 Code is amended to read:

“Section 50‑9‑715. (A) The following are exempt from purchasing the recreational saltwater fishing license ~~a~~:

(1) fisherman fishing from a licensed charter fishing vessel or from a licensed public fishing pier;

(2) drop net fisherman using no more than three drop nets;

(3) fold up fisherman using no more than three fold up traps;

(4) hand line fisherman using no more than three hand lines with a single bait each and no hooks; and

(5) fisherman taking shrimp with bait.

(B) A person who is less than eighteen years of age accompanied by a licensed subsistence fisherman is exempt from purchasing a subsistence saltwater fishing license.”

SECTION 3. Article 9, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑925. (A) Revenue from the sale of stamps, subsistence saltwater licenses, prints, and related articles must be paid into a special account separate from the general fund. Revenues in the account are carried forward each year and may be used to match available federal funds for managing the subsistence fishery. Of the revenue collected from the sale of subsistence saltwater fishing licenses and stamps, twenty‑five cents must be allocated to saltwater administration, one dollar to saltwater enforcement, and the balance to subsistence fishing monitoring and restoration programs.

(B) Revenue distributed for subsistence fishing programs may be used only for the following programs which directly benefit traditional subsistence fisheries:

(1) development of traditional subsistence fishing facilities where customary trade can be conducted and education on Gullah/Geechee traditional fishing methods can be provided;

(2) scientific research, monitoring, and management of traditional subsistence fisheries;

(3) protection, maintenance, or enhancement of saltwater habitat important to the continued production of fish stocks and their food sources of significance to traditional subsistence saltwater fisheries;

(4) other programs directly benefiting traditional subsistence fisheries recommended by the Gullah/Geechee Fishing Association, which must act in a consultative capacity to all governmental agencies in regard to the use and monitoring of the waterways surrounding the Sea Islands and the Lowcountry; and

(5) the Gullah/Geechee Fishing Association will work with the Department of Natural Resources to publish an annual report to be made available to stamp and license holders to indicate how the previous year’s funds were utilized.

(C) Revenue distributed for saltwater administrative activities must be used in support of activities authorized pursuant to the South Carolina Marine Resources Act.

(D) Revenue distributed for saltwater enforcement activities must be expended for enforcement of the laws and fishery management regulations relating to traditional subsistence saltwater fisheries, including habitat protection and other activities authorized pursuant to this chapter.”

SECTION 4. Section 50‑5‑15 of the 1976 Code is amended by adding the following appropriately numbered item:

“( ) ‘Subsistence’ means the noncommercial, customary, and traditional taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a Gullah/Geechee or Native American individual for subsistence uses with gill net, seine, cast net, long line with or without use of a boat as are the traditional customs of these ethnic groups.

Subsistence uses of wild resources defined as ‘noncommercial, customary, and traditional uses’ include those taken for direct personal or family consumption as food or bait for traditional harvesting, for the making and selling of handicraft articles out of nonedible by‑products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption as part of the nonmarket economy of Gullah/Geechees.”

SECTION 5. Section 50‑5‑955 of the 1976 Code is amended to read:

“Section 50‑5‑955. (A) The Department of Natural Resources may designate and shall maintain public shellfish grounds where a subsistence user and persons holding or exempted from holding a recreational saltwater fishing license may gather shellfish solely for personal use not to exceed the personal limits specified in this article. The open areas must be located preferably at or near public landings. The Department of Natural Resources may not designate an area located within one thousand feet of highland property capable of development as a public shellfish ground. Areas designated before January 1, 1996, are exempt from the siting provision of this section and retain their designation until such designation is removed by the department.

(B) No area currently containing a structure permitted by the Department of Health and Environmental Control or its successor agency may be designated pursuant to this section. The Department of Health and Environmental Control or its successor agency may not issue a permit for utilization of a critical area designated as a Public Shellfish Ground.

(C) A person taking shellfish from a Public Shellfish Ground for commercial purposes or selling or attempting to sell shellfish taken from a Public Shellfish Ground is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days.

(D) The Department of Natural Resources shall identify fish stocks that support subsistence fisheries and, if there is a harvestable surplus of these stocks, adopt regulations that provide reasonable opportunities for these subsistence uses to take place. Whenever it is necessary to restrict harvests, subsistence fisheries have a preference over other uses of the stock.”

SECTION 6. Section 50‑9‑40 of the 1976 Code is amended by adding the following appropriately lettered subsection:

“( ) Licenses for fishing privileges regulated by this chapter, unless otherwise specified, apply to subsistence fishing.”

SECTION 7. Section 50‑9‑540 of the 1976 Code is amended by adding the following appropriately lettered subsection:

“( ) For the privilege of subsistence saltwater fishing, a resident of this State may obtain a lifetime subsistence saltwater fishing license from the department for three hundred dollars at its designated licensing locations. Gullah/Geechee individuals over the age of seventy shall receive a complimentary lifetime subsistence fishing license.”

SECTION 8. This act takes effect upon approval by the Governor.

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