**A** **BILL**

TO AMEND SECTION 50-13-645 OF THE 1976 CODE, RELATING TO THE TAKING LIMITS OF EELS FOR RECREATIONAL FISHERMEN, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE OR POSSESS ELVERS; TO AMEND SECTION 50-5-1555 OF THE 1976 CODE, RELATING TO COMMERCIAL EEL TAKING PERMITS, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE OR POSSESS ELVERS; TO AMEND SECTION 50-9-420 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR TAKING SHAD, HERRING, OR EELS FOR COMMERCIAL PURPOSES, TO PROVIDE THAT THE LICENSES AND PERMITS REQUIRED FOR TAKING SHAD, HERRING, OR EELS FOR COMMERCIAL PURPOSES DO NOT AUTHORIZE A PERSON TO TAKE OR POSSESS ELVERS; TO AMEND SECTION 50-9-545 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR TAKING SHAD, HERRING, OR EELS FOR RECREATIONAL PURPOSES, TO PROVIDE THAT THE LICENSES AND PERMITS REQUIRED FOR TAKING SHAD, HERRING, OR EELS FOR RECREATIONAL PURPOSES DO NOT AUTHORIZE A PERSON TO TAKE OR POSSESS ELVERS; TO DEFINE NECESSARY TERMS; AND TO REPEAL SECTIONS 50-13-10(A)(8), 50-13-615(5), 50-13-675(10)(b), 50-5-500(A)(9), AND 50-9-410(C)(3) OF THE 1976 CODE, ALL RELATING TO FISHING DEVICES AND METHODS USED FOR TAKING ELVERS.

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

SECTION 1. Section 50-13-10(C) of the 1976 Code is amended by adding appropriately numbered items to read:

“( ) ‘Elver’ means all American eels (Anguilla rostrata) less than or equal to six inches in total length.

( ) ‘Eel’ means all American eels (Anguilla rostrata) greater than six inches in total length.”

SECTION 2. Section 50-13-645 of the 1976 Code is amended to read:

“Section 50-13-645. (A) It is unlawful for a recreational fisherman to take more than twenty‑five ~~American eel (Anguilla rostrata)~~ eels a day. Each ~~American~~ eel must be at least nine inches long.

(B) It is unlawful to take or possess elvers.”

SECTION 3. Section 50-5-15 of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) ‘Eel’ means all American eels (Anguilla rostrata) greater than six inches in total length.”

SECTION 4. Section 50-5-1555 of the 1976 Code is amended to read:

“Section 50-5-1555. (A) The department may grant permits to licensed commercial saltwater or freshwater fishermen to engage in the fishery for eels in the waters of this State for commercial purposes. A person taking American eels for commercial purposes must first acquire a permit from the department.

(B) Permits granted under this section may be limited in number and may be conditioned so as to designate seasons, size limits, take or catch limits, hours, areas, fishing methods, type and amount of equipment, and catch reporting requirements.

(C) The department may define an approved fyke net for the taking of eels in the waters of this State and may permit and limit its use by means of permits granted under this section.

(D) A person who takes or attempts to take eels for a commercial purpose without first acquiring an eel permit is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days.

(E) It is unlawful to take or possess elvers.”

SECTION 5. Section 50-9-420 of the 1976 Code is amended to read:

“Section 50‑9‑420. (A) A person taking shad, herring, or eels, as defined by Section 50-13-10(C)( ) or Section 50-5-15( ), for commercial purposes:

(1) in the salt waters of this State, must obtain a commercial saltwater fishing license and a commercial saltwater equipment license and related permits;

(2) in the freshwaters of this State, must obtain a commercial freshwater license and a commercial saltwater equipment license and related permits. ~~Section 50‑9‑430. The cost for a scientific collection permit is ten dollars.~~

(B) A commercial saltwater fishing license, commercial saltwater equipment license, related saltwater permits, commercial freshwater license, commercial saltwater equipment license, or related freshwater permits do not authorize a person to take or possess elvers as defined by Section 50-13-10(C) and Section 50-5-15(21).”

SECTION 6. Section 50-9-545 of the 1976 Code is amended to read:

“Section 50-9-545. (A) A person taking shad, herring, or eels, as defined by Section 50-13-10(C)( ) or Section 50-5-15( ), for recreation:

(1) in the saltwaters of this State must have a recreational saltwater fishing license; if using a gill net or eel pot, must have an annual recreational saltwater license and a saltwater commercial equipment license and related permits;

(2) in the freshwaters of this State must have a recreational freshwater fishing license; if using a gill net or eel pot, must have an annual recreational freshwater fishing license and a saltwater commercial equipment license and related permits.

(B) A recreational saltwater fishing license, annual recreational saltwater license, saltwater commercial equipment license, related saltwater permits, recreational freshwater fishing license, annual recreational freshwater fishing license, saltwater commercial equipment license, or related freshwater permits do not authorize a person to take or possess elvers as defined by Section 50-13-10(C) and Section 50-5-15(21).”

SECTION 7. Section 50-13-10(A)(8), Section 50-13-615(5), Section 50-13-675(10)(b), Section 50-5-500(A)(9), and Section 50-9-410(C)(3) of the 1976 Code are repealed.

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

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