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COMMITTEE REPORT

February 17, 2022

**H. 4907**

Introduced by Rep. Hixon

S. Printed 2/17/22--H.

Read the first time February 2, 2022.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4907) to amend Section 50‑1‑30, as amended, Code of Laws of South Carolina, 1976, relating to the definition of freshwater game fish, so as to, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 50‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF FRESHWATER GAME FISH, SO AS TO INCLUDE ALL BLACK BASS AND TROUT HYBRIDS; TO AMEND SECTION 50‑13‑10, RELATING TO DEFINITIONS, SO AS TO DEFINE “LANDING NET (DIP NET)” AND TO ADD BARTRAM’S BASS, ALABAMA BASS, AND TROUT HYBRIDS; TO AMEND SECTION 50‑13‑80, RELATING TO TAKING FISH BY SNAGGING, SO AS TO PROHIBIT ALL TAKING OF FISH BY SNAGGING; TO AMEND SECTION 50‑13‑210, RELATING TO DAILY POSSESSION LIMITS, SO AS TO ADD BARTRAM’S BASS AND ALABAMA BASS; TO AMEND SECTION 50‑13‑310, RELATING TO GAME FISH CAUGHT WITH NETS AND OTHER NONGAME FISHING DEVICES, SO AS TO ALLOW FOR THE TAKING OF GAME FISH WITH A LANDING NET; TO AMEND SECTION 50‑13‑620, RELATING TO FLOATING MARKERS FOR FISHING DEVICES, SO AS TO REQUIRE THE INSPECTION OR REMOVAL OF A TROTLINE AFTER TWENTY‑FOUR HOURS; TO AMEND SECTION 50‑13‑635, RELATING TO PERMISSIBLE FISHING DEVICES, SO AS TO ALLOW FOR THE USE OF A LANDING NET; TO AMEND SECTION 50‑13‑670, AS AMENDED, RELATING TO THE POSSESSION OF GAME FISH, SO AS TO PROVIDE THAT THE SECTION DOES NOT APPLY TO THE USE OF A LANDING NET; TO AMEND SECTION 50‑13‑675, AS AMENDED, RELATING TO PERMITTED NONGAME FISHING DEVICES, SO AS TO INCLUDE LANDING NETS, AMONG OTHER THINGS; AND TO AMEND SECTION 50‑13‑1610, RELATING TO THE PROHIBITION OF THE SALE OR TRAFFIC OF CERTAIN GAME FISH, SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO THE TAKING OF FISH FROM THE FRESHWATERS OF THIS STATE.

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

SECTION 1. Section 50‑1‑30(5) of the 1976 Code is amended to read:

“(5) Freshwater game fish: Bream: bluegill, flier, green sunfish; pumpkinseed, redbreast, redear (shellcracker), spotted sunfish; warmouth; Black Bass~~: largemouth bass, smallmouth bass, spotted bass, redeye bass (coosae bass)~~; striped bass or rockfish; white bass; hybrid striped bass‑white bass; white crappie, black crappie; Trout: rainbow, brown, ~~and~~ brook, and their hybrids, chain pickerel (jackfish), redfin pickerel, sauger, walleye, and yellow perch.”

SECTION 2. Section 50‑13‑10(A) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘Landing net (dip net)’ means a handheld fishing gear consisting of a cone or bag of soft, flexible mesh material kept open by a rigid, generally circular frame attached to one rigid handle, but does not include skimbow nets or pump nets.”

SECTION 3. Section 50‑13‑10(C) of the 1976 Code is amended to read:

“(C) Species definitions:

(1) ‘Black bass’ means fish in the genus Micropterus to include, but not limited to, largemouth (Micropterus salmoides) bass, smallmouth (Micropterus dolomieu) bass, redeye (Micropterus coosae) bass, ~~and~~ Bartram’s (Micropterus sp. cf. cataractae) bass, spotted ~~bass~~ (Micropterus punctulatus) bass, and Alabama (Micropterus henshalli) bass.

(2) ‘Hybrid bass’ means those fish produced by crossing striped bass (Morone saxatilis) with white bass (Morone chrysops).

(3) ‘Striped bass’ or "rockfish" means the species Morone saxatilis.

(4) ‘Trout’ means rainbow, brook, brown, or other species of cold‑water trout of the family Salmonidae and their hybrids.”

SECTION 4. Section 50‑13‑80(A) of the 1976 Code is amended to read:

“(A) It is unlawful to take fish by snagging ~~within one thousand feet downstream of a hydroelectric facility~~. Nothing in this section prohibits the use of lures or baited hooks.”

SECTION 5. Section 50‑13‑210(A) of the 1976 Code is amended to read:

“(A) Except as otherwise provided, the daily possession limit for game fish is an aggregate of forty of which:

(1) not more than five may be largemouth, redeye (coosae), Bartram’s bass, or smallmouth bass or their hybrids or any combination;

(2) not more than fifteen may be spotted bass or Alabama bass;

(3) not more than ten may be hybrid bass or striped bass or a combination;

(4) not more than ten may be white bass;

(5) not more than eight may be walleye or sauger or a combination;

(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 Lake Jocassee not more than three trout may be taken;

(7) not more than twenty may be crappie;

(8) not more than fifteen may be redbreast; and

(9) not more than thirty may be other freshwater game fish species not listed in this section.”

SECTION 6. Section 50‑13‑310 of the 1976 Code is amended to read:

“Section 50‑13‑310. A game fish taken by net or other nongame fishing device, except for landing nets (dip nets), must be returned immediately to the water from whence it came. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days. Any equipment used in committing the offense must be seized and disposed of as provided by law.”

SECTION 7. Section 50‑13‑620 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) A trotline or any part of it may not remain in the freshwaters of this State more than twenty‑four hours without inspection and removal of the fish taken on it.”

SECTION 8. Section 50‑13‑635 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) landing net (dip net).”

SECTION 9. Section 50‑13‑670 of the 1976 Code is amended to read:

“Section 50‑13‑670. It is unlawful for a person to have in possession game fish, except live bream on those water bodies where permitted as live bait, while possessing or using nongame devices. The provisions of this section do not apply to a person using a cast net or landing net (dip net).”

SECTION 10. The first undesignated paragraph of Section 50‑13‑675 of the 1976 Code is amended to read:

“Archery equipment, cast nets, crayfish traps, gigs, hand grabbing, landing nets (dip nets), minnow seines, minnow traps, and spears, may be used in freshwaters, except in lakes owned or managed by the department and the freshwaters of the State in Game Zone 1, to take nongame fish except for species‑specific restrictions in this title. Where permitted, a recreational fisherman may fish one gill net not more than one hundred yards in length or not more than three gill nets, none of which exceeds thirty yards in length; a commercial fisherman may fish four or more gill nets. Notwithstanding other provisions of this chapter, it is unlawful to use or possess any nongame fishing device or gear or the number not authorized by this section on the particular body of water. Nongame fishing devices, except as provided in this section, must not be used in freshwater including tributaries of rivers or creeks unless listed and regulated in this section:”

SECTION 11. Section 50‑13‑1610 of the 1976 Code is amended to read:

“Section 50‑13‑1610. It is unlawful to sell, offer for sale, barter, trafficking in, or purchase any fish classified as a game fish under the provisions of this title taken from the freshwaters of this State except as allowed by this title ~~regardless of where caught~~. A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense, by a fine of not more than five hundred dollars or imprisonment for not more than thirty days;

(2) for a second offense within three years of a first offense, by a fine of not less than three hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days;

(3) for a third or subsequent offense within three years of a second or subsequent offense, by a fine of not more than one thousand dollars or imprisonment for not more than thirty days;

(4) for a fourth and subsequent offense within five years of the date of conviction for the first offense must be punished as provided for a third offense.”

SECTION 12. This act takes effect upon approval by the Governor.

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