AMENDED

February 4, 2010

**S. 1043**

Introduced by Senator Cleary

S. Printed 2/4/10--S. [SEC 2/5/10 2:20 PM]

Read the first time January 13, 2010.

**A** **BILL**

TO AMEND CHAPTER 5, TITLE 50 OF THE 1976 CODE, RELATING TO THE MARINE RESOURCES ACT, BY ADDING SECTION 50‑5‑17 TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES TO CLARIFY THE LOCATION IN WHICH THE PROGRAM WILL OPERATE, TO CLARIFY THAT PROHIBITED ARTIFICIAL ILLUMINATION IS GENERATED BY MOTOR FUEL POWERED GENERATORS, AND TO PROVIDE THAT THE PROGRAM WILL END ON JUNE 30, 2014; AND TO REPEAL SECTION 50‑5‑2017 OF THE 1976 CODE, AS ADDED BY ACT 47 OF 2009.

Amend Title To Conform

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

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

“Section 50‑5‑17. (A) There is established the Flounder Population Study Program to be administered by the Department of Natural Resources. The program shall study the effects of flounder catch limits and the prohibition of artificial illumination produced by motor fuel powered generators on flounder (Paralichthys species), located in the waters of Pawleys Inlet north to the northern terminus of Main Creek at Garden City Beach. For purposes of this resolution, ‘gigging’ means using a prong, spear, or similar device, including a bow and arrow to spear a fish.

(B) During the term of the program in the area defined in subsection (A):

(1) the lawful flounder gigging and fishing catch limit is ten per day for any individual, not to exceed twenty flounder in any one day on any boat;

(2) it is unlawful to use any type of artificial illumination produced by motor fuel powered generators while gigging or fishing for flounder from a boat or while wading in the water.

(C) The program shall run for five years, beginning January 1, 2010, and ending June 30, 2014.

(D) For purposes of this section, ‘motor fuel’ has the same meaning as defined in Section 12‑28‑110(39).”

SECTION 2. SECTION 2 of Act 2 of 2007 is amended to read:

“SECTION 2. The provisions of this act are repealed ~~three~~ six years from the effective date of the act.”

SECTION 3. Section 50‑5‑2017 of the 1976 Code, as added by Act 47 of 2009, is repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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