~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2010

**H. 4015**

Introduced by Rep. Barfield

S. Printed 3/9/10--H.

Read the first time January 12, 2009.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4015) to amend Section 50‑5‑1540, Code of Laws of South Carolina, 1976, relating to net placements, so as to reduce the minimum distance required between nets, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 50-13-1170 of the 1976 Code is amended to read:

“Section 50‑13‑1170. The season for taking nongame fish other than shad and herring in the freshwaters of this State with gill nets shall be from November first to March first inclusive. They may be used or possessed in the freshwaters in which their use is authorized on Wednesdays, Thursdays, Fridays, and Saturdays only. Nongame gill nets used in the freshwaters shall have a mesh size of not less than four and one‑half inches stretch mesh. No gill net measuring more than two hundred yards in length may be used in the freshwaters and no gill net, cable, line, or any other device used for support of a gill net shall extend more than half way across any stream or body of water. Gill nets shall be placed in the freshwaters on a first come first served basis but no gill net shall be placed within two hundred yards of another gill net. However, notwithstanding another provision of law, along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within seventy‑five feet of a gill net previously set, drifted within seventy‑five feet of another drifting net, or placed or set within seventy‑five feet of the confluence of a tributary. Use or possession of gill nets at any place or time other than those prescribed above shall be unlawful.

Nongame fish~~, including Atlantic sturgeon of legal size and~~ caught ~~during open season as established under Section 50‑17‑830,~~ in licensed shad nets lawfully fished during the open season for taking shad may be kept by the fisherman. Any Atlantic sturgeon caught ~~during the closed season for Atlantic sturgeon~~ must be returned immediately to the waters from ~~whence~~ where it was taken.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

JEFF D. DUNCAN for Committee.

**A** **BILL**

TO AMEND SECTION 50‑5‑1540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NET PLACEMENTS, SO AS TO REDUCE THE MINIMUM DISTANCE REQUIRED BETWEEN NETS ON THE LITTLE PEE DEE RIVER FROM SIX HUNDRED FEET TO SEVENTY‑FIVE FEET.

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

SECTION 1. Section 50‑5‑1540 of the 1976 Code is amended to read:

“Section 50‑5‑1540. (A) No shad, herring, or sturgeon net, including its cables, lines, or attached devices, either set, drift, or fished in the waters of this State may be of a length greater than one‑half the normal width of the water body at the place where used, regardless of the stage of the tide, river stage, water level, or method of net deployment.

(B) No net may be:

(1) set within six hundred feet of ~~any~~ a gill net previously set;

(2) drifted within six hundred feet of another drifting net; or

(3) placed or set within seventy‑five feet of the confluence of ~~any~~ a tributary.

(C) Notwithstanding another provision of law, along the Little Pee Dee River, no net may be:

(1) set within seventy‑five feet of a gill net previously set;

(2) drifted within seventy‑five feet of another drifting net; or

(3) placed or set within seventy‑five feet of the confluence of a tributary.

(D) Nothing in this section prevents a lawfully drifted gill net from passing within six hundred feet of a lawfully anchored gill net.”

SECTION 2. This act takes effect upon approval by the Governor.

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