**South Carolina General Assembly**

119th Session, 2011-2012

**A249, R277, S1231**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Gregory

Document Path: l:\council\bills\swb\5115cm12.docx

Introduced in the Senate on February 16, 2012

Introduced in the House on April 25, 2012

Last Amended on June 7, 2012

Passed by the General Assembly on June 7, 2012

Governor's Action: June 18, 2012, Signed

Summary: Saltwater game fish

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/16/2012 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h%3A%5Csj%20archive%5C2012%5C02-16-12.docx))

 2/16/2012 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 3](file:///h%3A%5Csj%20archive%5C2012%5C02-16-12.docx))

 4/18/2012 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C04-18-12.docx))

 4/19/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 31](file:///h%3A%5Csj%20archive%5C2012%5C04-19-12.docx))

 4/19/2012 Senate Read second time ([Senate Journal‑page 31](file:///h%3A%5Csj%20archive%5C2012%5C04-19-12.docx))

 4/19/2012 Senate Roll call Ayes‑34 Nays‑0 ([Senate Journal‑page 31](file:///h%3A%5Csj%20archive%5C2012%5C04-19-12.docx))

 4/20/2012 Scrivener's error corrected

 4/24/2012 Senate Read third time and sent to House ([Senate Journal‑page 19](file:///h%3A%5Csj%20archive%5C2012%5C04-24-12.docx))

 4/25/2012 House Introduced and read first time ([House Journal‑page 4](file:///h%3A%5Chj%20archive%5C2012%5C04-25-12.docx))

 4/25/2012 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 4](file:///h%3A%5Chj%20archive%5C2012%5C04-25-12.docx))

 5/23/2012 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 8](file:///h%3A%5Chj%20archive%5C2012%5C05-23-12.docx))

 5/29/2012 House Amended ([House Journal‑page 26](file:///h%3A%5Chj%20archive%5C2012%5C05-29-12.docx))

 5/29/2012 House Debate interrupted ([House Journal‑page 26](file:///h%3A%5Chj%20archive%5C2012%5C05-29-12.docx))

 5/30/2012 House Read second time ([House Journal‑page 16](file:///h%3A%5Chj%20archive%5C2012%5C05-30-12.docx))

 5/30/2012 House Roll call Yeas‑84 Nays‑17 ([House Journal‑page 17](file:///h%3A%5Chj%20archive%5C2012%5C05-30-12.docx))

 5/31/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 22](file:///h%3A%5Chj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 Scrivener's error corrected

 6/7/2012 Senate House amendment amended ([Senate Journal‑page 71](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 71](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 Senate Returned to House with amendments ([Senate Journal‑page 71](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 77](file:///h%3A%5Chj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 House Roll call Yeas‑90 Nays‑2 ([House Journal‑page 78](file:///h%3A%5Chj%20archive%5C2012%5C06-07-12.docx))

 6/12/2012 Ratified R 277

 6/18/2012 Signed By Governor

 6/25/2012 Effective date 06/18/12

 6/27/2012 Act No. 249

**VERSIONS OF THIS BILL**

[2/16/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120216.docx)

[4/18/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120418.docx)

[4/19/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120419.docx)

[4/20/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120420.docx)

[5/23/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120523.docx)

[5/29/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120529.docx)

[5/30/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120530.docx)

[5/31/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120531.docx)

[6/7/2012](file:///p%3A%5Cpprever%5C2011-12%5C1231_20120607.docx)

(A249, R277, S1231)

**AN ACT TO AMEND SECTION 50‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATIONS OF BIRDS, ANIMALS, AND FISH, SO AS TO ADD COBIA RACHYCENTRON CANADUM TO THE SALTWATER GAMEFISH CLASSIFICATION; TO AMEND SECTION 50‑5‑1700, RELATING TO THE CRIMINAL OFFENSES OF SELLING, PURCHASING, TRADING, BARTERING, TAKING, AND POSSESSING SALTWATER GAMEFISH, SO AS TO ALSO CREATE SUCH CRIMINAL OFFENSES FOR COBIA; TO AMEND SECTION 50‑5‑32, RELATING TO CLOSING SALTWATER FISHING SEASONS, AREAS, OR ACTIVITIES IN AN EMERGENCY AND PROCEDURES FOR SUCH CLOSING, SO AS TO REVISE THE DEFINITION OF “EMERGENCY” AND TO PROVIDE THAT IT IS A CRIMINAL OFFENSE TO POSSESS SPECIFIED SALTWATER FISH IN AN EMERGENCY AND TO ELIMINATE THE OFFENSE OF TAKING OR ATTEMPTING TO TAKE SALTWATER FISH IN AN EMERGENCY; TO AMEND SECTION 50‑5‑1506, RELATING TO SEASONS, TIMES, METHODS, EQUIPMENT, SIZE LIMITS, AND TAKE LIMITS IN COMMERCIAL FISHING FOR SHAD IN SPECIFIED WATERS OF THE STATE, SO AS TO ADD, DELETE, AND REVISE CERTAIN OF THESE WATERS OF THE STATE AND TO REVISE SEASONS, TIMES, METHODS AND EQUIPMENT, AND SIZE AND TAKE LIMITS.**

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

**Addition to the saltwater game fish classification**

SECTION 1. Section 50‑1‑30(7) of the 1976 Code, as last amended by Act 200 of 2010, is further amended to read:

 “(7) Saltwater gamefish: Cobia Rachycentron canadum; spotted seatrout (winter trout) Cynoscion nebulosus; red drum (channel bass) Sciaenops ocellatus; tarpon Megalops atlanticus; and any species of billfish of the Family Istiophoridae.”

**Criminal offense added pertaining to cobia**

SECTION 2. Section 50‑5‑1700 of the 1976 Code is amended to read:

 “Section 50‑5‑1700. (A) It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter saltwater gamefish in this State regardless of where taken except as provided in this chapter.

 (B) It is unlawful to take or attempt to take saltwater gamefish in the waters of this State, except by:

 (1) hand‑held hook and line which includes rod and reel and pole; or

 (2) gigging during legal periods.

 Any saltwater gamefish taken by any other means must be returned immediately to the water.

 (C) It is unlawful for a person to have in possession a saltwater gamefish while fishing or transporting a seine or a gill net or other commercial fishing equipment. A saltwater gamefish caught in the net or commercial fishing equipment must be returned to the water immediately.

 (D) A wholesale or retail seafood dealer or other business may import cobia, red drum, or spotted seatrout from another state or country where the taking and sale of the fish is lawful. A copy of the bill of sale, bill of lading, or other proof of origin for each lot or shipment of the fish must accompany any fish resold and must be in the possession of the person or business offering imported cobia, red drum, or spotted seatrout for sale until it is sold to the ultimate consumer and must be retained by any seller for a period of one year.

 (E) It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter cobia taken from state waters.”

**Definition of “emergency” revised**

SECTION 3. Section 50‑5‑32 of the 1976 Code is amended to read:

 “Section 50‑5‑32. (A) The department has the authority to close any commercial or recreational fishing season, area, or activity in the salt waters of this State when a natural or man‑induced emergency threatens the future or present well‑being of a fishery resource or its habitat in a part of or in all of the salt waters of this State.

 (B) The department must use all reasonable means to give notice to the public of an emergency closure issued pursuant to subsection (A) as soon as practicable. An emergency closure notice must specify the cause of the emergency and the fishing season, area, or activity closed, and, if known, the duration of the closure.

 (C) When taking emergency action under this section, the department must notify the appropriate standing committees of the Senate and the House of Representatives of its actions as soon as practicable. Supporting resource assessments, scientific documentation, and notice of action taken must be provided to the committees.

 (D) During the first three days of an emergency closure instituted under this section, the department must issue only warnings for first offense, noncommercial violations of the closure.

 (E) The department must monitor the situation or occurrence under which the emergency arose and must reopen the closed season, area, or activity as soon as, but only when, the threat to the resource or its habitat no longer exists.

 (F) It is unlawful to possess specified saltwater fish in violation of an emergency closure. A person violating an emergency closure is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days.”

**Revisions to waters of the State, seasons, times, methods and equipment, and size and take limits for commercial fishing for shad**

SECTION 4. Section 50‑5‑1506 of the 1976 Code is amended to read:

 “Section 50‑5‑1506. In addition to other provisions of law, the following provisions govern seasons, times, methods, equipment, size limits, and take limits in commercial fishing for shad in the waters of this State specified below:

 (a) Black River, Great Pee Dee River, Little Pee Dee River, Lynches River, Waccamaw River from Big Bull Creek to Winyah Bay, Winyah Bay, and all tributaries and distributaries thereto as follows:

 (i) Pee Dee River and tributaries above U.S. Highway 701 and Black River:

 (1) Season: January 15 through April 15;

 (2) Times: noon Monday through noon Saturday;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (ii) Remainder of Winyah Bay system including all of Big Bull Creek and Waccamaw River with tributaries below the entrance of Big Bull Creek:

 (1) Season: January 15 through April 1;

 (2) Times: Monday noon to Saturday noon, local time;

 (3) Methods and equipment: No restriction provided drift nets of not more than nine hundred feet in length are allowed in Waccamaw River between Butler Island and U.S. Highway 17 during lawful times;

 (4) Size and take limits: No limits.

 (b) Santee River below Wilson Dam including the Rediversion Canal below St. Stephen Dam, North Santee River and Bay, South Santee River, and all tributaries and distributaries thereto as follows:

 (i) Rediversion Canal from St. Stephen Dam seaward to the seaward terminus of the northern dike of the Rediversion Canal:

 Season: No open season;

 (ii) Rediversion Canal from the seaward terminus of the northern dike of the Rediversion Canal seaward to Santee River:

 (1) Season: January 15 through April 15;

 (2) Times: 7:00 a.m. to 7:00 p.m. local time, Tuesday and Thursday;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (iii) Wilson Dam seaward to U.S. Highway 52 bridge:

 Season: No open season.

 (iv) U.S. Highway 52 bridge seaward to S.C. Highway 41 bridge:

 (1) Season: January 15 through April 15;

 (2) Times: 7:00 a.m. to 7:00 p.m. local time, Tuesday and Thursday;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (v) S.C. Highway 41 bridge seaward:

 (1) Season: January 15 through March 15;

 (2) Times: Monday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (c) Wando River and Cooper River seaward to the U.S. Highway 17 bridges, Charleston Harbor, Ashley River, and all tributaries and distributaries thereto as follows:

 (i) Tailrace Canal from Wadboo Creek to the Jefferies Power Plant:

 Season: No open season.

 (ii) Cooper River from Wadboo Creek to U.S. Highway 17:

 Season: No open season.

 (iii) Ashley River seaward to its confluence with Popper Dam Creek:

 (1) Season: No open season;

 (2) Reserved

 (3) Reserved

 (4) Reserved

 (iv) Remainder of the Charleston Harbor system:

 (1) Season: No open season;

 (2) Reserved

 (3) Reserved

 (4) Reserved

 (d) Edisto River Estuary, Edisto River, North and South Branches (Forks) of the Edisto River, and all tributaries and distributaries thereto as follows:

 (i) Above U.S. Highway 15 bridge:

 (1) Season: February 1 through March 30;

 (2) Times: Tuesday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (ii) Seaward of U.S. Highway 15 bridge and above U.S. Highway 17 bridge:

 (1) Season: February 1 through March 30;

 (2) Times: Tuesday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (iii) Seaward of U.S. Highway 17 bridge:

 (1) Season: February 1 through March 30;

 (2) Times: Wednesday noon to Friday midnight, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (e) Ashepoo River and all tributaries and distributaries thereto as follows:

 (1) Season: No open season;

 (2) Reserved

 (3) Reserved

 (4) Reserved

 (f) Combahee River and all tributaries and distributaries thereto as follows:

 (i) Tributaries and distributaries, except main stems of Salkehatchie Rivers:

 Season: No open season.

 (ii) Main river including main stems of Salkehatchie Rivers:

 (1) Season: February 1 through March 15;

 (2) Times: For anchored nets, Tuesday noon to Friday noon, local time; for driftnets, Monday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (g) Coosawhatchie River and all tributaries and distributaries thereto as follows:

 Season: No open season.

 (h) South Carolina portions of Savannah River and all tributaries and distributaries thereto as follows:

 (i) Main river below U. S. Highway 301 and above U. S. Interstate Highway 95:

 (1) Season: January 1 through April 15;

 (2) Times: 7:00 a.m. Wednesday to 7:00 p.m. Saturday, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (ii) Tributaries and distributaries above U.S. Interstate Highway 95 bridge:

 Season: No open season.

 (iii) Seaward of U.S. Interstate Highway 95 bridge.

 (1) Season: January 1 through March 31. Taking or attempting to take shad with anchored nets is prohibited at all times in the Savannah River’s Little Back River, Back River and the north channel of the Savannah River downstream from the New Savannah Cut;

 (2) Times: 7:00 a.m. Tuesday to 7:00 p.m. Friday, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (i) Atlantic Ocean territorial sea as follows:

 (1) Season: No open season;

 (2) Reserved

 (3) Reserved

 (4) Reserved

 (j) Lake Moultrie, Lake Marion, Diversion Canal, Intake Canal of Rediversion Canal, and all tributaries and distributaries thereto as follows:

 (1) Season: No closed season;

 (2) Times: No restrictions;

 (3) Methods and equipment: Cast net and lift net for bait;

 (4) Size and take limits: Two hundred fifty pounds per boat per day combined catch of herring and shad.”

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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