**South Carolina General Assembly**

120th Session, 2013-2014

**A6, R8, S304**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Cromer and Campsen

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Introduced in the Senate on January 29, 2013

Introduced in the House on February 20, 2013

Last Amended on March 13, 2013

Passed by the General Assembly on March 20, 2013

Governor's Action: March 22, 2013, Signed

Summary: Freshwater fishing

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/29/2013 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h%3A%5CSJ%20Archive%5C2013%5C01-29-13.docx))

 1/29/2013 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 4](file:///h%3A%5CSJ%20Archive%5C2013%5C01-29-13.docx))

 2/7/2013 Senate Committee report: Favorable **Fish, Game and Forestry** ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2013%5C02-07-13.docx))

 2/8/2013 Scrivener's error corrected

 2/14/2013 Senate Amended ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2013%5C02-14-13.docx))

 2/14/2013 Senate Read second time ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2013%5C02-14-13.docx))

 2/14/2013 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2013%5C02-14-13.docx))

 2/15/2013 Scrivener's error corrected

 2/19/2013 Senate Read third time and sent to House ([Senate Journal‑page 9](file:///h%3A%5CSJ%20Archive%5C2013%5C02-19-13.docx))

 2/20/2013 House Introduced and read first time ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2013%5C02-20-13.docx))

 2/20/2013 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2013%5C02-20-13.docx))

 3/5/2013 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 1](file:///h%3A%5CHJ%20Archive%5C2013%5C03-05-13.docx))

 3/7/2013 House Amended ([House Journal‑page 26](file:///h%3A%5CHJ%20Archive%5C2013%5C03-07-13.docx))

 3/7/2013 House Read second time ([House Journal‑page 26](file:///h%3A%5CHJ%20Archive%5C2013%5C03-07-13.docx))

 3/7/2013 House Roll call Yeas‑97 Nays‑0 ([House Journal‑page 28](file:///h%3A%5CHJ%20Archive%5C2013%5C03-07-13.docx))

 3/7/2013 House Unanimous consent for third reading on next legislative day ([House Journal‑page 29](file:///h%3A%5CHJ%20Archive%5C2013%5C03-07-13.docx))

 3/8/2013 House Read third time and returned to Senate with amendments

 3/13/2013 Senate House amendment amended ([Senate Journal‑page 36](file:///h%3A%5CSJ%20Archive%5C2013%5C03-13-13.docx))

 3/13/2013 Senate Returned to House with amendments ([Senate Journal‑page 36](file:///h%3A%5CSJ%20Archive%5C2013%5C03-13-13.docx))

 3/20/2013 House Concurred in Senate amendment and enrolled ([House Journal‑page 21](file:///h%3A%5CHJ%20Archive%5C2013%5C03-20-13.docx))

 3/20/2013 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 21](file:///h%3A%5CHJ%20Archive%5C2013%5C03-20-13.docx))

 3/21/2013 Ratified R 8

 3/22/2013 Signed By Governor

 4/3/2013 Effective date 03/22/13

 4/3/2013 Act No. 6

**VERSIONS OF THIS BILL**

[1/29/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130129.docx)

[2/7/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130207.docx)

[2/8/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130208.docx)

[2/14/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130214.docx)

[2/15/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130215.docx)

[3/5/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130305.docx)

[3/7/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130307.docx)

[3/13/2013](file:///p%3A%5Cpprever%5C2013-14%5C304_20130313.docx)

(A6, R8, S304)

**AN ACT TO AMEND SECTION 50‑13‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING GENERAL RESTRICTIONS ON FRESHWATER FISHING, SO AS TO REVISE THE DEFINITION OF THE TERM “BAIT FISH”; TO AMEND SECTION 50‑13‑60, AS AMENDED, RELATING TO THE LAWFUL POSSESSION OF FISH, SO AS TO MAKE A TECHNICAL CHANGE TO THE PROVISION RELATING TO THE POSSESSION OF A GAME FISH; TO AMEND SECTIONS 50‑13‑200, 50‑13‑210, 50‑13‑250, 50‑13‑260, AND 50‑13‑270, ALL AS AMENDED, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, SO AS TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, TO REVISE THE NUMBER OF TROUT THAT MAY BE TAKEN ON THE LOWER REACH OF THE SALUDA RIVER, TO PROVIDE THE LEGAL LENGTH OF SMALLMOUTH BASS THAT MAY BE TAKEN FROM CERTAIN LAKES, RIVERS, AND RESERVOIRS, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS 50‑13‑620, 50‑13‑625, AND 50‑13‑635, ALL AS AMENDED, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO FURTHER PROVIDE FOR THE COLOR OF CERTAIN MARKINGS, TO PROVIDE THAT A COMMERCIAL TROTLINE WHICH USES FIFTY OR FEWER HOOKS MUST BE MARKED AT INTERVALS OF TWENTY‑FIVE HOOKS, TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF GAME FISHING DEVICES, AND TO REVISE THE NUMBER OF SET HOOKS A RECREATIONAL FISHERMAN MAY USE.**

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

**Definition revised**

SECTION 1. Section 50‑13‑10(B)(1) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

 “(1) ‘Bait fish’ means a fish allowed to be used as bait in the freshwaters including: Asian clams (Corbicula spp.), crayfish, eels, herring, shad, and fathead minnows (Pimephales promelas), golden shiners (Notemigonus crysoleucas), and goldfish, including ‘black salties’ (Carassius auratus). Except for bream (other than redbreast), no other game fish is allowed to be used as bait, provided, trout are allowed to be used as bait only on Lakes Hartwell, Russell, Thurmond, Tugaloo, Yonah, Stevens Creek Reservoir, and the Savannah River.”

**Technical correction**

SECTION 2. Section 50‑13‑60(C) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

 “(C) Except as otherwise provided, it is unlawful to possess any game fish without head and tail fin intact and, where a length limit is imposed on any species, it is unlawful to possess that species without head and tail fin intact.”

**Age revised**

SECTION 3. Section 50‑13‑200 of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

 “Section 50‑13‑200. It is unlawful to take freshwater game fish except by game fish devices. A fisherman only may use four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat sixteen years and older have valid fishing licenses.”

**Trout size limitation**

SECTION 4. Section 50‑13‑210(A)(6) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

 “(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;”

**Smallmouth bass size limitation**

SECTION 5. Section 50‑13‑250 of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

 “Section 50‑13‑250. It is unlawful to possess smallmouth bass less than twelve inches in total length, except on Lakes Hartwell, Russell (including the Lake Hartwell tail water), Thurmond, Tugaloo, Yonah, the Chattooga, and Savannah Rivers, and Steven Creek Reservoir where there is no length limit on smallmouth bass.”

**Technical change**

SECTION 6. Section 50‑13‑260(A)(5) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

 “(5) Eastatoe Creek from the backwaters of Lake Keowee upstream to S.C. State Highway S‑39‑143 (Roy Jones Road) in Pickens County.”

**Technical change**

SECTION 7. Section 50‑13‑270(B)(4) of the 1976 Code, as last amended by Act 113 of 2012, is further amended to read:

 “(4) Eastatoe Creek on Eastatoe Heritage Preserve in Pickens County.”

**Markings requirements revised**

SECTION 8. Section 50‑13‑620(A) of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

 “(A) A trotline, trap, eel pot, gill net, and hoop net must be marked with a white floating marker not less than a capacity of one quart and not more than a capacity of one gallon and must be made of solid, buoyant material that does not sink if punctured or cracked. A floating marker must be constructed of plastic, PVC spongex, plastic foam, or cork. A hollow buoy or float, including plastic, metal, or glass bottles or jugs, must not be used, except that a manufactured buoy or float specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. The owner’s name and department customer identification number must be legible on each of the white floating markers. Both commercial and recreational fishermen shall comply with provisions of this title pertaining to the marking and use of a nongame fishing device. A trotline must be marked on both ends. A commercial trotline must be marked at intervals of every fifty hooks. A commercial trotline which uses fifty or fewer hooks must be marked at intervals of twenty‑five hooks. A recreational trotline must be marked at intervals of every twenty‑five hooks. Each interval float must be ‘International Orange’ in color.”

**Age revised**

SECTION 9. Section 50‑13‑625 of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

 “Section 50‑13‑625. Nongame fish may be taken with any lawful game fishing device. A fisherman only may use four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat sixteen years and older have valid fishing licenses.”

**Number of set hooks revised**

SECTION 10. Section 50‑13‑635(14) of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

 “(14) not more than fifty set hooks;”

**Savings clause**

SECTION 11. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

**Severability clause**

SECTION 12. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 13. This act takes effect upon approval by the Governor.

Ratified the 21st day of March, 2013.

Approved the 22nd day of March, 2013.

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