

## Session 114 - (2001-2002)

### **S\*0379 (Rat #0443, Act #0342 of 2002) General Bill, By Gregory**

**Summary:** Marine Resources Act of 2000, changes to

A BILL TO AMEND SECTION 50-5-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA MARINE RESOURCES ACT OF 2000, BY ADDING DEFINITIONS OF "SKIM-BOW NET" AND "STRETCH", AND BY AMENDING THE DEFINITIONS OF "ANADROMOUS", "DREDGE", "HERRING", "PEELER TRAP", "STRIKER", AND "TRAWLING"; TO AMEND CHAPTER 5, TITLE 50, RELATING TO MARINE RESOURCES, BY ADDING SECTION 50-5-32 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES HAS AUTHORITY TO CLOSE FISHING SEASONS, AREA, OR ACTIVITIES IN THE SALT WATERS OF THIS STATE WHEN AN EMERGENCY EXISTS; TO AMEND SECTION 50-5-35, RELATING TO NOTICE OF OPENING AND CLOSING OF COMMERCIAL FISHING SEASONS, SO AS TO EXEMPT EMERGENCY CLOSINGS FROM THE TWENTY-FOUR HOUR NOTICE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 50-5-65, RELATING TO SEIZURE AND DISPOSITION OF CONTRABAND, SO AS TO PROVIDE THAT CERTAIN PERISHABLE ITEMS SEIZED, THE SALE OF WHICH IS NOT ILLEGAL PER SE, MAY BE DONATED TO A NONPROFIT ENTITY OR DESTROYED IN THE DISCRETION OF THE DEPARTMENT, THAT PERISHABLE ITEMS SEIZED THE SALE OF WHICH IS ILLEGAL ONLY BECAUSE OF THE PLACE, MANNER, OR METHOD BY WHICH IT WAS SEIZED MUST BE SOLD, TO PROVIDE FOR RETENTION OF THE PROCEEDS OF PERISHABLE ITEMS SOLD UNTIL FINAL ADJUDICATION OF THE CASE, AND TO FURTHER PROVIDE THAT EACH FISH, FISHERY PRODUCT, OR PART THEREOF TAKEN, POSSESSED, OR SOLD IN VIOLATION OF THIS CHAPTER IS A SEPARATE OFFENSE; TO AMEND SECTION 50-5-70, RELATING TO THE SALE OF CONFISCATED DEVICES, SO AS TO PROVIDE THAT THE DEPARTMENT MUST SELL CONFISCATED DEVICES NOT USED OR DESTROYED BY THE DEPARTMENT; TO AMEND SECTION 50-5-120, AS AMENDED, RELATING TO BOARDING OF VESSELS BY LAW ENFORCEMENT OFFICERS, SO AS TO PROVIDE THAT THE OPERATOR, CREW, AND PASSENGERS OF WATERCRAFT OPERATING IN THE WATERS OF THIS STATE ARE REQUIRED TO COOPERATE WITH LAW ENFORCEMENT OFFICERS OR U. S. COAST GUARD PERSONNEL; TO AMEND SECTION 50-5-300, RELATING TO COMMERCIAL SALTWATER FISHING LICENSE REQUIREMENTS FOR RESIDENTS, SO AS TO PROVIDE THAT A RESIDENT MUST OBTAIN THE LICENSE FOR THE PRIVILEGE OF SELLING, EXCHANGING, OR BARTERING FISH OR PRODUCTS TAKEN OR LANDED BY THE RESIDENT; TO AMEND SECTION 50-5-310, RELATING TO COMMERCIAL SALTWATER FISHING LICENSE REQUIREMENTS FOR NONRESIDENTS, SO AS TO PROVIDE THAT A NONRESIDENT MUST OBTAIN THE LICENSE FOR THE PRIVILEGE OF SELLING, EXCHANGING, OR BARTERING FISH OR PRODUCTS TAKEN OR LANDED BY THE RESIDENT; TO AMEND SECTION 50-5-325, RELATING TO COMMERCIAL EQUIPMENT LICENSES, FEES, AND THE TAGGING OF EQUIPMENT, SO AS TO PROVIDE THAT NO PERSON MAY HOLD OR APPLY FOR A SEPARATE LICENSE RESULTING IN AVOIDANCE OF LICENSE FEE DIFFERENTIALS, AND THAT THE DEPARTMENT MAY REQUIRE AN OWNER TO AFFIX IDENTIFICATION NUMBERS AND TAGS TO COMMERCIAL EQUIPMENT; TO AMEND SECTION 50-5-330, RELATING TO RECREATIONAL FISHING, EQUIPMENT, AND COMMERCIAL MINNOW TRAPS, BY ADDING A PROVISION TO PROVIDE FOR A PENALTY FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 50-5-335, RELATING TO CHANNEL NET LICENSES AND RESTRICTIONS, SO AS TO REGULATE PREFERENCES FOR LICENSES, PROVIDE THAT APPLICANTS MUST BE SIXTEEN YEARS OF AGE AND A RESIDENT OF THIS STATE, AND THAT ONLY ONE CHANNEL NET LICENSE MAY BE ISSUED TO A PERSON; TO AMEND SECTION 50-5-350, RELATING TO DISPLAY OF LICENSES, PERMITS, AND VESSEL'S IDENTIFICATION DECALS, SO AS TO REQUIRE DISPLAY OF IDENTIFICATION DECALS ON THE PORT AND STARBOARD SIDES OF A VESSEL; TO AMEND SECTION 50-5-360, RELATING TO WHOLESALE SEAFOOD DEALERS AND LICENSES, SO AS TO PROVIDE THAT A PERSON OR ENTITY WHO BUYS, HANDLES, OR SELLS LIVE OR FRESH SALTWATER FISH OR SALTWATER FISH PRODUCTS LANDED IN THIS STATE, REGARDLESS OF WHERE TAKEN, MUST OBTAIN A WHOLESALE SEAFOOD DEALER LICENSE; TO AMEND SECTION 50-5-365, RELATING TO LICENSING REQUIREMENTS APPLICABLE TO SALE OR TRANSPORTATION OF LIVE, FRESHWATER, OR SALT WATER FISHERY PRODUCT, SO AS TO PROVIDE AN EXCEPTION TO THE PENALTY PROVISION OF THIS SECTION; TO AMEND CHAPTER 5, TITLE 50, RELATING TO MARINE RESOURCES, BY ADDING SECTION 50-5-366, SO AS TO PROVIDE THAT A PERSON WHO SELLS OR OFFERS TO SELL SHRIMP MUST HAVE CERTAIN DOCUMENTS IN HIS POSSESSION AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND CHAPTER 5, TITLE 50, RELATING TO MARINE RESOURCES, BY ADDING SECTION 50-5-367, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SELL, OFFER FOR SALE, OR PURCHASE SHRIMP TAKEN OVER BAIT; TO AMEND SECTION 50-5-370, RELATING TO PURCHASE OR REMOVAL OF SALTWATER FISHERY PRODUCTS NOT HANDLED BY A LICENSED WHOLESALE SEAFOOD DEALER FROM THIS STATE FOR COMMERCIAL PURPOSES, SO AS TO PROVIDE THAT THIS SECTION

DOES NOT APPLY TO PERSONS RECEIVING LIVE BAIT FROM A LICENSED LIVE BAIT DEALER OR TO PERSONS OR ENTITIES RECEIVING CULTURED PRODUCTS FROM PERSONS THAT SOLELY PRODUCE FISH OR FISHERY PRODUCTS REARED AS OFFSPRING FROM BROOD STOCK IN CAPTIVITY; TO AMEND SECTION 50-5-505, RELATING TO NET USE REQUIREMENTS AND RESTRICTIONS, SO AS TO PROVIDE THAT NO HAUL SEINE MAY BE SET WITHIN FIVE HUNDRED YARDS OF ANY PUBLIC FISHING PIER; TO AMEND SECTION 50-5-510, RELATING TO CHANNEL NETS, SO AS TO CHANGE THE NUMBER OF BUOYS REQUIRED TO MARK CHANNEL NETS FROM ONE TO THREE AND PROVIDE FOR THEIR LOCATION, AND TO PROVIDE THAT WHEN SET, NO CHANNEL NET MAY BE UNATTENDED FOR MORE THAN TWENTY-FOUR HOURS; TO AMEND SECTION 50-5-515, RELATING TO CHANNEL NETS AND TURTLE EXCLUDER DEVICES, SO AS TO PROVIDE THAT TURTLE EXCLUDER DEVICES MUST CONFORM TO SPECIFICATIONS OF THE NATIONAL MARINE FISHERIES SERVICE FOR SOFT TURTLE EXCLUSION DEVICES; TO AMEND SECTION 50-5-520, RELATING TO CHANNEL NET VIOLATIONS, FORFEITURE OF LICENSES, AND SEIZURE OF EQUIPMENT, SO AS TO PROVIDE THAT THE SEIZURE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO REQUIREMENTS RELATING TO DISTANCES FROM THE CENTERLINE OF MARKED NAVIGATION CHANNELS IF THE DISTANCE IS GREATER THAN THREE HUNDRED FEET; TO AMEND SECTION 50-5-545, RELATING TO COMMERCIAL CRAB TRAPS AND ESCAPE VENT REQUIREMENTS, SO AS TO PROVIDE FOR THE NUMBER, SIZE, AND LOCATION OF CIRCULAR ESCAPE VENTS IN COMMERCIAL CRAB TRAPS, AND TO PROVIDE AN EXEMPTION FOR PEELER TRAPS; TO AMEND SECTION 50-5-550, RELATING TO TRAP BUOY SIZES, SO AS TO PROVIDE THAT MINNOW TRAPS USED FOR COMMERCIAL PURPOSES MUST UTILIZE FLOATS NO SMALLER THAN FIVE INCHES MARKED WITH THE OPERATOR'S NAME AND BAIT DEALER LICENSE NUMBER, AND THAT NO PERSON MAY ACQUIRE MORE THAN ONE IDENTIFICATION NUMBER REQUIRED FOR EACH LICENSED COMMERCIAL SALTWATER FISHERMAN LICENSED TO FISH TRAPS; TO AMEND SECTION 50-5-710, RELATING TO RESTRICTIONS ON TRAWLING FOR SHRIMP, SO AS TO REVISE THE PENALTIES FOR UNLAWFULLY TRAWLING INSIDE AND OUTSIDE OF THE GENERAL TRAWLING ZONE; TO AMEND SECTION 50-5-715, RELATING TO TRAWLING RESTRICTION AREAS WITHIN THE GENERAL TRAWLING ZONE, SO AS TO CHANGE THE REFERENCE TO NOS CHART 11521 FROM THE 2ND EDITION TO THE 22ND EDITION AND TO STRIKE THE WORD "BECOMING"; TO AMEND SECTION 50-5-765, RELATING TO USE OF TURTLE EXCLUDER DEVICES, SO AS TO REVISE CERTAIN TURTLE EXCLUDER DEVICE SPECIFICATIONS AND TO STRIKE A PROVISION THAT CERTAIN TRAWL NETS ARE CONTRABAND; TO AMEND SECTION 50-5-960, RELATING TO RECREATIONAL SHELLFISH BOTTOM HARVESTS, SO AS TO STRIKE A PROVISION THAT NO PERSON MAY GATHER MORE THAN ONE PERSONAL LIMIT OF SHELLFISH PER DAY ON MORE THAN TWO CALENDAR DAYS PER ANY SEVEN DAY PERIOD AND INSERT A PROVISION THAT NO PERSON MAY HARVEST SHELLFISH RECREATIONALLY ON MORE THAN TWO CALENDAR DAYS PER ANY SEVEN DAY PERIOD; TO AMEND SECTION 50-5-965, RELATING TO TAKING SHELLFISH FROM BOTTOMS DESIGNATED FOR COMMERCIAL HARVEST AND INDIVIDUAL HARVESTER PERMITS, SO AS TO LIMIT THE APPLICATION OF THE SECTION TO BOTTOMS OR WATERS UNDER PERMIT FOR SHELLFISH CULTURE OR MARICULTURE, EXCLUDE COMMERCIAL FISHERMEN FROM THE APPLICATION OF THE SECTION, AND TO REVISE THE PROVISIONS RELATING TO PENALTIES FOR VIOLATIONS OF THE SECTION; TO AMEND SECTION 50-5-985, RELATING TO SETTING SEASONS FOR TAKING SHELLFISH, SO AS TO EXTEND THE PERIOD THE DEPARTMENT MAY SET THE SEASON FOR TAKING SHELLFISH FROM APRIL 15 TO MAY 15 EACH YEAR; TO AMEND SECTION 50-5-1100, RELATING TO THE TAKING OF SHRIMP, SO AS TO INCREASE THE FINE FOR A VIOLATION OF THIS SECTION FROM TWO HUNDRED DOLLARS TO A FINE OF NOT LESS THAN TWO THOUSAND DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS AND PROVIDE THAT EACH QUART OF SHRIMP TAKEN IN VIOLATION OF THE PROVISIONS OF THIS SECTION IS A SEPARATE OFFENSE; TO AMEND SECTION 50-5-1505, RELATING TO PROMULGATION OF REGULATIONS AS TO ZONES, CATCH LIMITS, AND RELATED MATTERS, SO AS TO STRIKE THE LANGUAGE MAKING CERTAIN PROVISIONS OF LAW EFFECTIVE UNTIL THE PROVISIONS ARE PROMULGATED AS REGULATIONS; TO AMEND CHAPTER 5, TITLE 50, RELATING TO MARINE RESOURCES, BY ADDING SECTION 50-5-1506, SO AS TO PROVIDE FOR ZONES, SEASONS, TIMES, METHODS AND EQUIPMENT, AND SIZE AND TAKE LIMITS FOR TAKING SHAD; TO AMEND CHAPTER 5, TITLE 50, RELATING TO MARINE RESOURCES, BY ADDING SECTION 50-5-1507, SO AS TO PROVIDE FOR ZONES, SEASONS, TIMES, METHODS AND EQUIPMENT, AND SIZE AND TAKE LIMITS FOR TAKING HERRING; TO AMEND CHAPTER 5, TITLE 50, RELATING TO MARINE RESOURCES, BY ADDING SECTION 50-5-1508, SO AS TO PROVIDE FOR ZONES, SEASONS, TIMES, METHODS AND EQUIPMENT, AND SIZE AND TAKE LIMITS FOR TAKING STURGEON; TO AMEND SECTION 50-5-1510, RELATING TO SPECIAL PROVISIONS FOR SHAD AND HERRING, TO PROVIDE THAT IT IS UNLAWFUL TO USE SKIM-BOW NETS WHILE OPERATING OR POSSESSING COMMERCIAL FISHING EQUIPMENT FOR TAKING SHAD OR HERRING, TO PROVIDE FOR TIMES AND CONDITIONS FOR USING SKIM-BOW NETS AND GILL NETS, AND TO PROVIDE PENALTIES FOR

VIOLATIONS OF THIS SECTION; TO AMEND SECTION 50-5-1515, AS AMENDED, RELATING TO SHAD HOOK AND LINE CATCH LIMITS, SO AS TO PROVIDE SKIM-BOW NET CATCH LIMITS FOR SHAD AND PROHIBIT THE SALE OF SHAD TAKEN BY SKIM-BOW NET; TO AMEND SECTION 50-5-1540, RELATING TO NET PLACEMENTS, SO AS TO PROVIDE THAT NO NET MAY BE SET WITHIN SIX HUNDRED FEET OF ANY GILL NET PREVIOUSLY SET, OR DRIFTED WITHIN SIX HUNDRED FEET OF ANOTHER DRIFTING NET; TO AMEND SECTION 50-5-1560, RELATING TO PENALTIES FOR OFFENSES FOR WHICH NO PENALTY HAS BEEN PRESCRIBED, SO AS TO STRIKE CERTAIN OBSOLETE LANGUAGE FROM THE SECTION; TO AMEND SECTION 50-5-1915, RELATING TO CHARTER FISHING VESSEL AND PUBLIC PIER LOGS, SO AS TO STRIKE "BOAT" AND INSERT "FISHING VESSEL", REVISE CERTAIN PENALTY PROVISIONS TO INCLUDE A TERM OF IMPRISONMENT, AND PROHIBIT ISSUING CHARTER FISHING VESSEL LICENSES UNTIL THE REQUIREMENTS OF THIS SECTION ARE MET; TO AMEND SECTION 50-5-2100, RELATING TO MARICULTURE PERMITS, SO AS TO REVISE THE PROVISIONS RELATING TO MARICULTURE PERMITS, AND TO FURTHER PROVIDE THAT EACH FISH TAKEN IN VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE; TO AMEND SECTION 50-5-2505, RELATING TO POINT SYSTEM ADMINISTRATION, SO AS TO DELETE AN OBSOLETE PROVISION TO THE EFFECT THAT POINTS AND PENALTIES UNDER THIS SECTION ARE IN ADDITION TO CRIMINAL PENALTIES; TO AMEND SECTION 50-5-2510, RELATING TO SUSPENSION OF SALTWATER PRIVILEGES FOR ACCUMULATION OF POINTS, SO AS TO REVISE CERTAIN LANGUAGE BY STRIKING "BOAT" AND INSERTING "FISHING VESSEL"; TO AMEND SECTION 50-5-2515, RELATING TO NOTICE AND REVIEW OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO PROVIDE THAT THE DEPARTMENT MUST NOTIFY THE PERSON OR ENTITY IN WRITING THAT HIS SALTWATER PRIVILEGES HAVE BEEN SUSPENDED, AND TO DELETE CERTAIN OBSOLETE PROVISIONS RELATING TO REQUESTS FOR A REVIEW AFTER RECEIPT OF A NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES; TO AMEND SECTION 50-5-2520, RELATING TO APPEALS, SO AS TO PROVIDE THAT REVIEW OF A SUSPENSION OF SALTWATER PRIVILEGES MUST BE IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 50-5-2725, RELATING TO SHARK CATCH LIMITS, SO AS TO DELETE AN OBSOLETE REFERENCE TO THE FISHERY MANAGEMENT PLAN FOR SHARKS OF THE ATLANTIC OCEAN; TO AMEND SECTION 50-5-2730, RELATING TO FEDERAL FISHING REGULATIONS BEING THE LAW OF THE STATE, SO AS TO INCLUDE SALES RESTRICTIONS WITHIN THE SECTION AND PROVIDE THAT THE FEDERAL REGULATIONS APPLY STATEWIDE INCLUDING IN STATE WATERS; TO AMEND SECTION 50-21-175, RELATING TO WATERCRAFT BEING REQUIRED TO HEAVE TO AND PERMIT BOARDING BY LAW ENFORCEMENT OFFICERS, SO AS TO PROVIDE THAT THE OPERATOR, CREW, AND PASSENGERS OF ANY WATERCRAFT OPERATING IN STATE WATERS ARE REQUIRED TO COOPERATE WITH LAW ENFORCEMENT OFFICERS OR U. S. COAST GUARD PERSONNEL, AND PROVIDE THAT PASSENGERS MAY BE GUILTY OF VIOLATING THIS SECTION; TO AMEND SECTION 50-5-1330, RELATING TO HORSESHOE CRAB PERMITS, SO AS TO PROVIDE THAT EACH HORSESHOE CRAB OR PART THEREOF TAKEN IN VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE; TO AMEND SECTION 50-5-1715, RELATING TO LIMITS ON TAKING DOLPHINS AND MAHIMAH, SO AS TO PROVIDE THAT EACH FISH TAKEN IN VIOLATION OF ARTICLE 17 IS A SEPARATE OFFENSE; TO AMEND SECTION 50-5-2105, RELATING TO PERMITS FOR LICENSED WHOLESALE SEAFOOD DEALERS, SO AS TO PROVIDE THAT EACH FISH SOLD OR OFFERED FOR SALE IN VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE; TO AMEND SECTION 50-5-2740, RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 27, SO AS TO PROVIDE THAT EACH FISH, LOBSTER, OR OTHER MARINE RESOURCE TAKEN, POSSESSED, SOLD, OFFERED FOR SALE, PURCHASED, OR ATTEMPTED TO BE SOLD, PURCHASED, BROUGHT TO THE DOCK, OR LANDED IN VIOLATION OF THIS ARTICLE IS A SEPARATE OFFENSE; AND TO REPEAL SECTION 50-5-2735 OF THE 1976 CODE.-amended title

|          |        |   |
|----------|--------|---|
| 02/27/01 | Senate | Introduced and read first time SJ-7   |
| 02/27/01 | Senate | Referred to Committee on Fish, Game and Forestry SJ-7   |
| 04/24/01 | Senate | Committee report: Favorable with amendment Fish, Game and Forestry SJ-24                                  |
| 04/26/01 | Senate | Amended SJ-38   |
| 04/26/01 | Senate | Read second time SJ-38  |
| 04/26/01 | Senate | Unanimous consent for third reading on next legislative day SJ-38   |
| 04/27/01 | Senate | Read third time and sent to House SJ-6  |
| 05/01/01 | House  | Introduced and read first time HJ-18  |
| 05/01/01 | House  | Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-23                   |
| 05/14/02 | House  | Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs HJ-43 |
| 05/15/02 | House  | Amended HJ-87   |

|          |        |   |
|----------|--------|---|
| 05/15/02 | House  | Read second time HJ-95  |
| 05/16/02 | House  | Read third time and returned to Senate with amendments HJ-16                                  |
| 06/04/02 | Senate | House amendment amended SJ-20   |
| 06/04/02 | Senate | Returned to House with amendments SJ-20   |
| 06/05/02 | House  | Recommitted to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-85    |
| 06/05/02 | House  | Recalled from Committee on Agriculture, Natural Resources and Environmental Affairs HJ-170    |
| 06/06/02 | House  | Non-concurrence in Senate amendment HJ-24   |
| 06/06/02 | Senate | Senate insists upon amendment and conference committee appointed Sens. Moore, Gregory, Grooms |
| 06/06/02 | House  | Conference committee appointed Reps. Gourdine, Loftis and Riser HJ-49                         |
| 06/06/02 | Senate | Conference report received and adopted  |
| 06/06/02 | House  | Conference report received and adopted HJ-113   |
| 06/06/02 | House  | Ordered enrolled for ratification HJ-166  |
| 06/06/02 |        | Ratified R 443  |
| 07/03/02 |        | Signed By Governor  |
| 07/25/02 |        | Effective date 7/3/02   |
| 07/25/02 |        | Copies available  |
| 08/06/02 |        | Act No. 342   |