~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 7, 2013

**S. 305**

Introduced by Senator Campsen

S. Printed 2/7/13--S. [SEC 2/8/13 3:57 PM]

Read the first time January 29, 2013.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 305) to amend Section 50‑1‑50, as amended, Code of Laws of South Carolina, 1976, relating to the geographic boundaries of the state’s bodies of waters, etc., respectfully

**REPORT:**

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

GEORGE E. CAMPSEN III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Natural Resources

The department reports that this bill would have no impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 50‑1‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GEOGRAPHIC BOUNDARIES OF THE STATE’S BODIES OF WATERS, SO AS TO REVISE THE GEOGRAPHIC BOUNDARIES OF SAINT HELENA SOUND; TO AMEND SECTION 50‑5‑15, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO DEFINE THE TERM “TOTAL LENGTH”; TO AMEND SECTION 50‑5‑40, RELATING TO THE UNAUTHORIZED TAGGING OR MARKING AND RELEASING OF SALTWATER FISH, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50‑5‑375, RELATING TO SEAFOOD DEALERS’ RECORDS, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO EVERY WHOLESALE SEAFOOD DEALER; TO AMEND SECTION 50‑5‑545, RELATING TO COMMERCIAL CRAB TRAPS, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO TRAPS USED FOR TAKING BLUE CRABS; TO AMEND SECTION 50‑5‑550, RELATING TO TRAPS ATTACHED TO A BUOY, SO AS TO PROVIDE THAT CERTAIN MINNOW TRAP FLOATS DO NOT HAVE TO BE MARKED WITH THE OPERATOR’S BAIT DEALER LICENSE NUMBER; TO AMEND SECTION 50‑5‑705, RELATING TO THE ESTABLISHMENT OF TRAWLING ZONES, SO AS TO REVISE THE BOUNDARIES OF CERTAIN TRAWLING ZONES; TO AMEND SECTION 50‑5‑1330, RELATING TO THE TAKING OF HORSESHOE CRABS, SO AS TO PROVIDE THAT A PERMIT IS NOT REQUIRED TO POSSESS A CAST OFF OR MOLTED SHELL OF A HORSESHOE CRAB, AND TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY GRANT PERMITS TO CERTAIN INSTITUTIONS AND PERSONS TO POSSESS AN UNLIMITED NUMBER OF HORSESHOE CRABS OR THEIR PARTS; TO AMEND SECTION 50‑5‑1335, RELATING TO THE USE OF BLUE CRAB TRAPS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SET A TRAP USED FOR TAKING BLUE CRAB FOR COMMERCIAL PURPOSES WITHIN CERTAIN WATERS WITHIN THIS STATE; TO AMEND SECTIONS 50‑5‑1705 AND 50‑5‑1710, BOTH AS AMENDED, RELATING TO LAWFUL SIZE AND CATCH LIMITS FOR CERTAIN FISH, SO AS PROVIDE THAT THE LIMITS ESTABLISHED IN ARTICLE 17, CHAPTER 5, TITLE 50 APPLY TO ALL STATE WATERS; AND TO REPEAL SECTION 50‑5‑1340, RELATING TO COMMERCIAL USE OF CRAB POTS IN LITTLE CHECHESSEE CREEK IN BEAUFORT COUNTY.

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

SECTION 1. Section 50‑1‑50(90) of the 1976 Code, as last amended by Act 206 of 2012, is further amended to read:

“(90) ‘Saint Helena Sound’ means all waters of Saint Helena Sound bounded by Edisto Beach, Otter Island, Ashe Island, Morgan Island, St. Helena Island, and Harbor Island, bounded on the seaward side by the COLREG line from Edisto Beach to Hunting Island, and bounded on the inland side by the U.S. Highway 21 bridge in the mouth of Harbor River, from the northern tip of Coffin Point (latitude 32° 26.78’ N, longitude 080° 29.01’ W), just east of the mouth of Coffin Creek running north crossing the mouth of Morgan River to the eastern tip of Morgan Island marsh (latitude 32° 28.14’ N, longitude 080° 28.63’ W), and then running north across the mouth of Coosaw River to the southern tip of Ashe Island (latitude 32° 29.77’ N, longitude 080° 28.35’ W), and by a line running due ~~west~~ east from the ~~western~~ eastern tip of Ashe Island (latitude 32° 30.19’ N, longitude 080° 27.33’ W), crossing the mouth of Rock Creek to Hutchinson Island, and by a line running south across the mouth of the Ashepoo River to the ~~eastern~~ western side of Otter Island (latitude 32° 28.72’ N, longitude 080° 25.15’ W) and extending to the southern tip of Edisto Beach (latitude 32° 28.64’ N, longitude 080° 20.30’ W).”

SECTION 2. Section 50‑5‑15 of the 1976 Code is amended by adding the appropriately numbered item:

“( ) ‘Total length’ means the length of a fish laid flat and measured from the closed mouth (snout) to the tip of the tail fin when pinched together. It is a straight line measure, not over the curvature of the body.”

SECTION 3. Section 50‑5‑40 of the 1976 Code is amended to read:

“Section 50‑5‑40. ~~No~~ Unless authorized by the department, no person may tag or mark and release saltwater fish or promote such activity ~~unless authorized by the department~~. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than two hundred dollars or imprisoned for not more than thirty days.”

SECTION 4. Section 50‑5‑375 of the 1976 Code is amended to read:

“Section 50‑5‑375. (A) Every wholesale seafood dealer ~~required to be licensed~~ must keep and retain accurate records detailing the information required by the department for a period of not less than one year and shall open the records to the department for inspection upon reasonable demand.

(B) Any wholesale seafood dealer who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than five hundred dollars or imprisoned for not more than thirty days. The provisions of this section do not supersede or replace any criminal sanctions for defrauding or attempting to defraud this State.”

SECTION 5. Section 50‑5‑545 of the 1976 Code is amended to read:

“Section 50‑5‑545. (A) Except as provided in this section, from June 1 through March 14, a ~~crab~~ trap used for taking blue crab used for commercial purposes must have at least two unobstructed, circular escape vents (rings) which must be two and three‑eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

(B) ~~Crab traps~~ A trap used for taking blue crab constructed of a single chamber must have at least one two and three‑eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round.”

SECTION 6. Section 50‑5‑550(A) of the 1976 Code is amended to read:

“(A) Other than minnow traps not used for a commercial purpose, and traps with lines attached to a shore based structure and not used for a commercial purpose, each trap set in the waters of this State must have attached to it a buoy made of solid, buoyant material which does not sink if punctured or if cracked. A spherical or nonspherical primary buoy must be attached to each trap. A nonspherical buoy must be at least ten inches in length and five inches in diameter or width. A spherical buoy must be at least six inches in diameter. No plastic, metal, or glass bottles or jugs may be used as a buoy, and no buoy attached may be made of a material which could sink if punctured or cracked. No floating line or rope may be used. 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~~.”

SECTION 7. Section 50‑5‑705 of the 1976 Code is amended to read:

“Section 50‑5‑705. The following General Trawling Zone is established:

Based on National Ocean Service (NOS) chart 11513 (22nd edition, July 12, 1997), that area seaward of a line, termed the inshore trawl boundary, beginning at the point of intersection of the north jetty (Oyster Bed Island Training Wall) of the Savannah River and the shoreline (‘shoreline’ herein defined as the line of Mean High Water) of Oyster Bed Island at latitude 32° 02.35’ N, longitude 080° 53.05’ W; thence following the shoreline of Oyster Bed Island to the point at the mouth of the Wright River at latitude 32° 02.92’ N, longitude 080° 54.62’ W; thence following a straight line northeasterly to the southernmost point of Turtle Island at latitude 32° 03.08’ N, longitude 080° 54.42’ W; thence following the shoreline of Turtle Island to the point at the mouth of the New River at latitude 32° 04.80’ N, longitude 080° 52.97’ W; thence following a straight line easterly to the southernmost point of Daufuskie Island (Bloody Point) at latitude 32° 04.92’ N, longitude 080° 52.60’ W; thence following the shoreline of Daufuskie Island to the point at latitude 32° 07.30’ N, longitude 080° 50.40’ W; thence following a straight line easterly across Calibogue Sound to the point on Hilton Head Island at latitude 32° 07.30’ N, longitude 080° 49.50’ W; thence following the shoreline of Hilton Head Island and crossing the mouths of Folly and Coggin Creeks to the northernmost point of Hilton Head Island at latitude 32° 16.26’ N, longitude 080° 43.72’ W; thence following a straight line westerly to a green square beacon marked ‘5’ at latitude 32° 16.10’ N, longitude 080° 44.14’ W; thence following a straight line northerly to a red triangular beacon marked ‘4’ at latitude 32° 16.38’ N, longitude 080° 44.14’ W; thence following a straight line easterly to a red nun or conical buoy marked ‘2’ at latitude 32° 16.40’ N, longitude 080° 42.40’ W; thence following a straight line easterly to the point on Parris Island Spit at latitude 32° 16.72’ N, longitude 080° 40.00’ W (approximate location of flashing red day marker No. 246); thence following a straight line easterly to a red nun or conical buoy marked ‘26’ at the mouth of the Beaufort River at latitude 32° 16.75’ N, longitude 080° 39.20’ W; thence following a straight line easterly to the point at the mouth of Station Creek at latitude 32° 16.72’ N, longitude 080° 38.55’ W; thence following the shorelines of Bay Point and St. Phillips Islands and crossing the mouth of Morse Island Creek to the point on St. Phillips Island at latitude 32° 17.00’ N, longitude 080° 35.30’ W; thence following a straight line easterly across Trenchards Inlet to the point at latitude 32° 17.00’ N, longitude 080° 34.75’ W; thence following the shorelines of Capers and Pritchards Islands and crossing the mouths of Capers, Pritchards, and Skull Inlets to the southernmost point of Fripp Island at latitude 32° 18.40’ N, longitude 080° 30.05’ W; thence following the shoreline of Fripp Island to its easternmost point at latitude 32° 19.35’ N, longitude 080° 27.18’ W; thence following a straight line northerly across Fripp Inlet to the southernmost point of Hunting Island at latitude 32° 20.32’ N, longitude 080° 27.28’ W; thence following the shoreline of Hunting Island to its northernmost point at the mouth of Johnson Creek at latitude 32° 23.50’ N, longitude 080° 25.80’ W; thence following a straight line northerly to the point on Harbor Island at latitude 32° 24.10’ N, longitude 080° 25.63’ W; thence following the shoreline of Harbor Island to the eastern end of the U.S. Highway 21 swing bridge at Harbor River at latitude 32° 24.20’ N, longitude 080° 27.00’ W; thence to the center of the swing span of the bridge at latitude 32° 24.26’ N, longitude 080° 27.16’ W; thence following a straight line northerly to the beacon on Combahee Bank at latitude 32° 28.07’ N, longitude 080° 26.06’ W; thence, based on NOS chart 11521 (22nd edition, January 20, 1996), following a straight line northeasterly to the point on Otter Island at the mouth of the Ashepoo River at latitude 32° 29.25’ N, longitude 080° 25.15’ W; thence following the shoreline of Otter Island to the point at the mouth of Fish Creek at latitude 32° 29.00’ N, longitude 080° 23.24’ W; thence following a straight line easterly across the South Edisto River to the southernmost point (Bay Point) of Edisto Beach at latitude 32° 28.66’ N, longitude 080° 20.18’ W; thence following the shorelines of Edisto and Edingsville Beaches and Botany Bay Island and crossing the mouths of Jeremy, Frampton, and Townsend Inlets to the point on Botany Bay Island at latitude 32° 33.50’ N, longitude 080° 12.00’ W; thence following a straight line easterly across the North Edisto River to the southernmost point on Seabrook Island at latitude 32° 33.55’ N, longitude 080° 10.50’ W; thence following the shorelines of Seabrook and Kiawah Islands and crossing the mouth of Captain Sams Inlet to the point on Kiawah Island (Sandy Point) at latitude 32° 37.18’ N, longitude 079° 59.65’ W; thence following a straight line northeasterly across Stono Inlet to the southernmost point of Folly Island at latitude 32° 38.40’ N, longitude 079° 58.36’ W; thence following the shoreline of Folly Island to its easternmost point at latitude 32° 41.10’ N, longitude 079° 53.17’ W; thence following a straight line northerly across Lighthouse Inlet to the Morris Island lighthouse (abandoned) at latitude 32° 41.70’ N, longitude 079° 53.03’ W; thence following a straight line on a geodetic azimuth of 285 degrees to the shoreline of Morris Island; thence following the shoreline of Morris Island northerly to its point of intersection with the south jetty for Charleston Harbor at latitude 32° 43.91’ N, longitude 079° 52.18’ W; thence following the submerged jetty easterly to the point where its emergent portion begins at latitude 32° 43.85’ N, longitude 079° 50.92’ W; thence following a straight line northeasterly across the Charleston Harbor channel to the point where the emergent north jetty begins at latitude 32° 44.57’ N, longitude 079° 50.00’ W; thence following the submerged north jetty northerly to its point of intersection with Sullivans Island at latitude 32° 45.46’ N, longitude 079° 50.40’ W; thence following the shoreline of Sullivans Island, the seaward edge of the Breach Inlet bridge, and the shoreline of the Isle of Palms to its easternmost point at latitude 32° 48.90’ N, longitude 079° 43.09’ W; thence following a straight line northerly across Dewees Inlet to the point on Dewees Island at latitude 32° 49.65’ N, longitude 079° 43.27’ W; thence following the shoreline of Dewees Island to the point at latitude 32° 50.70’ N, longitude 079° 42.03’ W; thence following a straight line northerly across Capers Inlet to the southernmost point of Capers Island at latitude 32° 51.10’ N, longitude 079° 41.87’ W; thence following the shoreline of Capers Island to the point at latitude 32° 52.57’ N, longitude 079° 39.30’ W; thence following a straight line easterly across Price Inlet to the southernmost point of Bull Island at latitude 32° 52.57’ N, longitude 079° 38.95’ W; thence, based on NOS chart 11531 (19th edition, April 19, 1997), following the shoreline of Bull Island to its northernmost point at latitude 32° 55.98’ N, longitude 079° 34.48’ W; thence following a straight line northeasterly to the point ~~(now marked by a group of three piles) west of Sandy Point~~ at latitude 33° 00.38’ N, longitude 079° 29.43’ W; thence following a straight line ~~on a geodetic azimuth of 090 degrees to Sandy Point; thence following the shorelines of Sandy Point, Sandy Point Beach, and Raccoon Key and~~ in a northeasterly direction along Raccoon Key, thence crossing the mouth of Raccoon Creek to the point at latitude 33° 01.00’ N, longitude 079° 25.25’ W; thence following a straight line easterly across Key Inlet to the ~~westernmost~~ point of Cape Island at latitude ~~33° 00.35’~~ 33° 00.46’ N, longitude ~~079° 23.64’~~ 079° 24.49’ W; thence following the shoreline of Cape Island to the point ~~on the west side of the northernmost tip~~ at latitude ~~33° 04.79’~~ 33° 00.61’ N, longitude ~~079° 20.14’~~ 079° 21.90’ W (accretion in this area not shown on the nautical chart); thence following a straight line ~~westerly~~ northeasterly to the point at latitude 33° 02.21’ N, longitude 79° 21.04’ W, thence following a straight line northeasterly across Cape Romain Harbor to the point on Murphy Island ~~at the mouth of Alligator Creek~~ at latitude ~~33° 04.73’~~ 33° 05.46’ N, longitude ~~079° 21.28’~~ 079° 19.72’ W; thence following the shoreline of Murphy Island northeasterly to the point at latitude 33° 07.00’ N, longitude 079° 16.97’ W; thence following a straight line easterly across the South Santee River to the southwesternmost point of Cedar Island at latitude 33° 07.00’ N, longitude 079° 16.58’ W; thence following the shoreline of Cedar Island to the point at latitude 33° 08.36’ N, longitude 079° 14.71’ W; thence, based on NOS chart 11532 (18th edition, June 1, 1996), following a straight line northerly across the North Santee River to the southernmost point of Cane Island at latitude 33° 08.92’ N, longitude 079° 14.92’ W; thence following the eastern shoreline of Cane Island and crossing the mouth of an unnamed creek to the easternmost point of Crow Island at latitude 33° 10.04’ N, longitude 079° 15.34’ W; thence following a straight line northeasterly across North Santee Bay to the point on South Island at the south side of the mouth of Beach Creek at latitude 33° 10.43’ N, longitude 079° 14.60’ W; thence following the shoreline of South Island to its southernmost point (Santee Point) at latitude 33° 08.06’ N, longitude 079° 14.38’ W; thence following the shorelines of South and Sand Islands to the point of intersection with the south jetty for Winyah Bay at latitude 33° 11.43’ N, longitude 079° 11.00’ W; thence following the shorelines of Sand and South Islands to the point on South Island at latitude 33° 13.82’ N, longitude 079° 12.16’ W; thence following a straight line easterly passing approximately through the charted positions of a green light buoy marked ‘15’ and a red nun or conical buoy marked “16” to the point on North Island at latitude 33° 14.00’ N, longitude 079° 11.32’ W; thence following the shoreline of North Island southerly and easterly to its intersection with the north jetty for Winyah Bay at latitude 33° 12.53’ N, longitude 079° 10.43’ W; thence, based on NOS chart 11535 (11th edition, April 18, 1992), following the shoreline of North Island to the point at latitude 33° 19.03’ N, longitude 079° 09.57’ W; thence following a straight line northerly across North Inlet to the point on the south end of *Debidue* DeBordieu Island at latitude 33° 19.98’ N, longitude 079° 09.60’ W; thence following the shorelines of *Debidue* DeBordieu Island, Pawley’s Island, Litchfield Beach, and Magnolia Beach and crossing the mouths of Pawley’s Inlet and Midway Inlet to the point on the south jetty for Murrells Inlet at latitude 33° 31.60’ N, longitude 079° 01.90’ W; thence following a straight line northerly across Murrells Inlet to the point of intersection with the north jetty at latitude 33° 31.96’ N, longitude 079° 01.77’ W; thence following the shoreline northeasterly and crossing the mouths of Singleton Swash, White Point Swash, and Hog Inlet to the point of intersection with the south jetty for Little River on the eastern end of Waites Island at latitude 33° 50.91’ N, longitude 078° 33.21’ W; thence following a straight line easterly across Little River Inlet to the point on the north jetty on Bird Island at latitude 33° 50.97’ N, longitude 078° 32.62’ W; thence following the shoreline of Bird Island to its intersection with the South Carolina‑North Carolina boundary line at latitude 33° 51.09’ N, longitude 078° 32.50’ W.”

SECTION 8. Section 50‑5‑1330 of the 1976 Code is amended to read:

“(A) Taking or possessing horseshoe crabs (Limulus polyphemus) is unlawful except under permit granted by the department. A permit is not required to possess a cast off or molted shell (exoskeleton) of a horseshoe crab.

(B) The department may permit the taking or possession of horseshoe crabs. Permits granted under this section may include provisions as to lawful fishing areas; minimum size requirements for horseshoe crabs; mesh size and dimensions of nets and other harvesting devices; by catch requirements; fishing times or periods; catch reporting requirements; holding facilities, conditions, and periods; and other conditions the department determines.

(C) Horseshoe crabs from which blood is collected for production of amebocyte lysate may be held in facilities approved by the department and must be handled so as to minimize injury to the crab. Horseshoe crabs collected in this State must be returned unharmed to state waters of comparable salinity and water quality as soon as possible after bleeding unless subsequent retention is permitted.

(D) The taking of horseshoe crabs incidentally during legal fishing operations does not violate this section if the crabs are returned immediately to the water unharmed.

(E) The department may grant permits to institutions and persons engaged in science instruction or curation to possess ~~no more than five~~ horseshoe crabs or parts thereof for such purposes, and permittees are not required to be licensed under this chapter.

(F) No horseshoe crab collected in South Carolina may be removed from this State.

(G) A person who violates this section or a condition of a permit issued hereunder is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than five hundred dollars or imprisoned for not more than thirty days. Each horseshoe crab or part thereof in violation is a separate offense.”

SECTION 9. Section 50‑5‑1335 of the 1976 Code is amended to read:

“Section 50‑5‑1335. It is unlawful to set ~~or use~~ a ~~blue crab~~ trap used for taking blue crab for commercial purposes within these waters of the State:

(1) Pawley’s Island Creek and Midway Creek on Pawley’s Island in Georgetown County;

(2) one hundred fifty feet of the mean low tide watermark on Atlantic Ocean shoreline of Pawley’s Island in Georgetown County;

(3) DeBordieu Creek and its tributaries and distributaries above the entrance to Bass Hole Creek and seaward of the causeways of Luvan Boulevard in Georgetown County;

(4) the Sampit River above a line connecting the point on the eastern shoreline of Sampit River at its confluence with Winyah Bay at latitude 33° 21.08’ N, longitude 79° 16.71’ W and the point on the western shoreline of Winyah Bay generally south of its confluence with Sampit River at latitude 33° 20.68’ N, longitude 79° 16.90’ W in Georgetown County; and

(5) Little Chechessee Creek in Beaufort County.”

SECTION 10. Section 50‑5‑1705 of the 1976 Code, as last amended by Act 210 of 2012, is further amended to read:

“Section 50‑5‑1705. (A) As used in this article, a day means sunrise on one day to sunrise on the following day.

(B) The limits established in this article apply to all state waters.

(C) It is unlawful for a person to take or have in possession more than ten spotted seatrout in any one day.

~~(C)~~(D) It is unlawful for a person to take or have in possession more than three red drum in any one day.

~~(D)~~(E) It is unlawful for a person to take or have in possession more than one tarpon in any one day.

~~(E)~~(F) It is unlawful for a person to take or have in possession more than five black drum (Pogonias cromis) in any one day.

~~(F)~~(G) It is unlawful for a person to take or possess more than twenty flounder (Paralichthys species) taken by means of gig, spear, hook and line, or similar device in any one day, not to exceed forty flounder in any one day on any boat.

~~(G)~~(H) It is unlawful for a person to take or have in possession more than one weakfish (Cynoscion regalis) in any one day.

~~(H)~~(I) It is unlawful for a person to take or possess more than ten sheepshead (Archosargus probatocephalus) in any one day, not to exceed thirty sheepshead in any one day on any boat.

~~(I)~~(J) It is unlawful to take or possess hardhead catfish (Ariopsis felis) or gafftopsail catfish (Bagre marinus).

~~(J)~~(K) It is unlawful to gig for spotted seatrout or red drum from December first~~,~~ through the last day of February, inclusive.

~~(K)~~(L) The possession limits do not apply to the possession or sale of properly identified fish imported by seafood dealers or produced by permitted mariculture operations, or to possession as allowed under permit authorized by this chapter.”

SECTION 11. Section 50‑5‑1710 of the 1976 Code, as last amended by Act 210 of 2012, is further amended to read:

“Section 50‑5‑1710. (A) The limits established in this article apply to all state waters.

(B) Except as provided in Article 21, it is unlawful to take, possess, land, sell, purchase, or attempt to sell or purchase:

(1) spotted seatrout (Cynoscion nebulosus) (winter trout) of less than fourteen inches in total length;

(2) flounder (Paralichthys) of less than fourteen inches total length;

(3) red drum (Sciaenops ocellatus) (channel bass or spottail bass) of less than fifteen inches in total length, or more than twenty‑three inches in total length;

(4) black drum (Pogonias cromis) of less than fourteen inches or more than twenty‑seven inches in total length;

(5) weakfish (Cynoscion regalis) of less than twelve inches in total length; or

(6) sheepshead (Archosargus probatocephalus) of less than fourteen inches in total length.

~~(B)~~(C) The finfish species named in this section must be brought to the dock or landed with head and tail fin intact except for product produced by mariculture operations permitted under this chapter, provided that returning fish of unlawful size immediately to the water does not constitute a violation. A commercial retailer or restaurant may remove the head at the request of the ultimate consumer after completion of the transaction but before transfer of the purchase or serving of the dish.”

SECTION 12. Section 50‑5‑1340 of the 1976 Code is repealed.

SECTION 13. 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.

SECTION 14. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑