House Bill 998 (AS PASSED HOUSE AND SENATE)
By: Representatives Rhodes of the 120th, Buckner of the 137th, Corbett of the 174th, McCall of the 33rd, and Tarvin of the 2nd

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Lake Lanier Islands Development Authority, so as to extend the term of the Lake Lanier Islands Development Authority; to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change the effective date of rules and regulations promulgated by the Board of Natural Resources; to revise the implied consent warning for hunting under the influence; to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to registration, operation, and sale of watercraft generally, so as to correct erroneous terminology regarding operation of watercraft while intoxicated; to revise the implied consent warning; to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to designate the shoal bass as the official Georgia state riverine sport fish; to provide for legislative findings; to amend Part 1 of Article 1 of Chapter 3 of Title 27, relating to hunting generally, so as to amend a sunset date; to dispense with certain reports by the department to the General Assembly; to provide for definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Part 3 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Lake Lanier Islands Development Authority, is amended by revising Code Section 12-3-311, relating to creation of authority, delegation of powers and duties, and duration of authority's existence, as follows:

"12-3-311.

(a) There is created a body corporate and politic to be known as the Lake Lanier Islands Development Authority, which shall be deemed an instrumentality of the State of Georgia and a public corporation and by that name, style, and title such body may contract and be

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contracted with, sue and be sued, implead and be impleaded, and complain and defend in
all courts.
(b) The authority may delegate to one or more of its members, or to its agents and
employees, such powers and duties as it may deem proper.
(c) The authority shall exist for 99 years and, upon the expiration thereof, shall exist for
an additional 40 years.
(d) The authority is assigned to the Department of Natural Resources for administrative
purposes only."

PART II

SECTION 2-1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
revising Code Section 27-1-39, relating to rules and regulations used to establish criminal
violations, as follows:
"27-1-39.
Notwithstanding any other law to the contrary, for purposes of establishing criminal
violations of the rules and regulations promulgated by the Board of Natural Resources as
provided in this title, the term 'rules and regulations' means those rules and regulations of
the Board of Natural Resources in force and effect on January 1, 2019 [2020]."

SECTION 2-2.

Said title is further amended in Code Section 27-3-7, relating to hunting under the influence
of alcohol or drugs, by revising paragraphs (1) through (3) of subsection (f) and paragraph
(2) of subsection (g) and by adding a new subsection to read as follows:
"(a.1) As used in this Code section, the term ‘alcohol concentration’ means grams of
alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath."
"(1) If there was at that time a blood alcohol concentration of 0.05 grams or less, it
shall be presumed that the person was not under the influence of alcohol, as prohibited
by paragraphs (1), (2), and (3) of subsection (b) of this Code section;
(2) If there was at that time a blood alcohol concentration in excess of 0.05 grams but
less than 0.08 grams, such fact shall not give rise to any presumption that the person was
or was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of
subsection (b) of this Code section, but such fact may be considered with other competent
evidence in determining whether the person was under the influence of alcohol, as
prohibited by paragraphs (1), (2), and (3) of subsection (b) of this Code section; and
(3) If there was at that time or within three hours after hunting, from alcohol consumed
before such hunting ended, a blood alcohol concentration of 0.08 or more grams, the
person shall be in violation of paragraph (4) of subsection (b) of this Code section."
"(2) At the time a chemical test or tests are requested, the arresting officer shall read to
the person the following implied consent warning:

'The State of Georgia has conditioned your license to hunt in this state upon your
submission to state administered chemical tests of your blood, breath, urine, or other
bodily substances for the purpose of determining if you are under the influence of
alcohol or drugs. If you refuse this testing and you are convicted of hunting while
under the influence of alcohol or drugs, your ability to lawfully hunt in this state will
be suspended for a period of two years. Your refusal to submit to blood or urine testing
may be offered into evidence against you at trial. If you submit to testing and the
results indicate an alcohol concentration of 0.08 grams or more and if you are
subsequently convicted of hunting under the influence of alcohol by having an alcohol
concentration of 0.08 grams or more at any time within three hours after hunting from
alcohol consumed before such hunting ended, your ability to lawfully hunt in this state
will be suspended for a period of one year. After first submitting to the required
requested state tests, you are entitled to additional chemical tests of your blood, breath,
urine, or other bodily substances at your own expense and from qualified personnel of
your own choosing. Will you submit to the state administered chemical tests of your
(designate which test)?"

SECTION 2-3.

Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to
registration, operation, and sale of watercraft generally, is amended in Code Section 52-7-3,
relating to definitions, by revising paragraph (1) and adding a new subparagraph to read as
follows:

"(1) The term 'alcohol concentration' means grams of alcohol per 100 milliliters of blood
or grams of alcohol per 210 liters of breath.

(1.1) 'Blind point' means that portion of any of the waters of this state in which there is
a natural or man-made obstruction which prevents the operator of a vessel from seeing
vessels approaching from the opposite side of the obstruction, thus creating a safety
hazard which could result in a boating accident."
SECTION 1-4.

Said article is further amended in Code Section 52-7-12 of the Official Code of Georgia Annotated, relating to operation of watercraft while under influence of alcohol, toxic vapors, or drugs, legal drug use not exempted, blood and other chemical tests, test refusal, owner's liability for allowing another to operate while intoxicated, civil and criminal actions, and child endangerment, by revising subsection (h) as follows:

“(h) In the event of a boating accident involving a fatality, the investigating coroner or medical examiner having jurisdiction shall direct that a chemical blood test to determine blood alcohol concentration (BAC) or the presence of drugs be performed on the dead person or persons and that the results of such test be properly recorded in his or her report.”

SECTION 1-5.

Code Section 52-7-12.5 of the Official Code of Georgia Annotated, relating to ordering drug, alcohol, or other substance tests and implied consent notice relative to operation of watercraft, is amended by revising subsection (b) as follows:

“(b) At the time a chemical test or tests are requested, the arresting officer shall select and read to the person the appropriate implied consent warning from the following:

(1) Implied consent notice for suspects under 21 years of age:

‘The State of Georgia has conditioned your privilege to operate a vessel on the waters of this state upon your submission to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your privilege to operate a vessel on the waters of this state will be suspended for a minimum period of one year. Your refusal to submit to blood or urine testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.02 grams or more or the presence of any illegal drug, your privilege to operate a vessel on the waters of this state may be suspended for a minimum period of one year. After first submitting to the required requested state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which test)?; or

(2) Implied consent notice for suspects 21 years of age or older:

‘The State of Georgia has conditioned your privilege to operate a vessel on the waters of this state upon your submission to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your privilege to operate a vessel on the waters of this state will be suspended for a minimum period of one year.
Your refusal to submit to blood or urine testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.08 grams or more or the presence of any illegal drug, your privilege to operate a vessel on the waters of this state may be suspended for a minimum period of one year. After first submitting to the **required** requested state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which test)?

If any such notice is used by a law enforcement officer to advise a person of his or her rights regarding the administration of chemical testing, such person shall be deemed to have been properly advised of his or her rights under this Code section and under Code Section 52-7-12.6, and the results of any chemical test, or the refusal to submit to a test of such person's blood or urine, shall be admitted into evidence against such person. Such notice shall be read in its entirety but need not be read exactly so long as the substance of the notice remains unchanged.

**PART III**

**SECTION 3-1.**

The General Assembly finds that:

1. The shoal bass has unique sporting qualities; occurs in abundance in the Flint, Chattahoochee, and Ocmulgee rivers; and is dependent upon clean, flowing water;
2. This unique native riverine sport fish moves dozens, and at times hundreds, of miles to complete its spawning and other life stages and is therefore dependent upon long, unobstructed segments of Georgia's rivers, in addition to high-quality shoal habitats; and
3. Both the hard rock formations of Georgia's piedmont region and the lime rock formations of Georgia's coastal plain are important to the shoal bass, and important fishing and tourist economies are structured around this unique native riverine sport fish.

**SECTION 3-2.**

Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, is amended by adding a new Code section to read as follows:

"50-3-89. The shoal bass (*Micropterus cataractae*) is designated as the official Georgia state riverine sport fish."

**PART IV**

**SECTION 4-1.**
Part 1 of Article 1 of Chapter 3 of Title 27, relating to hunting generally, is amended by revising paragraph (9) of subsection (a) of Code Section 27-3-4, relating to legal weapons for hunting wildlife generally, use of silencers and suppressors prohibited, and penalty for violations, as follows:

“(9) For purposes of this subsection, the term ‘air gun’ means any pistol, handgun, or shoulder-held device, each of not less than 0.30 caliber, or air bow that propels a projectile in the form of a slug, shot, or arrow equipped with a broadhead utilizing unignited compressed air or gas. Air guns are legal weapons for hunting big game only during primitive weapon hunts, primitive weapon seasons, and firearm seasons. This paragraph shall stand repealed effective July 1, 2020, unless continued in effect by the General Assembly prior to that date. At its 2020 regular session, the General Assembly shall review this paragraph to determine whether it should be continued in effect.”

SECTION 4-2.

Said part is further amended by revising subsection (g) of Code Section 27-3-15, relating to hunting seasons and bag limits, as follows:

“(g)(1) The department shall report to the General Assembly on or before the fifth day of February of each year the estimated number of deer killed, by sex, in the immediately preceding season.

(2) Upon completion of its annual analysis of data from the immediately preceding season, the department shall report to the General Assembly on the same day that it reports to the Board of Natural Resources each year the actual number of deer killed, by sex, in the immediately preceding season.”

PART V

SECTION 5-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5-2.

All laws and parts of laws in conflict with this Act are repealed.