

Senate Bill 115

By: Senators McLaurin of the 14th, Dugan of the 30th, Kennedy of the 18th, Moore of the 53rd, Dolezal of the 27th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-8-5 of the Official Code of Georgia Annotated, relating to rights
2 of adjoining landowners in navigable streams, so as to provide for intent, title to, and public
3 use of navigable waters; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 44-8-5 of the Official Code of Georgia Annotated, relating to rights of
8 adjoining landowners in navigable streams, is amended by adding a new subsection to read
9 as follows:

10 "(c) The General Assembly finds that the state procured ownership of all navigable stream
11 beds within its jurisdiction upon statehood and, as sovereign, is trustee of its peoples' rights
12 to use and enjoy all navigable streams capable of use for fishing, hunting, passage,
13 navigation, commerce, and transportation, pursuant to the common law public trust
14 doctrine. The state continues to hold title to all such stream beds, except where title in a
15 private party originates from a valid Crown or state grant before 1863. The General

16 Assembly further finds that the public retained the aforementioned rights under such
17 doctrine even where private title to beds originates from a valid grant."

18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.