

House Bill 287 (AS PASSED HOUSE AND SENATE)

By: Representatives Rhodes of the 124<sup>th</sup>, Corbett of the 174<sup>th</sup>, LaHood of the 175<sup>th</sup>, McDonald III of the 26<sup>th</sup>, and Cannon of the 172<sup>nd</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to  
2 Environmental Protection Division, Environmental Advisory Council, duties of council and  
3 its members and director, appeal procedures generally, permit applications, and inspections,  
4 so as to update the reference date to standards, rules, and regulations; to amend Title 27 of  
5 the Official Code of Georgia Annotated, relating to game and fish, so as to update the  
6 reference date to rules and regulations; to provide for courtesy hunting and fishing licenses  
7 for paralyzed or disabled individuals; to change an age requirement for the special turkey  
8 hunting season for young and mobility impaired hunters; to provide for fees for resident  
9 shellfish crews; to amend Code Section 52-7-26 of the Official Code of Georgia Annotated,  
10 relating to penalty, so as to update the reference date to rules and regulations; to provide for  
11 related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to Environmental  
15 Protection Division, Environmental Advisory Council, duties of council and its members and

director, appeal procedures generally, permit applications, and inspections, is amended by revising paragraph (5) of subsection (c) as follows:

"(5) Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the standards, rules, and regulations promulgated by the Board of Natural Resources as provided in this title, the term 'standards, rules, and regulations' shall mean those standards, rules, and regulations of the Board of Natural Resources in force and effect on January 1, ~~2024~~ 2025."

## SECTION 2.

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, ~~2024~~ 2025."

## SECTION 3.

Said title is further amended by revising Code Section 27-2-4.2, relating to courtesy nonresident fishing licenses to certain paralyzed or disabled veterans, as follows:

"27-2-4.2.

(a) The department is authorized to issue a courtesy resident or nonresident fishing license, without fee, to any person who is ~~not a resident of this state who is a~~ paralyzed or disabled ~~veteran~~ and who is participating in an organized fishing ~~tournament~~ event in this state which is sponsored and conducted by a nonprofit charitable association ~~of paralyzed or disabled veterans or the department~~, provided that such ~~tournament~~ event is approved by

the department. Such courtesy ~~nonresident~~ fishing license shall be valid for use only during the specified dates of such ~~tournament~~ event and for a maximum of seven days and shall include all requirements and privileges of a ~~nonresident~~ fishing license, including the ~~nonresident~~ trout license, for use only in association with such ~~tournament~~ approved event.

(b) The department is authorized to issue a courtesy resident or nonresident hunting license, without fee, to any person who is paralyzed or disabled and who is participating in an organized hunting event in this state which is sponsored and conducted by a nonprofit charitable association or the department, provided that such event is approved by the department; provided, however, that persons disabled because of a mental impairment shall be issued a courtesy fishing license only, pursuant to subsection (a) of this Code section. Such courtesy hunting license shall be valid for use only during the specified dates of such hunting event and for a maximum of seven days and shall include all requirements and privileges of a hunting license, including the big game and any other requisite state hunting licenses, for use only in association with such approved event.

(c) All courtesy hunting and fishing licenses are subject to all wildlife laws, rules, and regulations with the exception of the provisions requiring the payment of fees as described in Code Section 27-2-23 for such licenses. Such courtesy licenses may be revoked in accordance with this title. It shall be unlawful for any person who has a courtesy hunting license or a courtesy fishing license to permit the use of such license by any other person. It shall also be unlawful for any person who is issued a courtesy hunting license or a courtesy fishing license to use the license except at the department approved event for which such courtesy license was issued."

#### SECTION 4.

Said title is further amended by revising Code Section 27-2-4.4, relating to special turkey hunting season for young and mobility impaired hunters, as follows:

"27-2-4.4.

(a) As used in this Code section, the term 'mobility impaired person' means any person who has been verified by a doctor of medicine currently licensed to practice by the Georgia Composite Medical Board, the State Board of Examiners in Osteopathy, or an equivalent body of another state to have any one of the following permanent conditions:

- (1) Dependence upon a wheelchair or similar device for ambulation;
- (2) Hemiplegia;
- (3) Monoplegia;
- (4) Paraplegia; or
- (5) Single-leg amputation above the knee.

(b) The board shall promulgate rules and regulations authorizing the hunting of turkeys during an extended open season to:

- (1) Youth under 16 years of age ~~Any person who is 16 years of age or younger~~; or
- (2) Any mobility impaired person.

(c) Notwithstanding any provisions of Code Section 27-3-15 to the contrary, such extended season shall be for the weekend prior to the first weekend of the open turkey season, as established by the board.

(d) Such special authorization shall be subject to all other provisions of this title."

## SECTION 5.

Said title is further amended in Code Section 27-2-23, relating to license, permit, tag, and stamp fees, by adding new subparagraphs to paragraph (8) to read as follows:

<u>"(BB) Resident shellfish crew, up to ten</u>	<u>Annual</u>	<u>200.00</u>
<u>harvesters</u>		
<u>(CC) Resident shellfish crew, unlimited</u>	<u>Annual</u>	<u>400.00"</u>
<u>harvesters</u>		

**SECTION 6.**

Said title is further amended in Code Section 27-4-190, relating to commercial fishing license with shellfish endorsement and master harvester permit or harvester permit, hours for taking shellfish, and recreational harvesting, by revising paragraph (1) of subsection (a) as follows:

"(a)(1) It shall be unlawful to take or possess shellfish in commercial quantities or for commercial purposes without first having obtained a commercial fishing license with a shellfish endorsement and a master harvester permit or harvester permit or without proof of purchase that such shellfish were purchased from a certified shellfish dealer. Master harvester permits shall specify whether the permittee is authorized to take oysters, clams, or other shellfish and shall only be issued to persons certified by the Department of Agriculture to handle shellfish unless permission to take and possess shellfish has been granted by the department as described in subsection (d) of Code Section 27-4-197 and in Code Section 27-4-202. Such permits shall be provided annually. A permittee may request authorization from the department for employees or agents, who shall be referred to as harvesters, of such permittee to take shellfish from permitted areas. Such request shall be in writing to the department and shall include the name, address, and personal commercial fishing license number of the harvester. It shall be unlawful for harvesters to take or possess shellfish as authorized under their employer's master harvester permit unless they carry on their person while taking or in possession of shellfish a harvester permit as provided by the department indicating the exact area and circumstances allowed for taking. Such harvesters' permits and charts shall be provided annually by the department and shall be in a form as prescribed by the department. Harvesters must possess a valid personal commercial fishing license as provided for in Code Section 27-4-110, a shellfish endorsement as provided for in the department's rules and regulations, and, when a boat is used, a valid commercial fishing boat license as provided in Code Section 27-2-8, unless the harvester is operating under a master harvester who has purchased a valid shellfish crew license as provided for in Code Section 27-2-23 for

118 the purposes of such license. Master harvester permits and harvester permits may be  
119 denied pursuant to Code Section 27-2-25 to persons who have violated this part in the  
120 two years immediately preceding the filing of an application for a permit. Permits may  
121 be revoked pursuant to Code Section 27-2-25. Master harvester permits and harvester  
122 permits issued to master harvesters or agents shall be surrendered to the department upon  
123 termination of Department of Agriculture certification for handling shellfish or upon  
124 termination of right to harvest shellfish pursuant to Code Section 27-4-201. If a harvester  
125 is removed from authorization to take shellfish by the master harvester permittee, the  
126 master harvester shall immediately notify the department of such removal. In addition,  
127 that harvester shall immediately surrender to the department his or her harvester permit.  
128 It shall be unlawful to possess unauthorized harvester permits or harvester permits issued  
129 to another person."

#### 130 **SECTION 7.**

131 Code Section 52-7-26 of the Official Code of Georgia Annotated, relating to penalty relative  
132 to the registration, operation, and sale of watercraft, is amended by revising subsection (a)  
133 as follows:

134 "(a) Except as otherwise provided in this article, any person who violates this article or any  
135 rule or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes  
136 of establishing criminal violations of the rules and regulations promulgated by the board  
137 as provided in this article, the term 'rules and regulations' means those rules and regulations  
138 of the board in force and effect on January 1, ~~2024~~ 2025."

#### 139 **SECTION 8.**

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