

_____ offers the following substitute
to HB 370:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia
2 Annotated, relating to taking shrimp for bait, so as to provide that no licensed bait dealer and
3 no employee of a licensed bait dealer may hold a commercial cast net license; to provide that
4 any live bait shrimp dealership which is not within one-half mile of public salt-water angling
5 access and which derives at least \$5,000.00 of earned income from the sale of recreational
6 fishing supplies, equipment, and accessories shall be exempt from requirements of providing
7 such access; to provide for the maintenance of records; to provide for the contents of a the
8 report of a license bait dealer; to repeal certain provisions relating to the number of boats
9 engaged in bait shrimping; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Part 3 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated,
13 relating to taking shrimp for bait, is amended by striking in its entirety Code Section
14 27-4-171, relating to bait dealers, and inserting in lieu thereof the following:

15 "27-4-171.

16 (a)(1) It shall be unlawful for any person to engage in the taking of shrimp for live bait
17 to be sold, to engage in the sale of shrimp for live bait, or to engage in the sale of shrimp
18 for dead bait unless the person has a bait dealer license and possesses a valid personal
19 commercial fishing license as provided in Code Section 27-2-23 or is an employee of a
20 licensed bait dealer and possesses a valid personal commercial fishing license as provided
21 in Code Section 27-2-23. No bait dealer license shall be issued to a person holding a
22 commercial food shrimp cast netting license issued pursuant to Part 5 of this article. Any
23 license issued pursuant to this Code section shall be invalid immediately upon the
24 holder's obtaining such a commercial food shrimp cast netting license. No bait dealer
25 license shall be issued for an individual whose establishment is located on any dock or

1 other facility, including platforms, walkways, and buildings, which is one contiguous unit
 2 and where shrimp taken pursuant to Code Section 27-4-133 are unloaded, handled,
 3 processed, sold, or otherwise distributed or where boat docking space is provided for such
 4 activities; provided, however, that such prohibition shall not apply to any person who was
 5 granted a bait dealer license for the period from April 1, 1993, through March 31, 1994,
 6 and whose bait dealer license was not revoked and provided, further, that such exemption
 7 shall terminate immediately if the person's current bait dealer license is revoked by the
 8 commissioner or if he or she is found guilty of a violation of the provisions of this Code
 9 section.

10 (2) In addition to complying with subsection (b) of this Code section, any applicant for
 11 a bait dealer license must first file with the commissioner a forfeiture bond in the form
 12 prescribed by the department, executed by a bonding, surety, or insurance company
 13 licensed to do business in this state, in the favor of the state in the amount of \$2,000.00,
 14 conditioned upon the faithful compliance by the person and all his or her employees with
 15 all the laws and regulations relating to the taking, possession, and sale of bait shrimp,
 16 provided that a cash forfeiture bond in like amount may be substituted in lieu of the
 17 commercial bond provided for ~~above~~ in this Code section. The term of the bond shall be
 18 one year and shall correspond to the period of the bait dealer license, which shall be April
 19 1 to March 31. The bond shall be in addition to the commercial fishing boat license,
 20 where applicable, required by Code Section 27-2-8 and in addition to the personal
 21 commercial fishing license required by this Code section. Notation of execution of the
 22 bond shall be stamped or endorsed on the applicant's bait dealer license.

23 (3) Trawler licenses for bait shrimp trawling shall not be issued to any person who does
 24 not possess a valid bait dealer license unless such person is an employee of a licensed bait
 25 dealer.

26 (4) In addition to the general provisions of this Code section, the Board of Natural
 27 Resources is authorized to promulgate rules and regulations establishing the gear and
 28 methods allowed for commercial bait shrimping.

29 (5) It shall be unlawful for any person engaging in the taking of shrimp for live bait
 30 pursuant to this Code section to:

31 (A) Use ~~use~~ any power-drawn net which is larger than a 20 foot net as defined in
 32 paragraph (72.1) of Code Section 27-1-2 or constructed of mesh smaller than one inch
 33 or greater than one and three-eighths inches when stretched; ~~It shall also be unlawful~~
 34 ~~to engage~~

35 (B) Engage in the taking of shrimp pursuant to this Code section at any time except
 36 between the hours of one-half hour before official sunrise and one-half hour after
 37 official sunset. All salt waters of this state shall be closed to the taking of shrimp

1 pursuant to this Code section, except those rivers or creeks or portions thereof opened
 2 to such taking. The determination of whether to open or close a river or creek or portion
 3 thereof shall be made by the commissioner or his or her designee in accordance with
 4 current, sound principles of wildlife research and management as provided by Code
 5 Section 27-4-130; ~~It shall also be unlawful for any person taking shrimp pursuant to~~
 6 ~~this Code section to have~~

7 (C) Have on board the boat used for the taking more than 50 quarts of shrimp at any
 8 one time, no more than 10 percent of which may be dead; ~~It shall also be unlawful for~~
 9 ~~any person engaging in the taking of shrimp pursuant to this Code section to fail~~

10 (D) Fail to maintain on the commercial fishing boat bait-holding facilities which
 11 comply with the requirements set forth in subsection (b) of this Code section, except
 12 that it shall not be necessary for the boat to meet the requirements of paragraph ~~(6)~~ (5)
 13 of subsection (b) of this Code section; or

14 (E) Hold a valid commercial food shrimp castnetting license issued pursuant to Part 5
 15 of this article or to employ any person holding such a commercial food shrimp cast
 16 netting license.

17 (b) After April 1, 1995, all applicants for bait dealer licenses and, except as provided in
 18 subsection (a) of this Code section, all licensed bait dealers shall have and maintain
 19 facilities meeting the following requirements:

20 (1) Live bait shrimp facilities must be located within the salt waters of the state, as
 21 defined by the salt-water demarcation line described in Code Section 27-4-1, and such
 22 facilities must consist of either floating bait containers or tanks with circulating or
 23 recirculating systems to provide an exchange of salt waters. Floating bait containers must
 24 be permanently affixed to docks or other permanent structures which are attached to high
 25 ground above the high water mark and must be constructed with adequate openings to
 26 provide for a steady exchange of salt water. Tanks with circulating salt-water systems
 27 must include adequate spray outlets to provide aeration as well as sufficient water inlets
 28 to create a circulating flow within the bait tank;

29 (2) All live shrimp-holding facilities must be constructed of nontoxic materials or
 30 materials which have been properly treated with an approved nontoxic substance. The
 31 facilities must be maintained in a condition conducive to keeping shrimp alive, which
 32 requires regular cleaning and the removal of dead shrimp;

33 (3) Any live bait shrimp dealership which is not within one-half mile of public salt-water
 34 angling access shall be required to maintain public access to customers through such
 35 services as public launching facilities, public fishing docks or platforms, or other forms
 36 of salt-water access during all tidal stages, including without limitation ~~Such access~~
 37 ~~shall include~~ vehicular access and public parking; provided, however, that any live bait

1 dealership which derives at least \$5,000.00 of earned income from the sale of recreational
2 fishing supplies and accessories associated with salt-water angling shall be exempt from
3 the provisions of this paragraph. Any dealer claiming such exemption shall provide such
4 records as the department deems necessary to evidence such sales;

5 (4) No organisms other than shrimp may be held in live shrimp bait tanks; and

6 (5) Freezer storage sufficient to freeze and to keep frozen any shrimp which die while
7 in possession of the dealer and which are to be sold as dead bait must be maintained on
8 the premises of the established bait dealership.

9 (c) Except as provided for in subsection (j) of this Code section, it shall be unlawful for
10 any licensed bait dealer to allow shrimp to be removed from the premises of his or her
11 established bait dealership unless it is sold as:

12 (1) Live bait in a container of such size as to ensure that all live shrimp therein are
13 covered by a minimum of one inch of salt water; or

14 (2) Dead bait which has been packaged with heads on and frozen. The packages shall
15 contain not more than one quart of dead shrimp and must be clearly marked with letters
16 at least one-half inch in height to read as follows: 'SOLD FOR BAIT ONLY.' Dead bait
17 purchased for resale must be purchased from a licensed bait dealer and must be packaged
18 and labeled as described in this Code section.

19 (d) It shall be unlawful for any licensed bait dealer to fail to keep all shrimp in salt-water
20 tanks meeting the standards prescribed in subsection (b) of this Code section unless and
21 until such shrimp die, in which case the shrimp shall be promptly frozen and packaged as
22 dead bait. It shall also be unlawful for any licensed bait dealer intentionally to cause or
23 allow live shrimp to die.

24 (e) It shall be unlawful for any person to use, for other commercial fishing purposes, any
25 equipment which has been used for obtaining live bait pursuant to this Code section.

26 (f) It shall be unlawful for any licensed bait dealer or any of his or her employees to have
27 or permit in or on a commercial bait fishing boat owned by the dealer or such employees
28 and used for bait shrimping pursuant to this Code section or to have or permit in or on the
29 premises of the established bait dealership any shrimp caught, sold, to be sold, or to be
30 disposed of for human consumption.

31 (g) It shall be unlawful for a licensed bait dealer to fail to maintain at all times a daily
32 record book showing, for each transaction, the amount of bait shrimp purchased, the person
33 from whom it was purchased, and the date of such purchase, as well as the amount of live
34 shrimp and the amount of dead shrimp sold daily. Any such report shall include, without
35 limitation, any transaction between licensed bait dealers and shall provide the name of the
36 dealership initiating the transaction. Written reports of such transactions for each month

1 shall be submitted to the department no later than the fifth day of the subsequent month in
2 a format prescribed by the department.

3 (h) It shall be unlawful for any person to sell or otherwise dispose of, for human
4 consumption, any shrimp caught pursuant to this Code section or to possess such shrimp
5 for the purpose of sale or other distribution for human consumption or personally to
6 consume such shrimp. Possession of shrimp with heads off shall be prima-facie evidence
7 that the shrimp are to be sold for human consumption or are personally to be consumed.
8 Possession of more than 20 quarts of unlabeled, unpackaged, or unfrozen heads-on shrimp
9 shall be prima-facie evidence that such shrimp are to be used for human consumption or
10 are personally to be consumed.

11 (i) It shall be unlawful for any licensed bait dealer or an employee of such person to sell
12 or otherwise distribute to any one person, within a 24 hour period, more than eight quarts
13 of shrimp taken pursuant to this Code section. It shall also be unlawful for any person to
14 buy, within a 24 hour period, more than eight quarts of shrimp taken pursuant to this Code
15 section.

16 (j) It shall be unlawful to sell, unload, or otherwise dispose of shrimp taken pursuant to this
17 Code section at any place other than the licensed bait dealership for which the bait was
18 taken. This subsection shall not prohibit:

- 19 (1) The transfer from the boat taking such shrimp to an approved vehicle with aeration
20 equipment to keep shrimp alive which will unload shrimp so taken at a licensed bait
21 dealership so long as the amount of bait being transferred does not exceed 50 quarts; or
- 22 (2) The interstate import of bait shrimp provided that a bona fide bill of lading
23 accompanies such shrimp as proof that such shrimp were not taken or transported in
24 violation of this Code section or the laws of the jurisdiction from which the bait shrimp
25 originated.

26 (k) It shall be unlawful for any licensed bait dealer to have, at his or her established bait
27 dealership at one time, more than 200 quarts of live shrimp. It shall also be unlawful for
28 more than 10 percent of the shrimp at the dealership or 20 quarts, whichever amount is less,
29 to be dead shrimp unless the dead shrimp in excess of such percentage are promptly frozen
30 and packaged as dead bait as required by paragraph (2) of subsection (c) and subsection (d)
31 of this Code section.

32 (l) It shall be unlawful for any person taking shrimp pursuant to this Code section to fail
33 to have positioned on the bow or cabin of the boat taking the shrimp a board with a
34 background color of daylight fluorescent orange with such numerals and letters painted or
35 affixed thereon as are specified by the department for a particular established bait
36 dealership. The numerals and letters shall be at least 16 inches in height and two inches in
37 width or thickness, black in color, of block character, clearly legible, and spaced so as to

1 be readable from the air from left to right. The numerals and letters required for compliance
 2 with this subsection shall be assigned by the department at the time the bait dealer licenses
 3 are issued pursuant to Code Section 27-2-23.

4 ~~(m) Except from March 1 through July 15 of each year, it shall be unlawful for more than~~
 5 ~~one boat to be engaged in the taking of shrimp at any one time for an established bait~~
 6 ~~dealer. From March 1 through July 15, it shall be unlawful for more than two boats to be~~
 7 ~~engaged in the taking of shrimp for a dealer. The boats shall be designated by the suffixes~~
 8 ~~'A' and 'B' being placed at the end of the other numerals and letters specified by the~~
 9 ~~department as provided in subsection (l) of this Code section. It shall be unlawful for any~~
 10 ~~boat with a 'B' suffix to take shrimp except from March 1 through July 15.~~

11 (m)~~(n)~~ It shall be unlawful for any licensed bait dealer to fail to publicly advertise his or
 12 her facility. For the purpose of advertising in accordance with this subsection, each
 13 established bait shrimp dealer shall display prominently on the road or drive leading to the
 14 facility and on any related dock a sign or signs which shall include the following: (1)
 15 'LIVE BAIT FOR SALE' and (2) the hours and days of operation. Signs shall be at least
 16 24 inches by 18 inches in size and shall display letters and numbers at least three inches in
 17 height.

18 (n)~~(o)~~ Notwithstanding subsections (i) and (j) of this Code section, it shall be lawful for
 19 a licensed bait dealer to sell live bait shrimp taken pursuant to this Code section to another
 20 licensed bait dealer if the department has been previously notified of the destination of the
 21 shrimp to be sold and the time and approximate amount of the sale and if the department
 22 has approved the equipment for transferring such shrimp. Transportation and transfer of
 23 live bait shrimp between bait dealers shall not exceed the 50 quart possession limit for
 24 commercial bait trawlers as provided in subsection (a) of this Code section. Except as
 25 provided for in subsection (j) of this Code section, land transportation of quantities greater
 26 than eight quarts of live shrimp is prohibited and shall be prima-facie evidence of a
 27 violation of this Code section.

28 (o)~~(p)~~ It shall be unlawful for any licensed bait dealer to fail to have and display any
 29 current business license required by the county or city in which the bait dealership is
 30 located and a sales tax certificate of registration issued pursuant to Code Section 48-8-59.

31 (p)~~(q)~~ Before the Department of Natural Resources issues a bait dealer license the
 32 Department of Natural Resources shall inspect the bait dealer facilities, to determine if the
 33 facilities comply with Code Section 48-8-59, within 30 days from the time application for
 34 license is received."

35 SECTION 2.

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