

House Bill 1766

By: Representatives James of the 114th, Ray of the 108th, Williams of the 128th, Mosley of the 129th, Post 1, Black of the 144th, and others

A BILL TO BE ENTITLED
AN ACT

1 To create the Aquaculture Division within the Department of Agriculture and provide for its
2 powers and duties; to create the Aquaculture Development Advisory Council and provide for
3 its powers and duties; to amend reserved Chapter 15 of Title 2 of the Official Code of
4 Georgia Annotated, so as to strike the reserved designation; to amend Chapter 4 of Title 27
5 of the Official Code of Georgia Annotated, relating to fish, so as to redesignate the
6 provisions of Article 6 of said chapter, relating to aquaculture development, as Chapter 15
7 of Title 2; to amend Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating
8 to fish, so as to reserve the Article 6 designation in said chapter; to amend Title 2 of the
9 Official Code of Georgia Annotated, relating to agriculture, so as to change certain
10 provisions relating to aquaculture development; to amend Article 10 of Chapter 2 of Title 26
11 of the Official Code of Georgia Annotated, relating to fish and other seafoods, so as to
12 change certain provisions relating to administration of said article by the Commissioner of
13 Agriculture; to amend Title 27 of the Official Code of Georgia Annotated, relating to game
14 and fish, so as to change certain provisions relating to definitions relative to said title; to
15 change certain provisions relating to commercial alligator farming licenses; to change certain
16 provisions relating to permits for liberation of wildlife or liberation of domestic fish; to
17 change certain provisions relating to license, permit, tag, and stamp fees; to change certain
18 provisions relating to hunting alligators, possessing alligator products, and gathering alligator
19 eggs; to change certain provisions relating to fishing in private ponds; to change certain
20 provisions relating to sale of fish by commercial fish hatcheries, sale of game fish, bill of sale
21 or lading for possession of certain game fish and domestic fish, and sale of diseased fish; to
22 change certain provisions relating to licensing of wholesale and retail fish dealers and sale,
23 transportation into state, or possession of live fish and fish eggs; to change certain provisions
24 relating to master collecting and picker's permits, hours for taking shellfish, and recreational
25 harvesting; to change certain provisions relating to a shellfish sanitation program and
26 requirements as to shipment of shellfish; to change certain provisions relating to evidence
27 of intent to use shellfish as food and inspection of businesses; to provide effective dates; to
28 repeal conflicting laws; and for other purposes.

H. B. 1766

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2 **SECTION 1.**

3 Reserved Chapter 15 of Title 2 of the Official Code of Georgia Annotated is amended by
4 striking the sentence "Reserved." immediately following the chapter designation.

5 **SECTION 2.**

6 Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to fish, is amended
7 by redesignating the provisions of Article 6, relating to aquaculture development, as Chapter
8 15 of Title 2.

9 **SECTION 3.**

10 Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to fish, is amended
11 by reserving the designation of Article 6.

12 **SECTION 4.**

13 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
14 striking Chapter 15, relating to aquaculture development, and inserting in lieu thereof the
15 following:

16 "CHAPTER 15

17 ~~27-4-251~~ 2-15-1.

18 This ~~article~~ chapter may be cited as the 'Georgia Aquaculture Development Act of 2004.'

19 ~~27-4-252~~ 2-15-2.

20 As used in this ~~article~~ chapter, the term:

21 (1) 'Aquaculturalist' means a person or firm engaged in aquaculture.

22 ~~(1)~~(2) 'Aquaculture' means the extensive or intensive commercial farming of aquatic
23 animals and plants privately owned aquatic animals, plants, or a combination thereof, in
24 captive conditions and up to the juvenile or adult phase, with some sort of intervention
25 in the rearing process such as regular stocking, feeding, protection from predators, or
26 other management activity intended to enhance production.

27 (3) 'Aquatic animals' means live fish (including without limitation eggs or gametes),
28 mollusks, crustaceans, and alligators.

29 ~~(2) 'Commission' means the Aquaculture Development Commission created by Code~~
30 ~~Section 27-4-253.~~

1 (4) 'Division' means the Aquaculture Division created under Code Section 2-15-3.

2 ~~27-4-253~~ 2-15-3.

3 (a)(1) There is created the Aquaculture Division within the department.

4 (2) The division shall have such purposes, powers, and duties as provided by this
5 chapter.

6 (b)(1) There is created the Aquaculture Development ~~Commission~~ Advisory Council.

7 The ~~commission~~ council shall be composed of 14 members as follows:

8 ~~(1) The president of the Georgia Aquaculture Association or his representative, who shall~~
9 ~~serve as chairman of the commission;~~

10 ~~(2) The president of the Georgia Farm Bureau Federation or his representative;~~

11 ~~(3)~~(A) The dean of the College of Agricultural and Environmental Sciences of the
12 University of Georgia or his or her representative;

13 ~~(4) The chairman~~ (B) The chairperson of the Committee on Agriculture and Consumer
14 Affairs of the House of Representatives or his or her representative;

15 ~~(5) The chairman~~ (C) The chairperson of the Committee on Agriculture and Consumer
16 Affairs of the Senate or his or her representative;

17 ~~(6) The Commissioner of Agriculture~~ (D) The Commissioner or his or her
18 representative;

19 ~~(7)~~(E) The commissioner of natural resources or his or her representative;

20 ~~(8)~~(F) The commissioner of industry, trade, and tourism or his or her representative;
21 and

22 ~~(9) Six~~ (G) Eight members to be appointed by the president of the Georgia
23 Aquaculture Association as provided by this subparagraph. The President of the Senate
24 and the Speaker of the House of Representatives each shall appoint four members as
25 follows:

26 ~~(A) Four~~ (i) Two members shall be representatives of the aquaculture industry;

27 ~~(B)~~ (ii) One member shall be a representative of the ~~commercial fish farming~~
28 aquaculture supply and equipment industry; and

29 ~~(C)~~ (iii) One member shall be a representative of a private industry which is doing
30 research in the promotion of ~~fish farming~~ aquaculture.

31 Each of ~~such six~~ the eight appointed members shall be appointed for a term of two years
32 and until a successor is appointed and assumes membership on the ~~commission~~ council.

33 The terms of the first ~~six~~ such appointed members shall begin on July 1, ~~1989~~ 2004.

34 (2) The purpose of the council shall be to inform and advise the division regarding
35 important developments in aquaculture.

1 ~~(b)~~(3) The members of the ~~commission~~ council shall enter upon their duties without
 2 further act or formality. The ~~commission~~ council may make such bylaws for its
 3 government as it deems necessary but is under no duty to do so. The ~~commission~~ council
 4 may appoint working subcommittees based on identified needs. These subcommittees
 5 may consist of ~~noncommission~~ noncouncil members who exhibit an interest in the
 6 development of the aquaculture industry of Georgia.

7 ~~(e)~~(4) Eight members of the ~~commission~~ council shall constitute a quorum necessary for
 8 the transaction of business, and a majority vote of those present at any meeting at which
 9 there is a quorum shall be sufficient to do and perform any action permitted the
 10 ~~commission~~ council by this ~~article~~ chapter. No vacancy on the ~~commission~~ council shall
 11 impair the right of a quorum to transact any and all business of the ~~commission~~ council.

12 ~~(d)~~(5) The members shall not receive compensation for their services on the ~~commission~~
 13 council but those members who are public officials or employees shall be reimbursed
 14 from the funds of their employing department, agency, or branch of government for per
 15 diem, travel, and other expenses in the same manner and amount as they otherwise
 16 receive for performing services for their respective departments, agencies, or branches
 17 of government.

18 ~~(e)~~ ~~The commission~~ (6) The council shall meet upon the call of its ~~chairman~~
 19 chairperson, who shall be elected by the members of the council. The chairpersons of the
 20 Committees on Agriculture and Consumer Affairs of the House of Representatives and
 21 the Senate shall serve as co-chairs of the council until such time as a chairperson of the
 22 council is elected by the members.

23 (7) The council is authorized to conduct meetings at such places and at such times as it
 24 considers expedient and to do all other things consistent with this chapter which are
 25 necessary or convenient to enable it to exercise its powers, perform its duties, and
 26 accomplish the objectives and purposes of this chapter.

27 (8) Staff support for the council shall be provided by the division.

28 ~~27-4-254~~ 2-15-4.

29 (a) The ~~commission~~ division shall make a thorough study of aquaculture and the potential
 30 for development and enhancement of aquaculture in the state. It shall be the duty of the
 31 ~~commission~~ division to develop, distribute, and, from time to time, amend an aquaculture
 32 development plan for the State of Georgia for the purpose of facilitating the establishment
 33 and growth of economically viable aquaculture enterprises in Georgia. Such plan shall
 34 include:

- 35 (1) An evaluation of Georgia's natural resources as they relate to aquaculture;
- 36 (2) An evaluation of species with potential for culture in Georgia;

1 (3) An identification of constraints to development of aquaculture in Georgia and
2 recommendations on methods to alleviate these constraints;

3 (4) An identification of the ~~roles~~ role of the ~~Department of Agriculture and the~~
4 ~~Department of Natural Resources~~ department in supporting the aquaculture industry,
5 including an evaluation of existing physical and personnel resources and
6 recommendations for allocation of additional resources where needed;

7 (5) A list of the resources, training programs, technical assistance, and other programs
8 available to prospective aquaculturalists;

9 ~~(5)(6)~~ Recommendations for implementation of the plan; and

10 ~~(6)(7)~~ An identification of the role of other state and federal agencies in the development
11 of the aquaculture industry.

12 ~~(b) The commission is authorized to conduct meetings at such places and at such times as~~
13 ~~it considers expedient and to do all other things consistent with this article which are~~
14 ~~necessary or convenient to enable it to exercise its powers, perform its duties, and~~
15 ~~accomplish the objectives and purposes of this article.~~

16 ~~(c) Staff support for the commission shall be provided by the Department of Natural~~
17 ~~Resources with assistance from the Department of Agriculture and the Department of~~
18 ~~Industry, Trade, and Tourism.~~

19 (b)(1) To aid in performing its duties under this Code section, the division shall rely
20 upon, to the extent feasible, the Georgia Center for Aquaculture Development at Fort
21 Valley State University as a state-wide center for providing information, conducting
22 research and development, and technology transfer training on fresh-water and marine
23 aquaculture in diverse production systems.

24 (2) Middle Georgia Technical College shall collaborate, to the extent feasible, with the
25 Georgia Center for Aquaculture Development at Fort Valley State University on
26 aquaculture training.

27 ~~27-4-255~~ 2-15-5.

28 (a) Any person or firm engaged in the sale of domestic fish, except grocery stores,
29 aquaculture shall apply to the department division for an aquaculture registration. The
30 domestic fish lawfully obtained aquatic animals and aquatic plants of a registered
31 aquaculture producer aquaculturalist shall be privately owned subject to regulation by the
32 Department of Natural Resources division; provided, however, any person selling 'domestic
33 fish' aquatic animals without first obtaining an aquaculture registration shall be considered
34 to be selling 'wildlife' or 'wild animals' and shall be subject to the provisions of this title
35 Title 27 governing such sale.

1 (b) On and after January 1, 2006, it shall be a misdemeanor for any person or firm to
 2 engage in aquaculture unless such person or firm is registered as provided by this chapter;
 3 except that this subsection shall not apply to the employees of a registered aquaculturalist.

4 (c) It shall be a misdemeanor for any person to engage in aquaculture of any aquatic
 5 animal species that is not native to this state.

6 (d) The license and permit requirements of Code Section 27-5-5 shall not apply with
 7 respect to any aquatic animal that is lawfully managed by aquaculture under this chapter;
 8 provided, however, that the liability insurance requirements of subsection (f) of Code
 9 Section 27-5-4 shall be applicable and enforced by the division with respect to any aquatic
 10 animal managed by aquaculture that is a wild animal classified as inherently dangerous to
 11 people in subsection (a) of Code Section 27-5-5. The insurance company shall notify the
 12 division at least 30 days prior to the termination of such an insurance policy by the
 13 company.

14 ~~27-4-256~~ 2-15-6.

15 The ~~Department of Natural Resources~~ division shall register ~~sellers of domestic fish~~
 16 persons engaged in aquaculture under the applicable provisions of this ~~article~~ chapter. Such
 17 registration or any renewal thereof shall expire on ~~April 1~~ following the second anniversary
 18 of December 31 of each even-numbered year following registration; provided, however,
 19 that ~~such~~ any registration shall expire 30 days following any change in the status of any
 20 information required by the provisions of this ~~article~~ chapter or by any rule or regulation
 21 adopted pursuant to this ~~article~~ chapter to be reported to the ~~department~~ division. The
 22 ~~department~~ division shall issue to registrants who update or renew their registration new
 23 certificates of registration for the full period of registration provided for in this Code
 24 section.

25 ~~27-4-257~~ 2-15-7.

26 (a) All applications to the ~~department~~ division for registration as a ~~seller of domestic fish~~
 27 an aquaculturalist shall:

28 (1) Designate an address in this state where the applicant can be personally served with
 29 legal process;

30 (2) Contain an appointment of an agent in this state for acceptance of service of legal
 31 process, together with the agent's address in this state; or

32 (3) Contain a designation of the Secretary of State for acceptance of service of legal
 33 process.

34 (b) A copy of such application shall be forwarded to the Secretary of State by the
 35 department.

1 ~~27-4-258~~ 2-15-8.

2 The filing of an application with the ~~department~~ division for registration as a ~~seller of~~
3 ~~domestic fish~~ an aquaculturalist shall constitute an admission by the applicant that the
4 applicant is doing business in this state.

5 ~~27-4-259~~ 2-15-9.

6 (a) The Commissioner may deny registration to:

7 (1) Any applicant with a criminal record;

8 (2) Any applicant who is found by the Commissioner to have violated any law
9 administered by the department or any regulation or quarantine of the department; or

10 (3) A corporation, when any of its officers has a criminal record or is found by the
11 Commissioner to have violated any law administered by the department or any regulation
12 or quarantine of the department.

13 (b) In the case of a partnership, all parties shall be considered applicants for the purpose
14 of this Code section.

15 (c) No registration shall be denied under this ~~article~~ chapter without opportunity for
16 hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure
17 Act.'

18 ~~27-4-260~~ 2-15-10.

19 The Commissioner may revoke any outstanding registration where the holder of the same
20 or any officer or agent of the holder is found by the Commissioner to have violated any law
21 administered by the department or any regulation or quarantine of the department, provided
22 that no registration shall be revoked under this Code section without opportunity for
23 hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure
24 Act.'

25 ~~27-4-261~~ 2-15-11.

26 All registration certificates issued by the ~~department~~ division shall be evidence of a
27 registration. The ~~department~~ division shall maintain a current list of all persons registered
28 under this ~~article~~ chapter.

29 ~~27-4-262~~ 2-15-12.

30 (a) The ~~board~~ Commissioner shall make and publish such rules and regulations, not
31 inconsistent with law, as ~~it deems~~ are reasonable and necessary to carry out the purposes
32 of this ~~article~~ chapter.

1 (b) Such rules and regulations shall include, without limitation, best management practices
 2 that shall serve as protocols for the establishment and maintenance of responsible and
 3 sustainable aquaculture and for the protection of public health and safety. By way of
 4 example only, such practices may cover site selection, site plans, stocking, harvesting,
 5 transportation of product, effective management, food safety at the farm level such as
 6 pondside sales for human consumption, and reporting requirements. Compliance with such
 7 best management practices shall be a condition of any aquaculture registration certificate
 8 issued under this chapter.

9 ~~27-4-263~~ 2-15-13.

10 (a) Any inspector or other person authorized to ascertain compliance with any rule or
 11 regulation of the ~~department~~ division pertaining to ~~the production or sale of domestic fish~~
 12 aquaculture may enter during normal business hours and inspect the premises of a
 13 ~~registered seller or producer of domestic fish~~ aquaculturalist to determine whether such
 14 person is in compliance with the rules and regulations of the ~~department~~ division.

15 (b) In the event any person refuses to give his or her consent to an inspection as provided
 16 in subsection (a) of this Code section, the ~~commissioner~~ Commissioner or any person
 17 authorized to make inspections may seek a warrant to make an inspection as provided in
 18 this subsection:

19 (1) Any application for an inspection warrant shall be made to a person who is a judicial
 20 officer within the meaning of Code Section 17-5-21;

21 (2) An inspection warrant shall be issued only upon cause and when supported by an
 22 affidavit particularly describing the place, dwelling, structure, premises, or vehicle to be
 23 inspected and the purpose for which the inspection is to be made. In addition, the
 24 affidavit shall contain either a statement that consent to inspect has been sought and
 25 refused or facts or circumstances reasonably justifying the failure to seek such consent.
 26 Cause shall be deemed to exist if either reasonable legislative or administrative standards
 27 for conducting a routine or area inspection are satisfied with respect to the particular
 28 place, dwelling, structure, premises, or vehicle, or there is reason to believe that a
 29 condition of nonconformity exists with respect to the particular place, dwelling, structure,
 30 premises, or vehicle;

31 (3) An inspection warrant shall be effective for the time specified therein, but not for a
 32 period of more than 14 days, unless extended or renewed by the judicial officer who
 33 signed and issued the original warrant, upon satisfying himself or herself that such
 34 extension or renewal is in the public interest. Such inspection warrant must be executed
 35 and returned to the judicial officer by whom it was issued within the time specified in the

1 warrant or within the extended or renewed time. After the expiration of such time, the
2 warrant, unless executed, is void;

3 (4) An inspection pursuant to an inspection warrant shall be made between 8:00 A.M.
4 and 6:00 P.M. of any day or at any time during operating or regular business hours. An
5 inspection should not be performed in the absence of an owner or occupant of the
6 particular place, dwelling, structure, premises, or vehicle unless specifically authorized
7 by the judicial officer upon a showing that such authority is reasonably necessary to
8 effectuate the purpose of the regulation being enforced. An inspection pursuant to a
9 warrant shall not be made by means of forcible entry, except that the judicial officer may
10 expressly authorize a forcible entry where facts are shown which are sufficient to create
11 a reasonable suspicion of a violation of this ~~title~~ chapter or any rule or regulation
12 promulgated pursuant to this chapter, which, if such violation existed, would be an
13 immediate threat to health, safety, or welfare or where facts are shown establishing that
14 reasonable attempts to serve a previous warrant have been unsuccessful. Where prior
15 consent has been sought and refused and a warrant has been issued, the warrant may be
16 executed without further notice to the owner or occupant of the particular place, dwelling,
17 structure, premises, or vehicle to be inspected;

18 (5) It shall be unlawful for any person to refuse to allow an inspection pursuant to an
19 inspection warrant issued as provided in this subsection. Any person violating this
20 paragraph shall be guilty of a misdemeanor; and

21 (6) Under this subsection, an inspection warrant is an order, in writing, signed by a
22 judicial officer, directed to the ~~commissioner~~ Commissioner or any person authorized to
23 make inspections for the ~~department~~ division, and commanding him or her to conduct any
24 inspection authorized by any rules or regulations promulgated pursuant to this ~~article~~
25 chapter.

26 (c) The provisions of Code Section 27-1-23 shall not be applicable to any person registered
27 under this ~~article~~ chapter."

28 SECTION 5.

29 Article 10 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to fish
30 and other seafoods, is amended by striking Code Section 26-2-311, relating to administration
31 of said article by the Commissioner of Agriculture, and inserting in lieu thereof the
32 following:

33 "26-2-311.

34 It shall be the duty of the Commissioner of Agriculture to administer this article through
35 the Aquaculture Division of the Department of Agriculture."

SECTION 6.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by striking Code Section 27-1-2, relating to definitions relative to said title, and inserting in lieu thereof the following:

"27-1-2.

As used in this title, the term:

(1) 'Adult supervision' means under the command and control of a person 18 years of age or older, with the minor being within sight or hearing distance of such person.

(1.1) 'Alligator' means *Alligator mississippiensis*, commonly known as the American alligator.

(2) 'Alligator farming' means the possession, propagation, and any other act involved in the production of live alligators.

(3) 'Alligator product' means any product or article made, either wholly or in part, from any part of the hide of an alligator or alligator meat or any other part of an alligator carcass.

(3.1) 'Aquacuturalist' has the meaning provided by Code Section 2-15-2.

(3.2) 'Aquaculture' has the meaning provided by Code Section 2-15-2.

(4) 'Artificial lure' means any lure which is made completely of natural or colored plastic, wood, cork, rubber, metal, feathers, hair, tinsel, styrofoam, sponge, or string, or any combinations of such materials, in imitation of or as a substitute for natural bait. Such term does not include any item which is sprayed with or containing scented or chemical attractions.

(5) 'Bag limit' or 'creel limit' means the quantity of wildlife which may be taken, caught, or killed during a specified period.

(6) 'Big game' means turkey, deer, and bear.

(7) 'Board' means the Board of Natural Resources.

(8) 'Bushel' means the present United States standard bushel, as determined by the United States Department of Agriculture, which standard bushel measures 2150.4 cubic inches.

(9) 'Business premises' means any place of business operation including, but not limited to, offices, sheds, warehouses, vessels, boats, houses, ponds, and other such locations where commercial activity takes place and specifically includes the equipment used in conducting such activity.

(10) 'Carrier' means a person engaged in the business of transporting goods and specifically includes a common carrier, a contract carrier, a private carrier, and a transportation company.

- 1 (10.1) 'Cast net' means a cone shaped net designed to be thrown and retrieved by hand
2 and designed to spread out and capture fish and shrimp as the weighted circumference
3 sinks to the bottom and comes together when pulled by a line.
- 4 (11) 'Catch-out pond' means a fresh-water pond or lake where the owner or operator
5 charges persons a fee for the right to fish therein.
- 6 (12) 'Clam rake' means a hand-held rake, or a tool consisting of a long handle with a bar
7 that is set transversely with projecting prongs and with a wire basket or enclosure
8 modification, which rake or tool is suitable for scratching and removing mollusks of the
9 class Pelecypoda from estuarine and marine substrates.
- 10 (13) 'Commercial' means of or relating to buying, selling, or exchanging or offering for
11 purchase, sale, or exchange.
- 12 (13.1) 'Commercial cast net' means a cast net constructed of a minimum of five-eighths
13 inch bar mesh and having a radius not more than 12 feet and in compliance with the
14 provisions of Code Section 27-4-13.
- 15 (13.2) 'Commercial cast netting' means taking shrimp for commercial sale for food
16 purposes.
- 17 (14) 'Commercial crab trap' means an oblong cage or other cubical structure which is
18 constructed of wooden slats, hardware cloth, chicken wire, or other similar material,
19 which has one or more tunnel-shaped entrances which allow ingress but limit egress,
20 which is to be used as a trap, which is designed to be left unattended for long periods of
21 time, and which is used for catching decapod crustaceans, mainly of the species
22 *Callinectes sapidus*.
- 23 (15) 'Commercial fish hatchery' means a facility consisting of two or more ponds or a
24 raceway system which is capable of growing fish from eggs, fry, or fingerlings to a
25 commercially salable size and which produces fish from such eggs, fry, or fingerlings for
26 sale more than once annually.
- 27 (16) 'Commercial fishing' means fishing for the purpose of sale, the sale or offering for
28 sale of fish by the person taking such fish, or fishing with commercial fishing gear.
- 29 (17) 'Commercial quantities' means an amount equal to one bushel or more.
- 30 (18) 'Commercial shooting preserve' means any shooting preserve open to the general
31 public for a fee.
- 32 (19) 'Commercial trapper' means a person who traps on any land other than that
33 belonging to himself or herself or to his or her immediate family.
- 34 (20) 'Commissioner' means the commissioner of natural resources.
- 35 (21) 'Crab' means any crab of the species *Callinectes sapidus*.
- 36 (22) 'Department' means the Department of Natural Resources.

1 (23) 'Domestic species' means those taxa of animals which have traditionally lived in a
 2 state of dependence on and under the dominion and control of man and have been kept
 3 as tame pets, raised as livestock, or used for commercial breeding purposes, including,
 4 but not limited to, dogs, cats, horses, cattle, ratites, and chickens. Animals which live in
 5 a captive or tame state and which lack a genetic distinction from members of the same
 6 taxon living in the wild are presumptively wild animals, except ~~that~~ lawfully obtained
 7 ~~farmed fish which are held in confinement in private ponds shall be known as and~~
 8 ~~considered to be 'domestic fish,' but only if they are fish species which are either~~
 9 ~~indigenous to Georgia or are fish species which have been recognized prior to 1992 as~~
 10 ~~having an established population in Georgia waters other than private ponds; provided;~~
 11 ~~however, that *Morone americana*, white perch, shall not be a domestic fish produced by~~
 12 or used in aquaculture and contained on the premises of an aquaculturalist registered
 13 under Code Section 2-15-6.

14 (24) 'Educational' means of or relating to an attempt to learn or convey information about
 15 the characteristics and behavior of wild animals or wildlife, where such an attempt is
 16 made:

17 (A) In a public or private college, university, secondary school, or primary school,
 18 which college, university, or school is accredited by either the Georgia Accrediting
 19 Commission, Inc., or the Southern Association of Colleges and Schools;

20 (B) By an independent study conducted in affiliation with any of the institutions
 21 mentioned in subparagraph (A) of this paragraph;

22 (C) By any chartered association or society organized for the purpose of conveying
 23 knowledge about such species to its members;

24 (D) By a research facility; or

25 (E) By a governmental agency.

26 (25) 'Established bait dealership' means a facility which is used in whole or in part to sell
 27 shrimp for bait and which has been inspected by employees of the department and which
 28 has been issued a bait dealer license.

29 (26) 'Falconer' means a person licensed according to the laws and rules and regulations
 30 pertaining to falconry.

31 (27) 'Falconry' means the sport of taking quarry by means of a trained raptor.

32 (27.1) 'Farmed deer' means fallow deer (*Dama dama*), axis deer (*Axis axis*), sika deer
 33 (*Cervus nippon*), red deer and elk (*Cervus elaphus*), and reindeer and caribou (*Rangifer*
 34 *tarandus*), and hybrids between these farmed deer species raised for the commercial sale
 35 of meat and other parts or for the sale of live animals.

36 (28) 'Feral hog' means any hog which is normally considered domestic but which is
 37 living in a wild state and cannot be claimed in private ownership.

1 (29) 'Fishing' means catching, capturing, taking, or killing fish, mussels, and all seafood
 2 and includes all lesser acts such as attempting to catch, capture, or kill by any device or
 3 method and every act of direct assistance to any person in catching or attempting to catch
 4 fish, mussels, or seafood.

5 (30) 'Full-time employee' means a person who works at least 30 hours per week for one
 6 employer. Expressly excluded from this term is an independent contractor or casual
 7 vendor who does not receive regular periodic compensation from one employer.

8 (31) 'Fur-bearing animals' means the following animals: mink, otter, raccoon, fox,
 9 opossum, muskrat, skunk, bobcat, and weasel.

10 (32) 'Fur dealer' means a person who purchases or sells raw undressed hides, furs, pelts,
 11 or skins of fur-bearing animals and alligator hides or alligator products, excluding
 12 alligator meat; provided, however, those persons engaged in wholesale or retail furrier
 13 operations, that is, those who engage in the manufacture or production of finished fur or
 14 alligator products, shall not be fur dealers for purposes of this title.

15 (33) 'Fur dealer's agent' means any person who represents the owner of or a dealer in
 16 furs, alligator hides, or alligator products for the purpose of selling such furs, alligator
 17 hides, or alligator products.

18 (34) 'Game animals' means the following animals: bear, bobcat, deer, fox, opossum,
 19 rabbit, raccoon, sea turtles and their eggs, squirrel, cougar (*Felis concolor*), and all
 20 members of the families Alligatoridae and Crocodylidae.

21 (35) 'Game birds' means the following birds: turkey, quail, grouse, and all migratory
 22 game birds.

23 (36) 'Game fish' means the following fish, except ~~domestic fish as provided in paragraph~~
 24 ~~(23) of this Code section~~ fish produced by or used in aquaculture and contained on the
 25 premises of an aquaculturalist registered under Code Section 2-15-6:

26 (A) Bass:

- 27 (i) Largemouth bass;
- 28 (ii) Smallmouth bass;
- 29 (iii) White bass;
- 30 (iv) Striped bass;
- 31 (v) Spotted bass;
- 32 (vi) Redeye (Coosa) bass;
- 33 (vii) Striped-white bass hybrid;
- 34 (viii) Shoal bass (Flint River smallmouth); and
- 35 (ix) Suwannee bass;

36 (B) Trout:

- 37 (i) Rainbow trout;

- 1 (ii) Brown trout; and
 2 (iii) Brook trout;
 3 (C) Crappie:
 4 (i) White crappie; and
 5 (ii) Black crappie;
 6 (D) Shad:
 7 (i) American shad; and
 8 (ii) Hickory shad;
 9 (E) Sunfish or bream:
 10 (i) Flier;
 11 (ii) Spotted sunfish (stumpknockers);
 12 (iii) Rockbass (goggleye);
 13 (iv) Shadow bass;
 14 (v) Redbreast sunfish;
 15 (vi) Redear sunfish;
 16 (vii) Bluegill (bream); and
 17 (viii) Warmouth;
 18 (F) Perch:
 19 (i) Walleye; and
 20 (ii) Sauger;
 21 (G) Pickerel:
 22 (i) Chain pickerel;
 23 (ii) Grass pickerel; and
 24 (iii) Redfin pickerel; and
 25 (H) Catfish:
 26 (i) Channel catfish; and
 27 (ii) Flathead catfish.

28 (37) 'Game species' means all game animals, game birds, and game fish.

29 (38) 'Held as pets' means the possession of any wild animal for purposes other than
 30 scientific, educational, or public exhibition purposes or other than for sale to the general
 31 public or other than for resale to a retail dealer, an exhibition, or a research facility.

32 (39) 'Hunting' means pursuing, shooting, killing, taking, or capturing wildlife or feral
 33 hogs. This term also includes acts such as placing, setting, drawing, or using any device
 34 used to take wildlife or feral hogs, whether any such act results in taking or not, and
 35 includes every act of assistance to any person in taking or attempting to take such wildlife
 36 or feral hogs.

1 (40)(A) 'Immediate family,' except insofar as that term relates to trapping, trappers, and
2 fur dealers, means all persons living in one household under one head of household and
3 bearing a blood or dependent relationship to such head of household.

4 (B) 'Immediate family,' insofar as that term relates to trapping, trappers, and fur
5 dealers, means son, daughter, father, mother, brother, sister, granddaughter, grandson,
6 or spouse.

7 (40.1) 'License' means any document, decal, stamp, permit, or temporary license
8 identification number which authorizes the holder to participate in any activity regulated
9 by the department and which is issued by the department; provided, however, that a
10 temporary license number shall be a valid license for ten days from the date of issuance.

11 (41) 'Licensed bait dealer' means the owner of an established bait dealership within this
12 state who has been properly licensed and bonded pursuant to the applicable laws and
13 regulations.

14 (42) 'May' means is authorized, but not required, and denotes discretion and permission
15 rather than command. When 'may' is used in authorizing a certain action to be taken, it
16 shall also include the authorization to change that action.

17 (43) 'Migratory game birds' means all the following birds: brant, coots, cranes, doves,
18 ducks, gallinules, geese, rails, snipe, swans, and woodcock. Birds which are mutations
19 of such birds and birds which are the result of hybridization between such birds or
20 between such birds and other birds are included as migratory game birds.

21 (44) 'Mountain trout' means rainbow, brook, and brown trout.

22 (45) 'Night' means between the hours of 30 minutes after sunset and 30 minutes before
23 sunrise.

24 (46) 'Nongame fish' means any fish not included within the definition of the term 'game
25 fish' in this Code section and is synonymous with the term 'rough fish.'

26 (47) 'Peeler' means a crab which has a soft shell fully developed under the hard shell and
27 which has a pink or red line on the outer edge of the swimming paddles.

28 (48) 'Pen raised game birds' means game birds which are raised in captivity and are more
29 than two generations removed from the wild.

30 (49) 'Perishable' means likely to deteriorate quickly in quality or value unless given
31 special treatment such as dressing, freezing, or cold storage.

32 (50) 'Person' means any individual, partnership, firm, corporation, association, or other
33 entity.

34 (51) 'Pole and line' means any hand line or any type of pole with a line attached and
35 specifically includes a casting rod, a spinning rod, a fly rod, and all similar hand-held
36 equipment for use with bait or artificial lure; provided, however, such pole and line may
37 only be used to entice fish to strike or bite such bait or lure.

1 (52) 'Private oyster or clam beds' means oyster or clam beds in which the right to plant,
2 cultivate, and harvest oysters and clams is not vested in the state pursuant to Code
3 Sections 44-8-6, 44-8-7, and 44-8-8.

4 (53) 'Private pond' means a body of water wholly on or within the lands of one title from
5 which fish cannot go upstream or downstream or to the lands of another.

6 (54) 'Private shooting preserve' means any shooting preserve owned or leased by an
7 individual, partnership, firm, corporation, association, or other entity and used only by
8 the owners, members, and guests.

9 (55) 'Public exhibition' means any commercial or noncommercial display of wild animals
10 or wildlife to the general public, including displays held in nontraveling facilities in fixed
11 locations or displays held in transient facilities which travel to different parts of the state.

12 (56) 'Public road' means any road open to and intended for use by the public and
13 maintained at public expense.

14 (57) 'Purchase' means to acquire, obtain, or receive or to attempt to acquire, obtain, or
15 receive by exchange of valuable consideration. This term specifically includes barter and
16 exchange.

17 (58) 'Raptor' means a live migratory bird of the order Falconiformes or the order
18 Strigiformes, other than the bald eagle (*Haliaeetus leucocephalus*) or the golden eagle
19 (*Aquila chrysaetos*).

20 (59) 'Rats and mice' means any gnawing mammal of the class Mammalia, the subclass
21 Theria, the order Rodentia, and either the family Muridae or the family Cricetidae and the
22 genera *Peromyscus*, *Sigmodon*, *Oryzomys*, or *Reithrodontomys*.

23 (59.1) 'Recreational bait shrimp cast net' means a cast net constructed of a minimum of
24 three-eighths inch mesh with a radius not greater than eight feet and in compliance with
25 the provisions of Code Section 27-4-13. Such term shall include any cast net which
26 exceeds such minimum mesh size.

27 (59.2) 'Recreational bait shrimp cast netting' means taking shrimp for noncommercial use
28 as bait by means of a cast net.

29 (59.3) 'Recreational food shrimp cast net' means a cast net constructed of a minimum of
30 one-half inch bar mesh with a radius not greater than eight feet and in compliance with
31 the provisions of Code Section 27-4-13.

32 (59.4) 'Recreational food shrimp cast netting' means taking shrimp for noncommercial
33 food purposes by means of a cast net.

34 (60) 'Resident' means any ~~citizens~~ citizen of the United States who has been domiciled
35 within the State of Georgia for a period of at least three months. For purposes of issuing
36 or procuring the noncommercial hunting and fishing licenses required by this title,
37 residents shall include full-time military personnel on active duty who list Georgia as

1 their home of record in their official military files or who are stationed at a military base
2 located in Georgia and the dependents of such military personnel.

3 (61) 'Retail fish dealer' means any person, other than an aquaculturalist registered under
4 Code Section 2-15-6, engaged in the purchasing, ~~raising, propagating, breeding~~, or other
5 acquiring or possessing of live fish or fish eggs to be sold or furnished to others for use
6 thereby, other than for resale or for aquaria.

7 (62) 'Scientific' means of or relating to a systematic attempt, made at a public or private
8 college, university, secondary school, or primary school, which college, university, or
9 school is accredited by either the Georgia Accrediting Commission, Inc., or the Southern
10 Association of Colleges and Schools; or made in the course of an independent study
11 conducted in affiliation with any of the aforementioned institutions; or made by any
12 chartered association or society organized for the purpose of conveying knowledge to its
13 members; or made by a research facility or a governmental agency, for the purpose of
14 discovering new knowledge through the possession of wild animals or wildlife for the
15 testing of a theory or hypothesis, such theory or hypothesis to be tested according to the
16 accepted procedures of observation, comparison, objective data collection, and analysis.

17 (63) 'Seafood' means marine and estuarine fauna or flora used as food or of a kind
18 suitable for food and specifically includes, but is not limited to, shrimp taken for bait and
19 horseshoe crabs taken for bait.

20 (64) 'Sell' means to dispose of, transfer, or convey or to attempt to dispose of, transfer,
21 or convey by exchange of money or other valuable consideration. This term specifically
22 includes barter and exchange.

23 (65) 'Shedding facility' means a soft-shell crab facility containing a tank or other
24 enclosure in which peelers are or may be kept alive until they shed their shells and
25 become soft-shell crabs and containing such other equipment as may be prescribed by the
26 department.

27 (65.1) 'Shellfish' means common bivalve mollusks which includes all edible species of
28 oysters, clams, mussels, or other bivalves.

29 (65.2) 'Shellfish management area' means a wildlife management area where shellfish
30 are managed by the state or lessees for the propagation of shellfish.

31 (66) 'Shooting preserve' means any area utilized for the purpose of shooting or taking,
32 or shooting and taking, game birds or pen raised game birds.

33 (67) 'Small game' means all game animals and game birds other than big game.

34 (68) 'Soft-shell crab' means a crab which has just emerged from its old shell and has a
35 new soft, pliable shell.

36 (69) 'Soft-shell crab dealer' means any person operating a shedding facility approved by
37 the department.

1 (70) 'State owned oyster or clam beds' means oyster or clam beds in which the right to
2 plant, cultivate, and harvest oysters and clams is vested in the state pursuant to Code
3 Sections 44-8-6, 44-8-7, and 44-8-8.

4 (71) 'Taking' means killing, capturing, destroying, catching, or seizing.

5 (71.1) 'Ten-foot net' means a trawl with a cork line not to exceed ten feet from tie-to-tie
6 between the first and last mesh across the mouth of the net, a lead line not to exceed 13
7 feet from tie-to-tie between the first and last mesh across the mouth of the net, and leg
8 lines of equal length. No webbing shall extend toward the door beyond the original brail
9 lines which run vertically between the first tie at each end of the cork line and the first tie
10 at each end of the lead line.

11 (72) 'Trapping' means taking, killing, or capturing wildlife with traps. This term also
12 includes all lesser acts such as placing, setting, or staking such traps, whether such acts
13 result in taking or not, and attempting to take and assisting any person in taking or
14 attempting to take wildlife with traps.

15 (72.1) 'Twenty-foot net' means a trawl with a cork line not to exceed 20 feet from
16 tie-to-tie between the first and last mesh across the mouth of the net, a lead line not to
17 exceed 25 feet from tie-to-tie between the first and last mesh across the mouth of the net,
18 and leg lines of equal length. No webbing shall extend toward the doors beyond the
19 original brail lines which run vertically between the first tie at each end of the cork line
20 and the first tie at each end of the lead line.

21 (73) 'Waters of this state' means any waters within the territorial limits of this state and
22 the marginal sea adjacent to this state and the high seas when navigated as a part of a
23 journey or ride to or from the shore of this state except ponds or lakes not open to the
24 public, whether such ponds or lakes are within the lands of one title or not.

25 (74) 'Wholesale fish dealer' means any person, other than an aquaculturalist registered
26 under Code Section 2-15-6, engaged in purchasing, ~~raising, propagating, breeding,~~ or
27 acquiring or possessing live fish or fish eggs to be sold or furnished to others for the
28 purpose of resale, including any person engaged in transporting live fish or fish eggs into
29 this state; provided, however, that ~~any person who holds or sells only 'domestic fish' and~~
30 ~~is registered pursuant to Code Section 27-4-255~~ or any person who holds or sells fish
31 solely for use in aquaria shall not be considered a wholesale fish dealer.

32 (75) 'Wild animal' means any animal which is not wildlife and is not normally a domestic
33 species in this state. This term specifically includes any hybrid or cross between any
34 combination of a wild animal, wildlife, and a domestic animal. Offspring from all
35 subsequent generations of such crosses or hybrids are wild animals.

36 (76) 'Wild animal business' means the importation, transportation, or possession of any
37 wild animal for the purpose of sale or transfer.

1 (77) 'Wildlife' means any vertebrate or invertebrate animal life indigenous to this state
 2 or any species introduced or specified by the board and includes fish, ~~except domestic~~
 3 ~~fish produced by aquaculturists registered under Code Section 27-4-255~~, mammals, birds,
 4 fish, amphibians, reptiles, crustaceans, and mollusks or any part thereof; except that such
 5 term does not include any aquatic animals produced by or used in aquaculture and
 6 lawfully contained on the premises of an aquaculturalist as those terms are defined by
 7 Code Section 2-15-2."

8 SECTION 7.

9 Said title is further amended by striking Code Section 27-2-10, relating to commercial
 10 alligator farming licenses, and inserting in lieu thereof the following:

11 "27-2-10.

12 (a) It shall be unlawful for any person to engage in alligator farming unless such person
 13 has a valid ~~commercial alligator farming license~~ aquaculture registration for such purpose
 14 as provided in Code Section ~~27-2-23~~ 2-15-6. Any person desiring to establish, maintain,
 15 and operate a commercial alligator farm shall apply to the department for such a license.

16 (b) It shall be lawful for any person with a valid ~~commercial alligator farming license~~
 17 aquaculture registration to possess and propagate live alligators and to process and sell or
 18 export the hides of the alligators harvested on such alligator farm, provided that it shall be
 19 unlawful for any person, including a person with a ~~commercial alligator farming license~~
 20 valid aquaculture registration, to acquire any live alligator, except by propagation of live
 21 alligators lawfully in his or her possession, without first obtaining a permit from the
 22 department to acquire the live alligator. ~~It shall also be unlawful for any person, including~~
 23 ~~a person with a valid commercial alligator farming license, to sell, barter, exchange, give,~~
 24 ~~or loan any live alligator to any other person without first obtaining a permit from the~~
 25 ~~department to so sell, barter, exchange, give, or loan the live alligator.~~

26 (c) It shall be unlawful for any person with a valid ~~commercial alligator farming license~~
 27 aquaculture registration to acquire or possess any alligator hide or carcass except from the
 28 harvest of live alligators lawfully in his or her possession and on his or her alligator farm.

29 (d) ~~At such time as is deemed necessary by the department to discharge its responsibilities~~
 30 ~~under this Code section, every person with a valid commercial alligator farming license~~
 31 ~~shall file reports with the department in such form and containing such information as~~
 32 ~~deemed necessary by the department. In addition, every such licensee shall maintain on his~~
 33 ~~business premises records in such form and containing such information as is required by~~
 34 ~~the department to discharge its responsibilities under this Code section.~~

35 (e) ~~The board shall have the authority to adopt and promulgate rules and regulations~~
 36 ~~relative to commercial alligator farming including, but not limited to, the power:~~

1 ~~(1) To establish standards relating to enclosures, housing facilities, handling, care, and~~
 2 ~~treatment of live alligators on the alligator farm of the licensee;~~

3 ~~(2) To establish standards relating to the processing, marking, sale, and exportation of~~
 4 ~~hides of alligators harvested on the alligator farm of the licensee;~~

5 ~~(3) To require, at such times as it deems necessary for the department to discharge its~~
 6 ~~responsibilities under this Code section, from each licensee an application for a~~
 7 ~~commercial alligator farming license in such form and containing such information as the~~
 8 ~~department deems necessary; and~~

9 ~~(4) To require each licensee to maintain on his business premises records in such form~~
 10 ~~and containing such information as is required by the department to discharge its~~
 11 ~~responsibilities under this Code section."~~

12 SECTION 8.

13 Said title is further amended by striking Code Section 27-2-14, relating to permits for
 14 liberation of wildlife or liberation of domestic fish, and inserting in lieu thereof the
 15 following:

16 "27-2-14.

17 It shall be unlawful for any person to liberate any wildlife within this state or to liberate
 18 ~~domestic fish~~ aquatic animals produced by aquaculture as defined in Code Section 2-15-2
 19 except into private ponds, except under permit from the department; provided, however,
 20 that pen raised quail may be released for purposes of training pointing, flushing, and
 21 retrieving dogs."

22 SECTION 9A.

23 Said title is further amended by striking Code Section 27-2-23, relating to license, permit,
 24 tag, and stamp fees, and inserting in lieu thereof the following:

25 "27-2-23.

26 Fees for licenses, permits, tags, and stamps required by this title shall be as follows:

27 (1) Hunting licenses:

28 (A) Resident hunting license	Annual	\$ 10.00
29 (B) Nonresident hunting license	Annual	59.00
30 (C) Nonresident hunting license	Seven-day	25.00
31 (D) Hunting license, valid for residents		
32 and nonresidents	One-day	5.50
33 (E) Resident big game license	Annual	9.00
34 (F) Nonresident big game license	Annual	118.00

1	(G) Nonresident shooting preserve		
2	hunting license	Season	12.00
3	(H) Commercial fox hunting preserve license	Season	60.00
4	(I) Commercial fox breeder license	Season	60.00
5	(J) Waterfowl license valid for residents		
6	and nonresidents	Annual	5.50
7	(K) Georgia migratory bird license	Annual	Free
8	(L) Resident primitive weapons license	Annual	8.00
9	(M) Nonresident primitive weapons license	Annual	25.00
10	(2) Resident hunting/fishing license	Annual	17.00
11	(3) Resident sportsman's license	Annual	60.00
12	(4) Recreational fishing licenses:		
13	(A) Resident fishing license	Annual	9.00
14	(B) Nonresident fishing license	Annual	24.00
15	(C) Nonresident fishing license	Seven-day	7.00
16	(D) Fishing license, valid for residents		
17	and nonresidents	One-day	3.50
18	(E) Resident trout license	Annual	5.00
19	(F) Nonresident trout license	Annual	13.00
20	(5) Trapping licenses:		
21	(A) Resident commercial trapping license	Annual	30.00
22	(B) Nonresident commercial trapping license	Annual	295.00
23	(6) Commercial fishing licenses:		
24	(A) Resident commercial fishing license	Season	12.00
25	(B) Nonresident commercial fishing license	Season	118.00
26	(C) Resident commercial crabbing license	Season	12.00
27	(D) Nonresident commercial crabbing license	Season	118.00
28	(7) Fur, hide, and pelt licenses:		
29	(A) Resident fur dealer license	Annual	295.00
30	(B) Nonresident fur dealer license	Annual	415.00
31	(C) Fur dealer's agent license	Annual	180.00
32	(8) Miscellaneous licenses and permits:		
33	(A) Retail fish dealer license	Annual	10.00
34	(B) Wholesale fish dealer license	Annual	59.00
35	(C) Resident game-holding permit	Annual	5.00

1	(D) Commercial quail breeder permit	Annual	30.00
2	(E) Scientific collecting permit	Annual	50.00
3	(F) Wildlife exhibition permit	Annual	59.00
4	(G) Commercial shooting preserve license	Annual	150.00
5	(H) Private shooting preserve license	Annual	75.00
6	(I) Blanket commercial shooting preserve		
7	license	Annual	500.00
8	(J) Commercial fish hatchery license <u>Reserved</u>	Annual	59.00
9	(K) Catch-out pond license	Annual	236.00
10	(L) Soft-shell crab dealer license <u>Reserved</u>	Annual	10.00
11	(M) Resident taxidermist license	Three-year	150.00
12	(N) Nonresident taxidermist license	Three-year	500.00
13	(O) Falconry permit	Three-year	30.00
14	(P) Commercial alligator farming license	Annual	50.00
15	<u>Reserved</u>		
16	(Q) Alligator hunting license	Annual	50.00
17	(R) Wild animal license	Annual	236.00
18	(S) Wild animal auction license	Seven-day	5,000.00
19	(T) Resident bait dealer license	Season	25.00
20	(U) Nonresident bait dealer license	Season	150.00

21 (9) The board is authorized to provide by rule for a fee not to exceed \$19.00 for resident
 22 daily, seasonal, or annual use permits, licenses, or stamps to hunt and fish on or otherwise
 23 use specially designated streams, lakes, or wildlife management areas or a fee not to
 24 exceed \$73.00 for nonresident permits, licenses, or stamps issued under this paragraph."

25 **SECTION 9B.**

26 Said title is further amended by striking Code Section 27-2-23, relating to license, permit,
 27 tag, and stamp fees, and inserting in lieu thereof the following:

28 "27-2-23.

29 Fees for licenses, permits, tags, and stamps required by this title shall be as follows:

30 (1) Hunting licenses:

31	(A) Resident hunting license	Annual	\$ 8.50
32	(B) Nonresident hunting license	Annual	50.00
33	(C) Nonresident hunting license	Seven-day	21.00

1	(D) Hunting license, valid for residents		
2	and nonresidents	One-day	5.50
3	(E) Resident big game license	Annual	7.50
4	(F) Nonresident big game license	Annual	100.00
5	(G) Nonresident shooting preserve		
6	hunting license	Season	10.00
7	(H) Commercial fox hunting preserve license	Season	50.00
8	(I) Commercial fox breeder license	Season	50.00
9	(J) Waterfowl license valid for residents		
10	and nonresidents	Annual	5.50
11	(K) Georgia migratory bird license	Annual	Free
12	(L) Resident primitive weapons license	Annual	8.00
13	(M) Nonresident primitive weapons license	Annual	25.00
14	(2) Resident hunting/fishing license	Annual	15.50
15	(3) Resident sportsman's license	Annual	60.00
16	(4) Recreational fishing licenses:		
17	(A) Resident fishing license	Annual	7.50
18	(B) Nonresident fishing license	Annual	20.00
19	(C) Nonresident fishing license	Seven-day	7.00
20	(D) Fishing license, valid for residents		
21	and nonresidents	One-day	3.50
22	(E) Resident trout license	Annual	3.50
23	(F) Nonresident trout license	Annual	10.50
24	(5) Trapping licenses:		
25	(A) Resident commercial trapping license	Annual	25.00
26	(B) Nonresident commercial trapping license	Annual	250.00
27	(6) Commercial fishing licenses:		
28	(A) Resident commercial fishing license	Season	10.00
29	(B) Nonresident commercial fishing license	Season	100.25
30	(C) Resident commercial crabbing license	Season	12.00
31	(D) Nonresident commercial crabbing license	Season	118.00
32	(7) Fur, hide, and pelt licenses:		
33	(A) Resident fur dealer license	Annual	250.00
34	(B) Nonresident fur dealer license	Annual	350.00
35	(C) Fur dealer's agent license	Annual	150.00

1	(8) Miscellaneous licenses and permits:		
2	(A) Retail fish dealer license	Annual	5.00
3	(B) Wholesale fish dealer license	Annual	50.00
4	(C) Resident game-holding permit	Annual	2.50
5	(D) Commercial quail breeder permit	Annual	25.00
6	(E) Scientific collecting permit	Annual	5.00
7	(F) Wildlife exhibition permit	Annual	50.00
8	(G) Commercial shooting preserve license	Annual	25.00
9	(H) Private shooting preserve license	Annual	10.00
10	(I) Blanket commercial shooting preserve		
11	license	Annual	500.00
12	(J) Commercial fish hatchery license <u>Reserved</u>	Annual	50.00
13	(K) Catch-out pond license	Annual	200.00
14	(L) Soft-shell crab dealer license <u>Reserved</u>	Annual	10.00
15	(M) Resident taxidermist license	Three-year	150.00
16	(N) Nonresident taxidermist license	Three-year	500.00
17	(O) Falconry permit	Three-year	30.00
18	(P) Commercial alligator farming license	Annual	25.00
19	<u>Reserved</u>		
20	(Q) Alligator hunting license	Annual	50.00
21	(R) Wild animal license	Annual	200.00
22	(S) Wild animal auction license	Seven-day	5,000.00
23	(T) Resident bait dealer license	Season	25.00
24	(U) Nonresident bait dealer license	Season	150.00

25 (9) The board is authorized to provide by rule for a fee not to exceed \$15.60 for resident
 26 daily, seasonal, or annual use permits, licenses, or stamps to hunt and fish on or otherwise
 27 use specially designated streams, lakes, or wildlife management areas or a fee not to
 28 exceed \$61.25 for nonresident permits, licenses, or stamps issued under this paragraph."

29 **SECTION 10.**

30 Said title is further amended by striking Code Section 27-3-19, relating to hunting alligators,
 31 possessing alligator products, and gathering alligator eggs, and inserting in lieu thereof the
 32 following:

1 "27-3-19.

2 (a) Except as provided in Code Section 27-3-15, it shall be unlawful for any person to hunt
3 alligators within this state. The display or use of a light in any area closed to alligator
4 hunting by any person not otherwise authorized to do so by regulations of the board in a
5 place which alligators might be known to inhabit and in a manner capable of disclosing the
6 presence of alligators, together with the possession of firearms, spear guns, gigs, harpoons,
7 or other such equipment customarily used for the taking of alligators, during the period
8 between one-half hour after sunset and one-half hour before sunrise shall be considered
9 prima-facie evidence of an intent to violate this subsection.

10 (b) Any person who violates the provisions of subsection (a) of this Code section shall be
11 guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not
12 less than \$500.00 and, in the discretion of the sentencing court, imprisonment for not more
13 than 12 months; provided, however, that such fine shall not be subject to suspension, stay,
14 or probation except that if the court finds that payment of such fine would impose great
15 economic hardship upon the defendant, the court may order such fine paid in installments.

16 (c)(1) It shall be unlawful for any person to possess, buy, or sell in this state the untanned
17 hide or skin or alligator products from an alligator not lawfully taken under the authority
18 of Code Section 27-3-15. All such hides, skins, and alligators not lawfully taken are
19 declared to be contraband and shall be seized and disposed of as directed by the
20 commissioner. Possession in a store, warehouse, or retail place of business of such
21 untanned hides or skins or alligator products not lawfully taken shall be prima-facie
22 evidence of violation of this subsection. This subsection shall not apply to alligator
23 products made from hides or skins of alligators produced on farms ~~licensed under this~~
24 title of aquaculturalists registered under Code Section 2-15-6 or from hides or skins of
25 alligators lawfully possessed, taken, or acquired outside or inside this state, nor shall any
26 provision of this subsection be construed so as to prohibit the preparation, processing, or
27 manufacturing of such commercially grown or lawfully possessed, taken, or acquired
28 alligator hides or the storage or sale of products made therefrom, subject to rules and
29 regulations promulgated by the board.

30 (2) It shall be unlawful for any person to gather alligator eggs from the wild or possess
31 alligator eggs gathered from the wild in this state except pursuant to a permit issued by
32 the department for such purpose. The board shall establish the conditions of such permits
33 by such rules or regulations as are reasonable and necessary under sound game
34 management practices, which shall include without limitation specification of when and
35 where such eggs may be gathered, limits on the number of eggs that may be gathered, the
36 placement of gathered eggs in incubators, return of a minimum percentage and size of
37 hatchlings from gathered eggs to the wild, and permit fees in such amounts as are

1 necessary to cover the cost of administration. This paragraph shall not apply to the
 2 collection of alligator eggs from an alligator farm ~~licensed under this title~~ of an
 3 aquaculturalist registered under Code Section 2-15-6.

4 (d)(1) It shall be unlawful to possess or transport into this state any untanned alligator
 5 hide, skin, or alligator product from any place in which the taking of alligators is
 6 prohibited.

7 (2) It shall be unlawful to possess or transport into this state any alligator eggs gathered
 8 from the wild from any place where such gathering of alligator eggs from the wild is
 9 prohibited.

10 (3) All such hides, skins, alligator products, and alligator eggs are declared to be
 11 contraband and shall be seized and disposed of in accordance with Code Section 27-1-21.

12 (4) Notwithstanding any other provision to the contrary, it shall be lawful to possess and
 13 transport into this state any untanned alligator hide, skin, alligator product, or alligator
 14 egg which was lawfully taken and transported and which is accompanied by a bill of sale,
 15 bill of lading, invoice, or permit.

16 (e) Any person who possesses any untanned alligator hide, skin, alligator product, or
 17 alligator egg from any place in which the taking of alligators is lawful, the gathering of
 18 alligator eggs from the wild is lawful, or from an alligator farm ~~licensed under this title~~ of
 19 an aquaculturalist registered under Code Section 2-15-6 shall retain such receipts, invoices,
 20 bills of lading, permits, or other indicia of lawful possession, taking, or acquisition as are
 21 necessary to indicate clearly at all times the place of origin of the specific untanned
 22 alligator hides, skins, alligator products, or alligator eggs possessed.

23 (f) The hunting privileges of a person found guilty of hunting alligators at night in
 24 violation of subsection (a) of this Code section shall be suspended by the court of
 25 jurisdiction for a period of not less than two years."

26 SECTION 11.

27 Said title is further amended by striking Code Section 27-4-30, relating to fishing in private
 28 ponds, and inserting in lieu thereof the following:

29 "27-4-30.

30 The owner of a private pond, the owner's family, or tenants with the owner's consent shall
 31 be permitted to fish within the bounds of the pond at any time and in any manner without
 32 a fishing license. All other persons shall be required to obtain fishing licenses to fish within
 33 the bounds of a private pond as provided in this title unless the fish ~~in the private pond are~~
 34 'domestic fish' as defined in paragraph (23) of Code Section 27-1-2 are produced by or used
 35 in aquaculture and are in the private pond of an aquaculturalist registered under Code
 36 Section 2-15-6. For the purposes of this Code section, the term 'private pond' shall not

1 include ponds owned by city or county governments, the State of Georgia, the United
2 States, or authorities or political subdivisions of such governments."

3 **SECTION 12.**

4 Said title is further amended by striking Code Section 27-4-75, relating to sale of fish by
5 commercial fish hatcheries, sale of game fish, bill of sale or lading for possession of certain
6 game fish and domestic fish, and sale of diseased fish, and inserting in lieu thereof the
7 following:

8 "27-4-75.

9 (a) It shall be unlawful to sell any fish from a commercial fish hatchery as defined in Code
10 Section 27-1-2 unless the hatchery is ~~licensed under Code Section 27-2-23 or except as~~
11 ~~follows:~~

12 ~~(1) Fish may be sold as provided in Code Section 27-4-74 or 27-4-76; and~~

13 ~~(2) Domestic fish as defined in paragraph (23) of Code Section 27-1-2 and that are~~
14 ~~produced by an aquaculturist~~ that of an aquaculturalist registered under Code Section
15 ~~27-4-255~~ 2-15-6.

16 (b) Except as provided in Code Section 27-4-74 and except for persons licensed as
17 wholesale or retail fish dealers as provided in Code Section 27-4-76, it shall be unlawful
18 for anyone ~~other than a commercial fish hatchery licensed under Code Section 27-2-23~~ to
19 sell any species of game fish. It shall also be unlawful for any person to have in his or her
20 possession any such game fish obtained from a commercial fish hatchery, wholesale fish
21 dealer, or retail fish dealer ~~or domestic fish from an aquaculturist registered under Code~~
22 ~~Section 27-4-255~~ without a bona fide bill of sale or lading which provides the date of
23 transaction, identifies the seller, and details at least two of the following three criteria for
24 each species of fish contained therein: number, weight, or average length.

25 (c) It shall also be unlawful to sell fish from a commercial fish hatchery which the
26 ~~department~~ Aquaculture Division of the Department of Agriculture has determined to have
27 diseases or parasites which would be harmful to native fish populations."

28 **SECTION 13.**

29 Said title is further amended by striking Code Section 27-4-76, relating to licensing of
30 wholesale and retail fish dealers and sale, transportation into state, or possession of live fish
31 and fish eggs, and inserting in lieu thereof the following:

32 "27-4-76.

33 (a) It shall be unlawful to engage in the business of a wholesale or retail fish dealer, as
34 defined in Code Section 27-1-2, without first obtaining an annual license from the
35 department as provided in Code Section 27-2-23. Properly licensed wholesale fish dealers

1 or retail fish dealers may sell game fish obtained from a ~~licensed~~ fish hatchery ~~or domestic~~
 2 ~~fish obtained from a registered aquaculturist or as otherwise provided in Code Section~~
 3 ~~27-4-74~~ of an aquaculturalist registered under Code Section 2-15-6. Notwithstanding any
 4 other provision to the contrary, a ~~licensed commercial~~ fish hatchery of an aquaculturalist
 5 registered under Code Section 2-15-6 shall not be required to obtain a license as a
 6 wholesale fish dealer or a retail fish dealer.

7 (b) Notwithstanding subsection (a) of this Code section, nonresident persons may sell and
 8 transport fish and fish eggs into the state without being required to procure a wholesale fish
 9 dealer license where the sale and shipment are made to a wholesale fish dealer duly
 10 licensed under Code Section 27-2-23.

11 (c) The board may by regulation prohibit or limit the importation, possession, or sale in
 12 this state of live fish or fish eggs where the same are found to be harmful to endemic fish
 13 populations or where the importation, possession, or sale might introduce or spread disease
 14 or parasites.

15 (d) The conservation rangers or other agents or officials of the department or agents or
 16 officials of the Aquaculture Division of the Department of Agriculture shall confiscate any
 17 fish imported, purchased, or acquired by any person in violation of this Code section or any
 18 regulation promulgated by the board pursuant to this Code section."

19 SECTION 14.

20 Said title is further amended by striking Code Section 27-4-190, relating to master collecting
 21 and picker's permits, hours for taking shellfish, and recreational harvesting, and inserting in
 22 lieu thereof the following:

23 "27-4-190.

24 (a) It shall be unlawful to take or possess shellfish in commercial quantities or for
 25 commercial purposes without first having obtained a master collecting permit or without
 26 proof of purchase that such shellfish were purchased from a certified shellfish dealer;
 27 provided, however, that such prohibition shall not apply to any shellfish produced by or
 28 used in aquaculture and lawfully contained on the premises of an aquaculturalist as those
 29 terms are defined by Code Section 2-15-2. Master collecting permits shall specify whether
 30 the permittee is authorized to take oysters, clams, or other shellfish and shall only be issued
 31 to persons certified by the Department of Agriculture to handle shellfish unless permission
 32 to take and possess shellfish for mariculture purposes has been granted by the department
 33 as described in subsection (d) of Code Section 27-4-197. Such permits shall be provided
 34 annually at no cost by the department but shall only be issued to persons with the right to
 35 harvest shellfish pursuant to Code Sections 44-8-6 through 44-8-8 or to holders of leases
 36 from such persons. A permittee may request authorization from the department for

1 employees or agents, who shall be referred to as pickers, of such permittee to take shellfish
2 from permitted areas. Such request shall be in writing to the department and shall include
3 the name, address, and personal commercial fishing license number of the picker. It shall
4 be unlawful for pickers to take or possess shellfish as authorized under their employer's
5 master collecting permit unless they carry on their person while taking or in possession of
6 shellfish a picker's permit as provided by the department indicating the exact area and
7 circumstances allowed for taking. Such pickers' permits and charts shall be provided
8 annually by the department at no cost and shall be in a form as prescribed by the
9 department. Pickers must possess a valid personal commercial fishing license as provided
10 for in Code Section 27-4-110 and, when a boat is used, a valid commercial fishing boat
11 license as provided in Code Section 27-2-8. Master collecting permits and pickers' permits
12 shall not be issued to persons who have been convicted three times in the two years
13 immediately preceding the filing of an application for a permit of violations of this Code
14 section, subsection (b) of Code Section 27-4-193, subsections (a) and (b) of Code Section
15 27-4-195, or Code Section 27-4-199. Master collecting permits and pickers' permits issued
16 to master collecting permittees' agents shall be surrendered to the department upon
17 termination of Department of Agriculture certification for handling shellfish, upon
18 termination of right to harvest shellfish, or upon violation of any provision of this title. If
19 a picker is removed from authorization to take shellfish by the master collecting permittee,
20 that picker shall immediately surrender to the department his or her picker's permit. It shall
21 be unlawful to possess unauthorized pickers' permits or pickers' permits issued to another
22 person.

23 (b) It shall be unlawful for any person to take or possess shellfish from unauthorized
24 locations and during unauthorized periods of taking. It shall be unlawful to take shellfish
25 except between the hours of one-half hour before sunrise and one-half hour after sunset.

26 (c) A master collecting permit shall not be issued if the permittee has failed to comply with
27 Code Section 27-4-196 during the previous harvest season or if the issuance is determined
28 not to be in accordance with sound, current principles of wildlife research and management
29 by the department. Permits may be revoked according to Code Section 27-2-25.

30 (d) It shall be unlawful to take any quantity of shellfish for commercial purposes from
31 public recreational harvest areas. Recreational quantities of oysters in the shell shall be two
32 bushels per person with up to six bushels per boat per day. Recreational quantities of clams
33 in the shell shall be one bushel or less per person with no more than one bushel per boat
34 per day. Recreational quantities of shucked oysters or clams or a combination thereof shall
35 be one gallon per day. It shall be unlawful to harvest shellfish recreationally except in areas
36 designated by the commissioner except that private property owners or persons authorized
37 by private property owners may harvest recreational quantities of shellfish from areas for

1 which they have harvest rights to shellfish if they have in their possession proof of
 2 ownership or a letter of permission from the property owner stating the dates allowed to
 3 take shellfish, type of shellfish which may be taken, and a description of the area allowed
 4 for such taking. Private property owners wishing to harvest recreational quantities of
 5 shellfish or to issue permission to others to harvest recreational quantities of shellfish shall
 6 notify the department in writing prior to the taking of shellfish or the permitting of others
 7 to take shellfish so harvest areas can be opened according to Code Section 27-4-195.
 8 Permission to harvest shellfish recreationally in public recreational harvest areas shall be
 9 granted to all residents and nonresidents upon the designation of individual public
 10 recreational harvest areas."

11 SECTION 15.

12 Said title is further amended by striking Code Section 27-4-197, relating to a shellfish
 13 sanitation program and requirements as to shipment of shellfish, and inserting in lieu thereof
 14 the following:

15 "27-4-197.

16 (a) The department and the Department of Agriculture shall conduct a shellfish program
 17 sufficient to be certified by the United States Food and Drug Administration for interstate
 18 shipment of shellfish produced in this state.

19 (b) It shall be unlawful for any person handling shellfish for purposes of sale or shipment
 20 to fail to keep such shellfish in clean barrels, bags, crates, baskets, or other containers as
 21 prescribed by the Department of Agriculture. It shall be unlawful to fail to attach to each
 22 such container a tag obtained from the Department of Agriculture or to mark containers of
 23 shucked shellfish with mandatory information as described by the Department of
 24 Agriculture. It shall be unlawful to possess shellfish which are not properly tagged or
 25 labeled according to this Code section. Such tags or labels shall indicate the information
 26 as required by the Department of Agriculture.

27 (c) It shall be unlawful to affix tags issued to a certified dealer onto containers of another
 28 or to fail to surrender unused tags to the Department of Agriculture upon termination of
 29 certification or master collecting permit.

30 (d) It shall be unlawful to ship or possess commercial quantities of shellfish unless
 31 certified by the Department of Agriculture. It shall be unlawful to possess shellfish from
 32 out-of-state sources unless those shellfish were purchased from certified dealers. It shall
 33 be unlawful to ship shellfish through Georgia unless certified. Certified dealers are those
 34 permitted to handle shellfish according to the guidelines of the National Shellfish
 35 Sanitation Program. The department may issue permission to uncertified firms to take and
 36 possess shellfish for mariculture purposes if such firms are registered as aquaculturists

1 under Code Section 2-15-6. Such permission may be issued upon such conditions as the
 2 department determines are in accordance with current, sound principles of wildlife research
 3 and management."

4 **SECTION 16.**

5 Said title is further amended by striking Code Section 27-4-199, relating to evidence of intent
 6 to use shellfish as food and inspection of businesses, and inserting in lieu thereof the
 7 following:

8 "27-4-199.

9 (a) The distribution, sale, or possession with intent to distribute or sell any shellfish shall
 10 be prima-facie evidence that the shellfish were intended for use as food unless prior written
 11 approval from the department authorizing such possession of shellfish is presented.

12 (b) Conservation rangers and other authorized personnel of the department are authorized
 13 to take samples from, to enter and have access to, and to examine during normal working
 14 hours and at any time when the licensed or authorized activity is being conducted all
 15 shellfish beds, places of business, and other places where shellfish are grown, kept, stored,
 16 sold, or held in possession with intent to distribute, sell, or give away. Such personnel are
 17 also authorized at any time to take such samples of shellfish as are necessary to carry out
 18 the purposes of this article and to have access to and take samples from all streams,
 19 tributaries thereof, and lands adjacent thereto, the waters draining from which may come
 20 into contact with shellfish. It shall be unlawful for any person to obstruct or in any way
 21 interfere with any conservation ranger or other authorized personnel of the department in
 22 carrying out the purposes of this article.

23 (c) Prior to and at point of landing conservation rangers and other authorized personnel of
 24 the department are authorized to seize, confiscate, and remove any and all shellfish
 25 discovered which were taken or possessed in violation of this article. Whenever a
 26 conservation ranger or other authorized personnel of the department believes that shellfish
 27 examined may have been taken, contained, or stored in such a manner that may render the
 28 shellfish adulterated, misbranded, tainted, or otherwise which may pose a public health
 29 problem, the conservation ranger or other authorized personnel of the department is
 30 authorized to seize, confiscate, and remove any and all shellfish. Such shellfish shall be
 31 destroyed or returned to the resource according to methods as the department may
 32 prescribe.

33 (d) This Code section shall not apply to the privately owned premises of an aquaculturalist
 34 registered under Code Section 2-15-6, which shall be subject to inspection by the
 35 Aquaculture Division of the Department of Agriculture."

SECTION 17.

(a) This Act shall become effective on July 1, 2005, except as otherwise provided by subsection (b) of this section.

(b)(1) Code Sections 2-15-1 through 2-15-4 and Code Section 2-15-12 as enacted by this Act shall become effective on July 1, 2004;

(2) This Act shall become effective on July 1, 2004, for the purpose of the authority of the Commissioner of Agriculture to employ staff within the limits of funds appropriated or otherwise made available;

(3) This Act shall become effective on July 1, 2004, for the purpose of the authority of the departments and officers affected by this Act to commence and take administrative actions as may be necessary or appropriate to prepare for and phase in the full implementation of this Act on July 1, 2005; and

(4) Section 9B of this Act shall become effective on March 31, 2012.

SECTION 18.

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