

House Bill 1766 (COMMITTEE SUBSTITUTE)

By: Representative James of the 114th, Ray of the 108th, Williams of the 128th, Mosley of the 129, 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 membership, powers, and duties; to create the Aquaculture Development Advisory Council
3 and provide for its membership, powers, and duties; to amend Title 2 of the Official Code
4 of Georgia Annotated, relating to agriculture, so as to strike the reserved designation of
5 Chapter 15; to provide for aquaculture development; to provide a short title; to define certain
6 terms; to regulate aquaculture of pacific white shrimp; to provide for registration; to provide
7 for rules and regulations; to provide for enforcement; to amend Title 27 of the Official Code
8 of Georgia Annotated, relating to game and fish, so as to change certain provisions relating
9 to definitions relative to said title; to change certain provisions relating to permits for
10 liberation of wildlife or liberation of domestic fish; to change certain provisions relating to
11 sale of fish by commercial fish hatcheries, sale of game fish, bill of sale or lading for
12 possession of certain game fish and domestic fish, and sale of diseased fish; to change certain
13 provisions relating to licensing of wholesale and retail fish dealers and sale, transportation
14 into state, or possession of live fish and fish eggs; to change certain provisions relating to a
15 short title of an Act relating to aquaculture development; to change certain provisions
16 relating to definitions relative to aquaculture development; to change certain provisions
17 relating to creation of the Aquaculture Development Commission and its membership,
18 bylaws, quorum, reimbursement for expenses, and meetings at the call of the chairman; to
19 change certain provisions relating to duty of the commission to develop an aquaculture
20 development plan, contents of the plan, meetings of the commission, and staff support; to
21 change certain provisions relating to registration required for sale of domestic fish and
22 regulation of sale without registration; to provide a contingent effective date; to repeal
23 conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 (G) The commissioner of industry, trade, and tourism or his or her representative; and
2 (H) Eight members to be appointed as provided by this subparagraph. The President
3 of the Senate and the Speaker of the House of Representatives each shall appoint four
4 members as follows:

- 5 (i) Two members shall be representatives of the aquaculture industry;
- 6 (ii) One member shall be a representative of the aquaculture supply and equipment
7 industry; and
- 8 (iii) One member shall be a representative of a private industry which is doing
9 research in the promotion of aquaculture.

10 Each of the nine appointed members shall be appointed for a term of two years and until
11 a successor is appointed and assumes membership on the council. The terms of the first
12 such appointed members shall begin on the effective date of this chapter.

13 (2) The purpose of the council shall be to inform and advise the division and the
14 Department of Natural Resources regarding important developments in aquaculture.

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

20 (4) Eight members of the council shall constitute a quorum necessary for the transaction
21 of business, and a majority vote of those present at any meeting at which there is a
22 quorum shall be sufficient to do and perform any action permitted the council by this
23 chapter. No vacancy on the council shall impair the right of a quorum to transact any and
24 all business of the council.

25 (5) The members shall not receive compensation for their services on the council but
26 those members who are public officials or employees shall be reimbursed from the funds
27 of their employing department, agency, or branch of government for per diem, travel, and
28 other expenses in the same manner and amount as they otherwise receive for performing
29 services for their respective departments, agencies, or branches of government.

30 (6) The council shall meet upon the call of its chairperson, who shall be elected by the
31 members of the council. The chairpersons of the Committees on Agriculture and
32 Consumer Affairs of the House of Representatives and the Senate shall serve as
33 cochairpersons of the council until such time as a chairperson of the council is elected by
34 the members.

35 (7) The council is authorized to conduct meetings at such places and at such times as it
36 considers expedient and to do all other things consistent with this chapter which are

1 necessary or convenient to enable it to exercise its powers, perform its duties, and
2 accomplish the objectives and purposes of this chapter.

3 (8) Staff support for the council shall be provided by the division and the Department of
4 Natural Resources.

5 2-15-4.

6 (a) The division shall make a thorough study of aquaculture and the potential for
7 development and enhancement of aquaculture in the state. It shall be the duty of the
8 division to develop, distribute, and, from time to time, amend an aquaculture development
9 plan for the State of Georgia for the purpose of facilitating the establishment and growth
10 of economically viable aquaculture enterprises in Georgia. Such plan shall include:

- 11 (1) An evaluation of Georgia's natural resources as they relate to aquaculture;
- 12 (2) An evaluation of species with potential for culture in Georgia;
- 13 (3) An identification of constraints to development of aquaculture in Georgia and
14 recommendations on methods to alleviate these constraints;
- 15 (4) An identification of the role of the department in supporting the aquaculture industry,
16 including an evaluation of existing physical and personnel resources and
17 recommendations for allocation of additional resources where needed;
- 18 (5) A list of the resources, training programs, technical assistance, and other programs
19 available to prospective aquaculturalists;
- 20 (6) Recommendations for implementation of the plan; and
- 21 (7) An identification of the role of other state and federal agencies in the development
22 of the aquaculture industry.

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

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

31 2-15-5.

32 (a) Any person or firm engaged in aquaculture of pacific white shrimp (*Penaeus vannamei*)
33 shall apply to the division for an aquaculture registration. The lawfully obtained pacific
34 white shrimp of a registered aquaculturalist shall be privately owned subject to regulation
35 by the division; provided, however, any person selling pacific white shrimp without first

1 obtaining an aquaculture registration shall be considered to be selling 'wildlife' or 'wild
2 animals' and shall be subject to the provisions of Title 27 governing such sale.

3 (b) On and after January 1 of the calendar year following the year in which this chapter
4 becomes effective, it shall be a misdemeanor for any person or firm to engage in
5 aquaculture of pacific white shrimp unless such person or firm is registered as provided by
6 this chapter; except that this subsection shall not apply to the employees of a registered
7 aquaculturalist.

8 2-15-6.

9 The division shall register persons engaged in aquaculture of pacific white shrimp under
10 the applicable provisions of this chapter. Such registration or any renewal thereof shall
11 expire on December 31 of each even-numbered year following registration; provided,
12 however, that any registration shall expire 30 days following any change in the status of
13 any information required by the provisions of this chapter or by any rule or regulation
14 adopted pursuant to this chapter to be reported to the division. The division shall issue to
15 registrants who update or renew their registration new certificates of registration for the full
16 period of registration provided for in this Code section.

17 2-15-7.

18 (a) All applications to the division for registration as an aquaculturalist of pacific white
19 shrimp shall:

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

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

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

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

28 (c) The Commissioner shall by rule or regulation establish a registration fee in such
29 amount as it reasonable and necessary to cover administrative costs.

30 2-15-8.

31 The filing of an application with the division for registration as an aquaculturalist of pacific
32 white shrimp shall constitute an admission by the applicant that the applicant is doing
33 business in this state.

1 2-15-9.

2 (a) The Commissioner may deny registration to:

3 (1) Any applicant with a criminal record;

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

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

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

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

13 2-15-10.

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

20 2-15-11.

21 All registration certificates issued by the division shall be evidence of a registration. The
22 division shall maintain a current list of all persons registered under this chapter.

23 2-15-12.

24 (a) The Commissioner shall make and publish such rules and regulations, not inconsistent
25 with law, as are reasonable and necessary to carry out the purposes of this chapter.

26 (b) Such rules and regulations shall include, without limitation, best management practices
27 that shall serve as protocols for the establishment and maintenance of responsible and
28 sustainable aquaculture of pacific white shrimp and for the protection of public health and
29 safety. By way of example only, such practices may cover site selection, site plans,
30 stocking, harvesting, transportation of product, effective management, food safety at the
31 farm level, and reporting requirements. Compliance with such best management practices
32 shall be a condition of any aquaculture registration certificate issued under this chapter.

1 2-15-13.

2 (a) It shall be unlawful for any person to have in his or her possession pacific white shrimp
3 obtained from an aquaculturalist without a bona fide bill of sale or lading that provides the
4 date of transaction, identifies the seller, and details at least two of the following three
5 criteria for pacific white shrimp: number, weight, or average length.

6 (b) It shall be unlawful to sell pacific white shrimp produced by aquaculture which shrimp
7 the division has determined to have diseases or parasites that would be harmful to native
8 wildlife populations, including without limitation any viruses that may be latent in exotics
9 but problematic if introduced into indigenous stocks.

10 (c) Wholesale fish dealers or retail fish dealers properly licensed under Title 27 may sell
11 pacific white shrimp obtained from an aquaculturalist registered under this chapter.

12 (d) The Commissioner may by rule or regulation prohibit or limit the importation,
13 possession, or sale in this state of pacific white shrimp where the same are found to be
14 harmful to endemic wildlife populations or where the importation, possession, or sale
15 might introduce or spread disease or parasites, including without limitation any viruses that
16 may be latent in exotics but problematic if introduced into indigenous stocks.

17 (e) Any pacific white shrimp in the postlarval stage obtained for growout must be free of
18 disease.

19 (f) Employees or agents of the division shall confiscate any pacific white shrimp imported,
20 purchased, or acquired by any person in violation of this Code section or any rule or
21 regulation of the Commissioner adopted pursuant to this Code section.

22 2-15-14.

23 (a) Any inspector or other person authorized to ascertain compliance with any provision
24 of this chapter or any rule or regulation of the division pertaining to aquaculture of pacific
25 white shrimp may enter during normal business hours and inspect the premises of an
26 aquaculturalist to determine whether such person is in compliance with the rules and
27 regulations of the division.

28 (b) In the event any person refuses to give his or her consent to an inspection as provided
29 in subsection (a) of this Code section, the Commissioner or any person authorized to make
30 inspections may seek a warrant to make an inspection as provided in this subsection:

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

33 (2) An inspection warrant shall be issued only upon cause and when supported by an
34 affidavit particularly describing the place, dwelling, structure, premises, or vehicle to be
35 inspected and the purpose for which the inspection is to be made. In addition, the
36 affidavit shall contain either a statement that consent to inspect has been sought and

1 refused or facts or circumstances reasonably justifying the failure to seek such consent.
2 Cause shall be deemed to exist if either reasonable legislative or administrative standards
3 for conducting a routine or area inspection are satisfied with respect to the particular
4 place, dwelling, structure, premises, or vehicle, or there is reason to believe that a
5 condition of nonconformity exists with respect to the particular place, dwelling, structure,
6 premises, or vehicle;

7 (3) An inspection warrant shall be effective for the time specified therein, but not for a
8 period of more than 14 days, unless extended or renewed by the judicial officer who
9 signed and issued the original warrant, upon satisfying himself or herself that such
10 extension or renewal is in the public interest. Such inspection warrant must be executed
11 and returned to the judicial officer by whom it was issued within the time specified in the
12 warrant or within the extended or renewed time. After the expiration of such time, the
13 warrant, unless executed, is void;

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

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

32 (6) Under this subsection, an inspection warrant is an order, in writing, signed by a
33 judicial officer, directed to the Commissioner or any person authorized to make
34 inspections for the division, and commanding him or her to conduct any inspection
35 authorized by any rules or regulations promulgated pursuant to this chapter.

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

SECTION 2.

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; and provided,
 12 further, that pacific white shrimp produced by or used in aquaculture and contained on
 13 the premises of an aquaculturalist registered under Code Section 2-15-6 shall not be
 14 presumed to be wild animals.

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

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

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

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

25 (D) By a research facility; or

26 (E) By a governmental agency.

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

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

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

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

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

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

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

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

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

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

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

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

25 (36) 'Game fish' means the following fish, except domestic fish as provided in paragraph
26 (23) of this Code section:

27 (A) Bass:

28 (i) Largemouth bass;

29 (ii) Smallmouth bass;

30 (iii) White bass;

31 (iv) Striped bass;

32 (v) Spotted bass;

33 (vi) Redeye (Coosa) bass;

34 (vii) Striped-white bass hybrid;

35 (viii) Shoal bass (Flint River smallmouth); and

36 (ix) Suwannee bass;

37 (B) Trout:

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

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

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

33 (39) 'Hunting' means pursuing, shooting, killing, taking, or capturing wildlife or feral
 34 hogs. This term also includes acts such as placing, setting, drawing, or using any device
 35 used to take wildlife or feral hogs, whether any such act results in taking or not, and
 36 includes every act of assistance to any person in taking or attempting to take such wildlife
 37 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 engaged in the purchasing, raising,
4 propagating, breeding, or other acquiring or possessing of live fish or fish eggs to be sold
5 or furnished to others for use thereby, other than for resale or for aquaria.

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

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

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

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

26 (65.1) 'Shellfish' means common bivalve mollusks which includes all edible species of
27 oysters, clams, mussels, or other bivalves.

28 (65.2) 'Shellfish management area' means a wildlife management area where shellfish
29 are managed by the state or lessees for the propagation of shellfish.

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

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

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

35 (69) 'Soft-shell crab dealer' means any person operating a shedding facility approved by
36 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 engaged in purchasing, raising,
26 propagating, breeding, or acquiring or possessing live fish or fish eggs to be sold or
27 furnished to others for the purpose of resale, including any person engaged in transporting
28 live fish or fish eggs into this state; provided, however, that any person who holds or sells
29 only 'domestic fish' and is registered pursuant to Code Section 27-4-255 or any person
30 who holds or sells fish solely for use in aquaria shall not be considered a wholesale fish
31 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 domestic fish produced by persons registered under Code
 6 Section 27-4-255 or any pacific white shrimp produced by or used in aquaculture and
 7 lawfully contained on the premises of an aquaculturalist as those terms are defined by
 8 Code Section 2-15-2."

9 SECTION 3.

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

13 "27-2-14.

14 It shall be unlawful for any person to liberate any wildlife within this state or to liberate
 15 domestic fish or pacific white shrimp produced by aquaculture as defined in Code Section
 16 2-15-2 except into private ponds, except under permit from the department; provided,
 17 however, that pen raised quail may be released for purposes of training pointing, flushing,
 18 and retrieving dogs."

19 SECTION 4.

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

24 "27-4-75.

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

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

29 (2) Domestic fish as defined in paragraph (23) of Code Section 27-1-2 and that are
 30 produced by ~~an aquaculturist~~ a person registered under Code Section 27-4-255.

31 (b) Except as provided in Code Section 27-4-74 and except for persons licensed as
 32 wholesale or retail fish dealers as provided in Code Section 27-4-76, it shall be unlawful
 33 for anyone other than a commercial fish hatchery licensed under Code Section 27-2-23 to
 34 sell any species of game fish. It shall also be unlawful for any person to have in his or her
 35 possession any such game fish obtained from a commercial fish hatchery, wholesale fish

1 dealer, or retail fish dealer or domestic fish from an aquaculturist registered under Code
 2 Section 27-4-255 without a bona fide bill of sale or lading which provides the date of
 3 transaction, identifies the seller, and details at least two of the following three criteria for
 4 each species of fish contained therein: number, weight, or average length.

5 (c) It shall also be unlawful to sell fish from a commercial fish hatchery which the
 6 department has determined to have diseases or parasites which would be harmful to native
 7 fish populations."

8 **SECTION 5.**

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

12 "27-4-76.

13 (a) It shall be unlawful to engage in the business of a wholesale or retail fish dealer, as
 14 defined in Code Section 27-1-2, without first obtaining an annual license from the
 15 department as provided in Code Section 27-2-23. Properly licensed wholesale fish dealers
 16 or retail fish dealers may sell game fish obtained from a licensed fish hatchery or domestic
 17 fish obtained from a person registered aquaculturist under Code Section 27-4-255 or as
 18 otherwise provided in Code Section 27-4-74. Notwithstanding any other provision to the
 19 contrary, a licensed commercial fish hatchery shall not be required to obtain a license as
 20 a wholesale fish dealer or a retail fish dealer.

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

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

29 (d) The conservation rangers or other agents or officials of the department shall confiscate
 30 any fish imported, purchased, or acquired by any person in violation of this Code section
 31 or any regulation promulgated by the board pursuant to this Code section."

32 **SECTION 6.**

33 Said title is further amended by striking Code Section 27-4-251, relating to a short title of an
 34 Act relating to aquaculture development; Code Section 27-4-252, relating to definitions
 35 relative to aquaculture development; Code Section 27-4-253, relating to creation of the

1 Aquaculture Development Commission and its membership, bylaws, quorum, reimbursement
 2 for expenses, and meetings at the call of the chairman; Code Section 27-4-254, relating to
 3 duty of the commission to develop an aquaculture development plan, contents of the plan,
 4 meetings of the commission, and staff support; and Code Section 27-4-255, relating to
 5 registration required for sale of domestic fish and regulation of sale without registration, and
 6 inserting in lieu thereof the following:

7 "27-4-251.

8 ~~This article may be cited as the 'Georgia Aquaculture Development Act.'~~ Reserved.

9 27-4-252.

10 ~~As used in this article, the term:~~

11 (1) ~~'Aquaculture' means the extensive or intensive farming of aquatic animals and plants.~~

12 (2) ~~'Commission' means the Aquaculture Development Commission created by Code~~
 13 ~~Section 27-4-253~~ Reserved.

14 27-4-253.

15 (a) ~~There is created the Aquaculture Development Commission. The commission shall be~~
 16 ~~composed of 14 members as follows:~~

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

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

20 (3) ~~The dean of the College of Agricultural and Environmental Sciences of the~~
 21 ~~University of Georgia or his representative;~~

22 (4) ~~The chairman of the Committee on Agriculture and Consumer Affairs of the House~~
 23 ~~of Representatives or his representative;~~

24 (5) ~~The chairman of the Committee on Agriculture of the Senate or his representative;~~

25 (6) ~~The Commissioner of Agriculture or his representative;~~

26 (7) ~~The commissioner of natural resources or his representative;~~

27 (8) ~~The commissioner of industry, trade, and tourism or his representative; and~~

28 (9) ~~Six members to be appointed by the president of the Georgia Aquaculture~~
 29 ~~Association as follows:~~

30 (A) ~~Four members shall be representatives of the aquaculture industry;~~

31 (B) ~~One member shall be a representative of the commercial fish farming supply and~~
 32 ~~equipment industry; and~~

33 (C) ~~One member shall be a representative of a private industry which is doing research~~
 34 ~~in the promotion of fish farming.~~

1 Each of such six members shall be appointed for a term of two years and until a successor
 2 is appointed and assumes membership on the commission. The terms of the first six such
 3 members shall begin on July 1, 1989.

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

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

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

20 (e) ~~The commission shall meet upon the call of its chairman Reserved.~~

21 27-4-254.

22 (a) ~~The commission shall make a thorough study of aquaculture and the potential for
 23 development and enhancement of aquaculture in the state. It shall be the duty of the
 24 commission to develop, distribute, and, from time to time, amend an aquaculture
 25 development plan for the State of Georgia for the purpose of facilitating the establishment
 26 and growth of economically viable aquaculture enterprises in Georgia. Such plan shall
 27 include:~~

28 (1) ~~An evaluation of Georgia's natural resources as they relate to aquaculture;~~

29 (2) ~~An evaluation of species with potential for culture in Georgia;~~

30 (3) ~~An identification of constraints to development of aquaculture in Georgia and
 31 recommendations on methods to alleviate these constraints;~~

32 (4) ~~An identification of the roles of the Department of Agriculture and the Department
 33 of Natural Resources in supporting the aquaculture industry, including an evaluation of
 34 existing physical and personnel resources and recommendations for allocation of
 35 additional resources where needed;~~

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

