

HOUSE SUBSTITUTE TO SENATE RESOLUTION 563

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide a requirement of probable cause
 2 for a law enforcement officer to stop, board, inspect, or examine recreational vessels less
 3 than 30 feet in length in fresh water without consent under certain circumstances; to provide
 4 exceptions; to provide for submission of such amendment for ratification or rejection;
 5 proposing an amendment to the Constitution so as to provide that the tradition of fishing and
 6 hunting and the taking of fish and wildlife shall be preserved for the people and shall be
 7 managed by law and regulation for the public good; to provide for submission of such
 8 amendment for ratification or rejection; proposing an amendment to the Constitution so as
 9 to provide for special motor vehicle license plates, dedicate the revenue from such plates for
 10 stated purposes, and appropriate the revenues so dedicated, including appropriations for the
 11 ultimate use of nonprofit organizations where it is found that there will be a benefit to the
 12 state; to provide for submission of such amendment for ratification or rejection; and for other
 13 purposes.

14 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

17 Article I, Section I of the Constitution is amended by striking Paragraph XIII, relating to
 18 searches and seizures, and inserting in lieu thereof the following:

19 "Paragraph XIII. ***Searches, seizures, and warrants.*** (a) The right of the people to be
 20 secure in their persons, houses, papers, and effects against unreasonable searches and
 21 seizures shall not be violated; and no warrant shall issue except upon probable cause
 22 supported by oath or affirmation particularly describing the place or places to be searched
 23 and the persons or things to be seized.

24 (b) No recreational vessel less than 30 feet in length that is in fresh water shall be
 25 stopped, boarded, inspected, or examined by any law enforcement officer for purposes of
 26 enforcing any law, rule, or regulation relating to game and fish or boating without the
 27 express consent of the owner or operator of the vessel unless the law enforcement officer

1 has probable cause to believe a violation of such law, rule, or regulation that he or she is
2 authorized to enforce has been committed by the owner or operator of or passenger in such
3 vessel; provided, however, that the probable cause requirement of this subparagraph shall
4 not apply when the occupants of such vessel are actively engaged in fishing or hunting or
5 engaged in any commercial activity."

6 SECTION 1-2.

7 The above proposed amendment to the Constitution provided in Section 1-1 of this resolution
8 shall be published and submitted as provided in Article X, Section I, Paragraph II of the
9 Constitution. The ballot submitting the above proposed amendment shall have written or
10 printed thereon the following:

11 "() YES Shall the Constitution be amended so as to provide a requirement of
12 probable cause for a law enforcement officer to stop, board, inspect, or
13 () NO examine recreational vessels less than 30 feet in length in fresh water
14 without consent under certain circumstances?"

15 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
16 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
17 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
18 become a part of the Constitution of this state.

19 PART II

20 SECTION 2-1.

21 Article I, Section I of the Constitution is amended by renumbering Paragraph XXVIII as
22 Paragraph XXIX and inserting a new Paragraph XXVIII to read as follows:

23 "Paragraph XXVIII. ***Fishing and hunting.*** The tradition of fishing and hunting and the
24 taking of fish and wildlife shall be preserved for the people and shall be managed by law
25 and regulation for the public good."

26 SECTION 2-2.

27 The above proposed amendment to the Constitution provided in Section 2-1 of this resolution
28 shall be published and submitted as provided in Article X, Section I, Paragraph II of the
29 Constitution. The ballot submitting the above proposed amendment shall have written or
30 printed thereon the following:

1 "() YES Shall the Constitution be amended so as to provide that the tradition of
2 fishing and hunting and the taking of fish and wildlife shall be preserved for
3 () NO the people and shall be managed by law and regulation for the public
4 good?"

5 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
6 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
7 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
8 become a part of the Constitution of this state.

9 **PART III**
10 **SECTION 3-1.**

11 Article III, Section IX, Paragraph VI of the Constitution, relating to appropriations for
12 specific sums, is amended by adding a new subparagraph to read as follows:

13 "(n) The General Assembly may provide by law for the issuance and renewal of special
14 motor vehicle license plates which motor vehicle owners may optionally purchase and
15 renew for additional fees. The General Assembly may provide for all or a portion of the
16 net revenue, as defined by the General Assembly, derived from the additional fees charged
17 for any such special license plate to be dedicated to a general purpose related to the nature
18 of the special license plate, as intended by the authorizing statute. Revenue which is so
19 dedicated shall be appropriated for such purpose in the general or amended general
20 appropriations Act. The manner of any such appropriation and the public agency to receive
21 such appropriation shall be determined in the general or amended general appropriations
22 Act through the general appropriations process. Any appropriation enacted pursuant to the
23 authority of this subparagraph may be in whole or in part for the ultimate use of a nonprofit
24 organization, without limitation by Article III, Section VI, Paragraph VI, if the General
25 Assembly determines that the license plate program and such appropriation will benefit
26 both the state and the nonprofit organization. Any law enacted pursuant to the authority
27 of this subparagraph may provide that funds appropriated pursuant to such law shall not
28 lapse as otherwise required by of Article III, Section IX, Paragraph IV(c). Any statute
29 which existed on January 1, 2005, and which created a special license plate and
30 appropriated, or expressed an intent to appropriate, revenue shall be subject to the
31 provisions of this subparagraph, but any such law shall also be subject to amendment or
32 repeal by the General Assembly; provided, however, that the dedication of funds for
33 wildlife purposes in Code Section 40-2-49 or any successor statute shall continue without
34 appropriation, and any statute authorized by the first subparagraph (g) of Article III,
35 Section VI, Paragraph VI (proposed by Ga. L. 2000, p. 2001, Section 1) or by subparagraph
36 (l) or (m) of this Paragraph shall not be subject to the provisions of this subparagraph."

SECTION 3-2.

The above proposed amendment to the Constitution provided in Section 3-1 of this resolution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution be amended so as to authorize the General Assembly to provide for special motor vehicle license plates, dedicate the revenue from such plates for stated purposes, and appropriate the revenues so dedicated, including appropriations for the ultimate use of nonprofit organizations where it is found that there will be a benefit to the state?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.