

House Bill 367 (COMMITTEE SUBSTITUTE)

By: Representative Knight of the 126<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to state parks and recreational areas generally, so as to provide for permits for the  
3 construction and maintenance of boat shelters on High Falls Lake; to provide for a transition  
4 period; to provide for a fee; to provide for inspections; to provide an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state  
9 parks and recreational areas generally, is amended by revising Code Section 12-3-34, relating  
10 to permits for construction, maintenance, and use of boat docks on High Falls Lake, as  
11 follows:

12 "12-3-34.

13 (a) The Department of Natural Resources is authorized to issue revocable permits for the  
14 construction, maintenance, and use of boat docks and boat shelters on High Falls Lake by  
15 the owners or lessees of private property abutting the high-water mark of such lake. Such  
16 permits shall constitute limited revocable licenses. Such permits shall be issued for periods  
17 of three years from the date of issuance and shall be transferable; provided, however, that  
18 in order to stagger the renewal periods, the department is authorized to issue permits of one-  
19 or two-year duration with the fee prorated appropriately. The fee for such permit for each  
20 three-year period shall be fixed by rule or regulation of the Board of Natural Resources in  
21 a reasonable amount not to exceed ~~\$50.00~~ \$75.00 for boat docks and \$75.00 for boat  
22 shelters. The fees collected for such permits shall be miscellaneous funds for purposes of  
23 use by the Department of Natural Resources pursuant to Code Section 12-3-2.

24 (b) No person shall construct or maintain a boat dock or boat shelter below the high-water  
25 mark of High Falls Lake without a valid permit from the Department of Natural Resources.

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26 It shall be the duty of the owner of any boat dock or boat shelter on High Falls Lake to keep  
 27 such dock or shelter in good repair. All such boat docks and boat shelters shall conform to  
 28 standards for construction, design, maintenance, and repair specified in rules and regulations  
 29 of the department and restrictions or conditions in the permit. It shall be the duty of the  
 30 owner of such boat dock or boat shelter to remove any such dock or shelter which is not in  
 31 compliance with such rules and regulations or permit.

32 (c) It shall be the duty of the owner of any boat dock or boat shelter or the holder of any  
 33 permit issued under this Code section to notify the department when he or she sells or  
 34 otherwise transfers the property for which the boat dock or boat shelter is permitted.

35 (d) The department and any official or employee thereof is authorized to inspect any boat  
 36 dock or boat shelter on High Falls Lake and to remove or cause to be removed any such  
 37 dock or shelter for which a permit is not in effect or which violates the standards for  
 38 construction, design, maintenance, and repair or the permit conditions imposed by the  
 39 department.

40 ~~(e) This Code section shall not affect the validity of any permit in effect on March 1, 1993,~~  
 41 ~~and the owners of docks for which such permits are in effect on March 1, 1993, may~~  
 42 ~~maintain such docks and enjoy the use thereof for the remainder of the period for which~~  
 43 ~~such permits were issued, subject to the terms and conditions thereof.~~

44 ~~(f)~~(e) The Board of Natural Resources is authorized to adopt rules and regulations  
 45 necessary or convenient to carry out this Code section and is authorized to impose  
 46 reasonable terms and conditions on the granting of permits and the construction of boat  
 47 docks and boat shelters on High Falls Lake by the owners or lessees of private property  
 48 abutting the high-water mark of such lake.

49 ~~(g)~~(f) Any permit may be revoked by the department for any violation of this Code section,  
 50 any rule or regulation of the Board of Natural Resources, or any condition contained in such  
 51 permit."

52 **SECTION 2.**

53 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 54 without such approval.

55 **SECTION 3.**

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