

Senate Bill 121

By: Senators Miller of the 49th, Tolleson of the 20th, Jeffares of the 17th, Ginn of the 47th and Gooch of the 51st

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To make certain changes relating to the powers, duties, and authority of the Department of  
2 Natural Resources and the Board of Natural Resources; to amend Chapter 8 of Title 3 of the  
3 Official Code of Georgia Annotated, relating to the sale of alcoholic beverages at publicly  
4 owned facilities, so as to provide that the Department of Natural Resources and any county  
5 or municipality operating a public golf course shall be authorized to provide for the sale of  
6 wine and distilled spirits at such golf course under certain circumstances; to amend Code  
7 Section 12-2-24, Article 2 of Chapter 5 of Title 14, Code Section 27-1-13, and Code Section  
8 52-7-5 of the Official Code of Georgia Annotated, relating to, respectively, powers and  
9 duties of the Board of Natural Resources, corporation commissioner, disposition of funds  
10 received by the Department of Natural Resources, appropriations, and grants and donations  
11 for natural resources conservation camps, and numbering of watercraft vessels, so as to  
12 provide for refunding of fees under certain circumstances; to amend Code Section 12-2-23  
13 of the Official Code of Georgia Annotated, relating to officers, meetings, quorum,  
14 compensation of members of the Board of Natural Resources, and reimbursement of  
15 members for expenses, so as to provide for travel expense reimbursement for members of the  
16 Board of Natural Resources; to provide for related matters; to repeal conflicting laws; and  
17 for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 0.5.**

20 Chapter 8 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of  
21 alcoholic beverages at publicly owned facilities, is amended by revising Code Section 3-8-2,  
22 relating to the sale of malt beverages at public golf courses operated by counties and  
23 municipalities, as follows:

24 "3-8-2.

25 ~~Any~~ The Department of Natural Resources or any county or municipality operating a  
26 public golf course and offering food or drink for retail sale as an incident to the operation  
27 of the golf course may ~~at its discretion~~ sell at retail malt beverages, wine, and distilled

28 spirits by the drink as an incident to the operation of the golf course upon obtaining a retail  
 29 consumption license."

30 **SECTION 1.**

31 Code Section 12-2-23 of the Official Code of Georgia Annotated, relating to officers,  
 32 meetings, quorum, compensation of members of the Board of Natural Resources, and  
 33 reimbursement of members for expenses, is amended by revising subsection (d) as follows:

34 "(d) The members, including the ~~chairman~~ chairperson, shall each receive the per diem  
 35 prescribed in Code Section 45-7-21 for each day of actual attendance at ~~official~~ meetings  
 36 of the board, or any committee thereof, and; shall be reimbursed for travel expenses,  
 37 lodging, meals, and transportation at the legal mileage rate when traveling in the service  
 38 of the board by personal vehicle, and in addition to mileage shall be reimbursed for actual  
 39 expenses incurred by reason of tolls and parking fees; and shall be reimbursed for actual  
 40 costs of travel by public carrier same rates established in the travel regulations for state  
 41 employees. The members, including the ~~chairman~~ chairperson, while on committee  
 42 assignment approved in advance by the chairperson, shall receive ~~\$25.00 per diem; actual~~  
 43 ~~cost of expenses, including meals, lodging, and transportation; and 10¢ per mile for~~  
 44 ~~transportation by private means to the place of service and home by the nearest practicable~~  
 45 ~~route~~ the same per diem and reimbursement of travel expenses as those authorized for  
 46 attendance at meetings. Notwithstanding any other provision of this Code section, the total  
 47 per diem compensation paid in any year to any member of the board shall not exceed  
 48 ~~\$1,200.00~~ \$3,000.00. Such per diem and actual expense shall be paid from funds of the  
 49 department."

50 **SECTION 2.**

51 Code Section 12-2-24 of the Official Code of Georgia Annotated, relating to powers and  
 52 duties of the Board of Natural Resources, is amended by revising subsection (a) as follows:

53 "(a)(1) The Board of Natural Resources may make such rules and regulations as it may  
 54 deem advisable to govern the work of the department and the duties of its employees  
 55 under this title.  
 56 (2) Without limiting paragraph (1) of this subsection, the board may establish, by rule  
 57 or regulation, a procedure to refund fees collected in error or overpayment or to which  
 58 the department or state is not otherwise entitled."

59 **SECTION 3.**

60 Article 2 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to  
61 corporation commissioner, is amended by revising Code Section 14-5-21, relating to fees and  
62 reports, as follows:

63 "14-5-21.

64 All fees collected by the Secretary of State shall be paid into the state treasury for the use  
65 of the state, and the Secretary of State shall include in his or her annual reports a full  
66 statement of all fees collected or received under Chapters 2 through 5 of this title and the  
67 disposition thereof. The Secretary of State shall be authorized to establish, by rule or  
68 regulation, a procedure by which his or her office shall refund fees collected in error or  
69 overpayment or to which the state is otherwise not entitled."

70

#### SECTION 4.

71 Code Section 27-1-13 of the Official Code of Georgia Annotated, relating to disposition of  
72 funds received by the Department of Natural Resources, appropriations, and grants and  
73 donations for natural resources conservation camps, is amended by revising subsection (a)  
74 as follows:

75 "(a) All funds resulting from the operation of the department and from the administration  
76 of the laws and regulations pertaining to wildlife, excluding fines, but including all license  
77 fees and other income (except that income provided for in subsection (b) of this Code  
78 section), shall be paid into the general funds of the state treasury; and each year at least  
79 such amount shall be appropriated to the department. The board shall be authorized to  
80 establish, by rule or regulation, a procedure to refund fees collected in error or  
81 overpayment or to which the department or state is otherwise not entitled."

82

#### SECTION 5.

83 Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of  
84 watercraft vessels, is amended by adding a new subsection to read as follows:

85 "(o) The board shall be authorized to establish, by rule or regulation, a procedure to refund  
86 fees collected pursuant to this chapter which were collected in error or overpayment or to  
87 which the department or state is otherwise not entitled."

88

#### SECTION 6.

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