

SENATE SUBSTITUTE TO HB 998:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Lake Lanier Islands Development Authority, so as to extend the
3 term of the Lake Lanier Islands Development Authority; to amend Title 27 of the Official
4 Code of Georgia Annotated, relating to game and fish, so as to change the effective date of
5 rules and regulations promulgated by the Board of Natural Resources; to revise the implied
6 consent warning for hunting under the influence; to amend Article 1 of Chapter 7 of Title 52
7 of the Official Code of Georgia Annotated, relating to registration, operation, and sale of
8 watercraft generally, so as to correct erroneous terminology regarding operation of watercraft
9 while intoxicated; to revise the implied consent warning; to amend Article 3 of Chapter 3 of
10 Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to
11 designate the shoal bass as the official Georgia state riverine sport fish; to provide for
12 legislative findings; to amend Part 1 of Article 1 of Chapter 3 of Title 27, relating to hunting
13 generally, so as to amend a sunset date; to dispense with certain reports by the department
14 to the General Assembly; to provide for definitions; to provide for related matters; to provide
15 an effective date; to repeal conflicting laws; and for other purposes.

16 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

17 **PART I**
18 **SECTION 1-1.**

19 Part 3 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
20 relating to the Lake Lanier Islands Development Authority, is amended by revising Code
21 Section 12-3-311, relating to creation of authority, delegation of powers and duties, and
22 duration of authority's existence, as follows:

23 "12-3-311.

24 (a) There is created a body corporate and politic to be known as the Lake Lanier Islands
25 Development Authority, which shall be deemed an instrumentality of the State of Georgia
26 and a public corporation and by that name, style, and title such body may contract and be

27 contracted with, sue and be sued, implead and be impleaded, and complain and defend in
28 all courts.

29 (b) The authority may delegate to one or more of its members, or to its agents and
30 employees, such powers and duties as it may deem proper.

31 (c) The authority shall exist for 99 years and, upon the expiration thereof, shall exist for
32 an additional 40 years.

33 (d) The authority is assigned to the Department of Natural Resources for administrative
34 purposes only."

35 PART II

36 SECTION 2-1.

37 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
38 revising Code Section 27-1-39, relating to rules and regulations used to establish criminal
39 violations, as follows:

40 "27-1-39.

41 Notwithstanding any other law to the contrary, for purposes of establishing criminal
42 violations of the rules and regulations promulgated by the Board of Natural Resources as
43 provided in this title, the term 'rules and regulations' means those rules and regulations of
44 the Board of Natural Resources in force and effect on January 1, ~~2019~~ 2020."

45 SECTION 2-2.

46 Said title is further amended in Code Section 27-3-7, relating to hunting under the influence
47 of alcohol or drugs, by revising paragraphs (1) through (3) of subsection (f) and paragraph
48 (2) of subsection (g) and by adding a new subsection to read as follows:

49 "(a.1) As used in this Code section, the term 'alcohol concentration' means grams of
50 alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath."

51 "(1) If there was at that time a ~~blood~~ an alcohol concentration of 0.05 grams or less, it
52 shall be presumed that the person was not under the influence of alcohol, as prohibited
53 by paragraphs (1), (2), and (3) of subsection (b) of this Code section;

54 (2) If there was at that time a ~~blood~~ an alcohol concentration in excess of 0.05 grams but
55 less than 0.08 grams, such fact shall not give rise to any presumption that the person was
56 or was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of
57 subsection (b) of this Code section, but such fact may be considered with other competent
58 evidence in determining whether the person was under the influence of alcohol, as
59 prohibited by paragraphs (1), (2), and (3) of subsection (b) of this Code section; and

60 (3) If there was at that time or within three hours after hunting, from alcohol consumed
61 before such hunting ended, a ~~blood~~ an alcohol concentration of 0.08 or more grams, the
62 person shall be in violation of paragraph (4) of subsection (b) of this Code section."

63 "(2) At the time a chemical test or tests are requested, the arresting officer shall read to
64 the person the following implied consent warning:

65 "The State of Georgia has conditioned your license to hunt in this state upon your
66 submission to state administered chemical tests of your blood, breath, urine, or other
67 bodily substances for the purpose of determining if you are under the influence of
68 alcohol or drugs. If you refuse this testing and you are convicted of hunting while
69 under the influence of alcohol or drugs, your ability to lawfully hunt in this state will
70 be suspended for a period of two years. Your refusal to submit to blood or urine testing
71 may be offered into evidence against you at trial. If you submit to testing and the
72 results indicate an alcohol concentration of 0.08 grams or more and if you are
73 subsequently convicted of hunting under the influence of alcohol by having an alcohol
74 concentration of 0.08 grams or more at any time within three hours after hunting from
75 alcohol consumed before such hunting ended, your ability to lawfully hunt in this state
76 will be suspended for a period of one year. After first submitting to the ~~required~~
77 requested state tests, you are entitled to additional chemical tests of your blood, breath,
78 urine, or other bodily substances at your own expense and from qualified personnel of
79 your own choosing. Will you submit to the state administered chemical tests of your
80 (designate which test)?"

81 **SECTION 2-3.**

82 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to
83 registration, operation, and sale of watercraft generally, is amended in Code Section 52-7-3,
84 relating to definitions, by revising paragraph (1) and adding a new subparagraph to read as
85 follows:

86 "(1) The term 'alcohol concentration' means grams of alcohol per 100 milliliters of blood
87 or grams of alcohol per 210 liters of breath.

88 (1.1) 'Blind point' means that portion of any of the waters of this state in which there is
89 a natural or man-made obstruction which prevents the operator of a vessel from seeing
90 vessels approaching from the opposite side of the obstruction, thus creating a safety
91 hazard which could result in a boating accident."

92

SECTION 1-4.

93 Said article is further amended in Code Section 52-7-12 of the Official Code of Georgia
 94 Annotated, relating to operation of watercraft while under influence of alcohol, toxic vapors,
 95 or drugs, legal drug use not exempted, blood and other chemical tests, test refusal, owner's
 96 liability for allowing another to operate while intoxicated, civil and criminal actions, and
 97 child endangerment, by revising subsection (h) as follows:

98 "(h) In the event of a boating accident involving a fatality, the investigating coroner or
 99 medical examiner having jurisdiction shall direct that a chemical blood test to determine
 100 ~~blood~~ alcohol concentration (~~BAC~~) or the presence of drugs be performed on the dead
 101 person or persons and that the results of such test be properly recorded in his or her report."

102

SECTION 1-5.

103 Code Section 52-7-12.5 of the Official Code of Georgia Annotated, relating to ordering drug,
 104 alcohol, or other substance tests and implied consent notice relative to operation of
 105 watercraft, is amended by revising subsection (b) as follows:

106 "(b) At the time a chemical test or tests are requested, the arresting officer shall select and
 107 read to the person the appropriate implied consent warning from the following:

108 (1) Implied consent notice for suspects under 21 years of age:

109 "The State of Georgia has conditioned your privilege to operate a vessel on the waters
 110 of this state upon your submission to state administered chemical tests of your blood,
 111 breath, urine, or other bodily substances for the purpose of determining if you are under
 112 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate
 113 a vessel on the waters of this state will be suspended for a minimum period of one year.
 114 Your refusal to submit to blood or urine testing may be offered into evidence against
 115 you at trial. If you submit to testing and the results indicate an alcohol concentration
 116 of 0.02 grams or more or the presence of any illegal drug, your privilege to operate a
 117 vessel on the waters of this state may be suspended for a minimum period of one year.
 118 After first submitting to the ~~required~~ requested state tests, you are entitled to additional
 119 chemical tests of your blood, breath, urine, or other bodily substances at your own
 120 expense and from qualified personnel of your own choosing. Will you submit to the
 121 state administered chemical tests of your (designate which test)?"; or

122 (2) Implied consent notice for suspects 21 years of age or older:

123 "The State of Georgia has conditioned your privilege to operate a vessel on the waters
 124 of this state upon your submission to state administered chemical tests of your blood,
 125 breath, urine, or other bodily substances for the purpose of determining if you are under
 126 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate
 127 a vessel on the waters of this state will be suspended for a minimum period of one year.

128 Your refusal to submit to blood or urine testing may be offered into evidence against
 129 you at trial. If you submit to testing and the results indicate an alcohol concentration
 130 of 0.08 grams or more or the presence of any illegal drug, your privilege to operate a
 131 vessel on the waters of this state may be suspended for a minimum period of one year.
 132 After first submitting to the ~~required~~ requested state tests, you are entitled to additional
 133 chemical tests of your blood, breath, urine, or other bodily substances at your own
 134 expense and from qualified personnel of your own choosing. Will you submit to the
 135 state administered chemical tests of your (designate which test)?'
 136 If any such notice is used by a law enforcement officer to advise a person of his or her
 137 rights regarding the administration of chemical testing, such person shall be deemed to
 138 have been properly advised of his or her rights under this Code section and under Code
 139 Section 52-7-12.6, and the results of any chemical test, or the refusal to submit to a test
 140 of such person's blood or urine, shall be admitted into evidence against such person.
 141 Such notice shall be read in its entirety but need not be read exactly so long as the
 142 substance of the notice remains unchanged."

143 **PART III**

144 **SECTION 3-1.**

145 The General Assembly finds that:

- 146 (1) The shoal bass has unique sporting qualities; occurs in abundance in the Flint,
 147 Chattahoochee, and Ocmulgee rivers; and is dependent upon clean, flowing water;
 148 (2) This unique native riverine sport fish moves dozens, and at times hundreds, of miles
 149 to complete its spawning and other life stages and is therefore dependent upon long,
 150 unobstructed segments of Georgia's rivers, in addition to high-quality shoal habitats; and
 151 (3) Both the hard rock formations of Georgia's piedmont region and the lime rock
 152 formations of Georgia's coastal plain are important to the shoal bass, and important
 153 fishing and tourist economies are structured around this unique native riverine sport fish.

154 **SECTION 3-2.**

155 Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other
 156 state symbols, is amended by adding a new Code section to read as follows:

157 "50-3-89.

158 The shoal bass (*Micropterus cataractae*) is designated as the official Georgia state riverine
 159 sport fish."

160 **PART IV**

161 **SECTION 4-1.**

162 Part 1 of Article 1 of Chapter 3 of Title 27, relating to hunting generally, is amended by
 163 revising paragraph (9) of subsection (a) of Code Section 27-3-4, relating to legal weapons
 164 for hunting wildlife generally, use of silencers and suppressors prohibited, and penalty for
 165 violations, as follows:

166 "(9) For purposes of this subsection, the term 'air gun' means any pistol, handgun, or
 167 shoulder-held device, each of not less than 0.30 caliber, or air bow that propels a projectile
 168 in the form of a slug, shot, or arrow equipped with a broadhead utilizing unignited
 169 compressed air or gas. Air guns are legal weapons for hunting big game only during
 170 primitive weapon hunts, primitive weapon seasons, and firearm seasons. This paragraph
 171 shall stand repealed effective ~~July 1, 2020~~ July 1, 2025, unless continued in effect by the
 172 General Assembly prior to that date. At its ~~2020~~ 2025 regular session, the General
 173 Assembly shall review this paragraph to determine whether it should be continued in
 174 effect."

175 **SECTION 4-2.**

176 Said part is further amended by revising subsection (g) of Code Section 27-3-15, relating to
 177 hunting seasons and bag limits, as follows:

178 "~~(g)(1) The department shall report to the General Assembly on or before the fifth day of~~
 179 ~~February of each year the estimated number of deer killed, by sex, in the immediately~~
 180 ~~preceding season.~~

181 ~~(2) Upon completion of its annual analysis of data from the immediately preceding~~
 182 ~~season, the department shall report to the General Assembly on the same day that it~~
 183 ~~reports to the Board of Natural Resources each year the actual number of deer killed, by~~
 184 ~~sex, in the immediately preceding season."~~

185 **PART V**

186 **SECTION 5-1.**

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

189 **SECTION 5-2.**

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