

The Senate Committee on Natural Resources and the Environment offered the following substitute to HB 244:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to game and fish, so as to provide for the removal of members of
3 the Board of Natural Resources; to extend the date by which rules and regulations prescribed
4 by the Board of Natural Resources must be in effect for purposes of establishing criminal
5 violations of said rules and regulations; to amend Part 1 of Article 1 of Chapter 3 of Title 27
6 of the Official Code of Georgia Annotated, relating to general provisions relative to hunting,
7 so as to authorize the hunting of bobcat and fox using recorded calls and sounds; to amend
8 Part 1 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated,
9 relating to general provisions relative to seafood, so as to require certain reporting of
10 non-activity by seafood dealers; to amend Part 4 of Article 4 of Chapter 4 of Title 27 of the
11 Official Code of Georgia Annotated, relating to shellfish, so as to provide for a definition;
12 to authorize discretionary penalties for certain enforcement actions by the Department of
13 Natural Resources; to repeal certain cage fees; to provide for exemptions; to provide for
14 effective dates; to provide for related matters; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17

SECTION 1.

18 Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to game and fish,
19 is amended in Code Section 27-1-5, relating to rules and regulations promulgated by the
20 Board of Natural Resources, by adding a new subsection to read as follows:

21 "(f) Notwithstanding any other law to the contrary, members of the Board of Natural
22 Resources are subject to removal pursuant to Chapter 5 of Title 45."

23

SECTION 2.

24 Said chapter is further amended by revising Code Section 27-1-39, relating to rules and
25 regulations used to establish criminal violations, as follows:

26 "27-1-39.

27 Notwithstanding any other law to the contrary, for purposes of establishing criminal
28 violations of the rules and regulations promulgated by the Board of Natural Resources as
29 provided in this title, the term 'rules and regulations' means those rules and regulations of
30 the Board of Natural Resources in force and effect on January 1, ~~2022~~ 2023."

31

SECTION 3.

32 Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated,
33 relating to general provisions relative to hunting, is amended in Code Section 27-3-12,
34 relating to unlawful substances and equipment and computer assisted remote hunting
35 prohibited, by revising subsection (a) as follows:

36 "(a) It shall be unlawful to hunt any wild animal, game animal, or game bird by means of
37 drugs, poisons, chemicals, smoke, gas, explosives, or recorded calls or sounds, ~~or recorded~~
38 ~~and electronically imitated or amplified sounds or calls~~ including, but not limited to,
39 electronically imitated or amplified calls or sounds, except that bobcat and fox may be
40 hunted using recorded calls or sounds. It shall also be unlawful to use electronic

41 communications equipment for the purpose of facilitating pursuit of any wild animal, game
42 bird, or game animal."

43 **SECTION 4.**

44 Part 1 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated,
45 relating to general provisions relative to seafood, is amended in Code Section 27-4-136,
46 relating to seafood dealer license, maintenance of records, and purchase of seafood, by
47 revising paragraph (3) of subsection (a) as follows:

48 "(3) Each person required to maintain records pursuant to paragraph (2) of this
49 subsection shall report such information to the department, whose address for the purpose
50 of reporting shall be the Coastal Resource Division headquarters, at such times and in
51 such manner as the board provides by rule or regulation. For the purposes of this
52 subsection, a person licensed as a seafood dealer who has taken no activity described in
53 paragraph (2) of this subsection within any given month shall report such non-activity to
54 the department in the same manner as provided by rule or regulation."

55 **SECTION 5.**

56 Part 4 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated,
57 relating to shellfish, is amended in Code Section 27-4-188, relating to definitions, by adding
58 a new paragraph to read as follows:

59 "(2.1) 'Cage' means a containment unit of any size that contains or may contain shellfish
60 for commercial sale. For a larger outer unit which holds smaller units inside, the entire
61 unit shall be treated as a single cage."

62

SECTION 6.

63 Said part is further amended in Code Section 27-4-190, relating to commercial fishing license
64 with shellfish endorsement and master harvester permit or harvester permit, hours for taking
65 shellfish, and recreational harvesting, by revising paragraph (1) of subsection (a) as follows:

66 "(a)(1) It shall be unlawful to take or possess shellfish in commercial quantities or for
67 commercial purposes without first having obtained a commercial fishing license with a
68 shellfish endorsement and a master harvester permit or harvester permit or without proof
69 of purchase that such shellfish were purchased from a certified shellfish dealer. Master
70 harvester permits shall specify whether the permittee is authorized to take oysters, clams,
71 or other shellfish and shall only be issued to persons certified by the Department of
72 Agriculture to handle shellfish unless permission to take and possess shellfish has been
73 granted by the department as described in subsection (d) of Code Section 27-4-197 and
74 in Code Section 27-4-202. Such permits shall be provided annually. A permittee may
75 request authorization from the department for employees or agents, who shall be referred
76 to as harvesters, of such permittee to take shellfish from permitted areas. Such request
77 shall be in writing to the department and shall include the name, address, and personal
78 commercial fishing license number of the harvester. It shall be unlawful for harvesters
79 to take or possess shellfish as authorized under their employer's master harvester permit
80 unless they carry on their person while taking or in possession of shellfish a harvester
81 permit as provided by the department indicating the exact area and circumstances
82 allowed for taking. Such harvesters' permits and charts shall be provided annually by the
83 department and shall be in a form as prescribed by the department. Harvesters must
84 possess a valid personal commercial fishing license as provided for in Code Section
85 27-4-110, a shellfish endorsement as provided for in the department's rules and
86 regulations, and, when a boat is used, a valid commercial fishing boat license as provided
87 in Code Section 27-2-8. Master harvester permits and harvester permits ~~shall not be~~
88 ~~issued~~ may be denied pursuant to Code Section 27-2-25 to persons who have violated this

89 part in the two years immediately preceding the filing of an application for a permit.
 90 Permits may be revoked pursuant to Code Section 27-2-25. Master harvester permits and
 91 harvester permits issued to master harvesters or agents shall be surrendered to the
 92 department upon termination of Department of Agriculture certification for handling
 93 shellfish; or upon termination of right to harvest shellfish, ~~or upon violation of any~~
 94 ~~provision of this title pursuant to Code Section 27-4-201.~~ If a harvester is removed from
 95 authorization to take shellfish by the master harvester permittee, the master harvester
 96 shall immediately notify the department of such removal. In addition, that harvester shall
 97 immediately surrender to the department his or her harvester permit. It shall be unlawful
 98 to possess unauthorized harvester permits or harvester permits issued to another person."

99

SECTION 7.

100 Said part is further amended by revising Code Section 27-4-201, relating to penalty for
 101 violation of article and revocation of authorizations, as follows:

102 "27-4-201.

103 (a) Except as otherwise provided in this article, any person who violates any provision of
 104 this ~~article~~ part shall, upon conviction thereof, be guilty of a misdemeanor of a high and
 105 aggravated nature.

106 (b) Any authorizations issued under this part to any person convicted of violating any
 107 provision of this ~~article~~ part ~~may~~ be revoked ~~by operation of law and shall not be~~
 108 ~~reissued for a period of three years. The department shall notify the person in writing of~~
 109 ~~the revocation. Prior to revocation, such person shall have opportunity for hearing in~~
 110 ~~accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~
 111 pursuant to Code Section 27-2-25; provided, however, that upon the first such conviction,
 112 a harvester permit shall not be revoked if the harvester satisfactorily completes, within 30
 113 days of notice from the department, the retraining specified by the department in

114 accordance with the requirements of the National Shellfish Sanitation Program pursuant
115 to subsection (d) of Code Section 27-4-195."

116 **SECTION 8.**

117 Said part is further amended by revising Code Section 27-4-204, relating to permitting,
118 number of cages, and identification attached to cages, as follows:

119 "27-4-204.

120 ~~(a) The first time that a person obtains or renews a shellfish mariculture permit, he or she~~
121 ~~shall obtain a permit from the department establishing the maximum number of cages that~~
122 ~~may be deployed at any given time during that license year. Such permits shall be issued~~
123 ~~in 25 cage increments. The permittee shall pay a fee of \$1.00 per cage for the permit, and~~
124 ~~the permit shall be for the same duration and shall be renewed at the same time as the~~
125 ~~shellfish mariculture permit. Containers used for the mariculture of clams shall be exempt~~
126 ~~from this subsection.~~

127 ~~(b)(1) No cage permit may be amended to permit the use of more cages except at the~~
128 ~~time of permit renewal. The permittee, or his or her agent or employee if the permittee~~
129 ~~is not actively harvesting, shall have the cage permit in his or her possession at all times~~
130 ~~while harvesting.~~

131 ~~(2) It shall be unlawful for any permittee or a person designated by such permittee as~~
132 ~~provided in Code Section 27-4-202 to employ more cages than the number allowed by~~
133 ~~the cage permit at any time.~~

134 ~~(c) It shall be unlawful to set or place in the salt waters of this state any shellfish~~
135 ~~mariculture cage which does not have attached to it ~~the~~ an identification assigned tag~~
136 ~~approved by the department to the permittee. The identification shall be assigned by the~~
137 ~~department to the permittee when such permittee is issued his or her shellfish mariculture~~
138 ~~permit. For subsequent years, the same identification shall be assigned to such permittee.~~
139 All intertidal gear shall be exempt from the requirements of this Code section."

140

SECTION 9.

141 Section 1 of this Act shall become effective upon its approval by the Governor or upon its
142 becoming law without such approval. The remainder of this Act shall become effective upon
143 its approval by the Governor or upon its becoming law without such approval for purposes
144 of promulgating rules and regulations and shall become effective on July 1, 2023, for all
145 other purposes.

146

SECTION 10.

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