

House Bill 362 (COMMITTEE SUBSTITUTE)

By: Representatives Rhodes of the 120th, Watson of the 172nd, LaHood of the 175th, Petrea of the 166th, and LaRiccia of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the
2 Environmental Protection Division, Environmental Advisory Council, duties of council and
3 its members and director, appeal procedures generally, permit applications, and inspections,
4 so as to revise an effective date for standards, rules, and regulations; to amend Title 27 of the
5 Official Code of Georgia Annotated, relating to game and fish, so as to revise a defined term;
6 to revise an effective date for rules and regulations; to revise the allowed caliber of
7 muzzleloading firearms; to provide for a deer management assistance program and related
8 fees and bag limits; to provide for taking of fish by minnow seines and minnow traps and
9 restrictions on use of same; to revise a creel possession limit and size restriction; to amend
10 Code Section 52-7-26 of the Official Code of Georgia Annotated, relating to penalty
11 regarding registration, operation, and sale of watercraft, so as to revise the effective date of
12 rules and regulations related to penalty; to provide for related matters; to provide an effective
13 date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 362 (SUB)

15 **PART I**

16 **SECTION 1-1.**

17 Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the
 18 Environmental Protection Division, Environmental Advisory Council, duties of council and
 19 its members and director, appeal procedures generally, permit applications, and inspections,
 20 is amended by revising paragraph (5) of subsection (c) as follows:

21 "(5) Notwithstanding any other law to the contrary, for purposes of establishing criminal
 22 violations of the standards, rules, and regulations promulgated by the Board of Natural
 23 Resources as provided in this title, the term 'standards, rules, and regulations' shall mean
 24 those standards, rules, and regulations of the Board of Natural Resources in force and
 25 effect on ~~January 1, 2016~~ January 1, 2021."

26 **PART II**

27 **SECTION 2-1.**

28 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in
 29 Code Section 27-1-2, relating to definitions regarding game and fish generally, by revising
 30 subparagraphs (A) and (B) of paragraph (36) and paragraph (44) as follows:

31 "(A) Bass:

- 32 (i) ~~Largemouth bass~~ Members of the genus micropterus, or the black bass, and their
 33 hybrids;
 34 (ii) ~~Smallmouth bass~~ Striped-white bass hybrids;
 35 (iii) White bass; and
 36 (iv) Striped bass;
 37 ~~(v) Spotted bass;~~
 38 ~~(vi) Redeye (Coosa) bass;~~

63 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
 64 ~~.44 caliber~~ .30 caliber or larger, and muzzleloading shotguns of 20 gauge or larger
 65 loaded with single shot may be used; and

66 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;

67 (3) Firearms for hunting deer and bear are limited to 20 gauge shotguns or larger
 68 shotguns loaded with slugs or buckshot (except that no buckshot is permitted on state
 69 wildlife management areas unless otherwise specified), muzzleloading firearms of ~~.44~~
 70 ~~caliber~~ .30 caliber or larger, and center-fire firearms .22 caliber or larger; provided,
 71 however, that firearms for hunting feral hogs, other than those weapons specified in this
 72 paragraph, may be authorized by rule or regulation of the board. Bullets used in all
 73 center-fire rifles and handguns must be of the expanding type;"

74 **SECTION 2-4.**

75 Said title is further amended in Code Section 27-3-15, relating to seasons and bag limits,
 76 promulgation of rules and regulations by board, and possession of more than bag limit, by
 77 adding a new subsection to read as follows:

78 "(g) As may be appropriate based on sound principles of wildlife management, the
 79 department is authorized to establish a deer management assistance program, which may
 80 include fees and may prescribe property-specific bag limits without complying with the
 81 state-wide bag limit specified in subsection (b) of this Code section."

82 **SECTION 2-5.**

83 Said title is further amended in Code Section 27-4-5, relating to methods for taking fish
 84 generally, by revising subsection (a) as follows:

85 "(a) It shall be unlawful to fish for game fish, except American shad, hickory shad,
 86 flathead catfish, and channel catfish, by any means other than a pole and line. Except as
 87 otherwise provided, it shall be unlawful to take any fish in the fresh waters of this state by

88 any method other than a pole and line, sport trotlines in accordance with Code
89 Section 27-4-32, set hooks, jugs, bow and arrow in accordance with Code Section 27-4-34,
90 spears in accordance with Code Section 27-4-33, minnow seines and minnow traps in
91 accordance with Code Section 27-4-6, by hand in accordance with Code Section 27-4-37,
92 and as authorized in Code Section 27-4-91 with regard to commercial fresh-water fishing."

93 **SECTION 2-6.**

94 Said title is further amended by revising Code Section 27-4-6, relating to use of minnow
95 seines, as follows:

96 "27-4-6.

97 It shall be unlawful to take any game fish or American eels by minnow seines or minnow
98 traps from the fresh waters of this state. It shall also be unlawful to take any nongame fish
99 by minnow seines or minnow traps from any of the fresh waters of this state, except where
100 such fish are five inches in length or less and are not to be sold or otherwise used for
101 commercial purposes and except where such waters are not trout waters as designated
102 pursuant to Code Section 27-4-51. ~~It shall also be unlawful to use a seine which is longer~~
103 ~~than 20 feet or which has a mesh larger than three-eighths of an inch square, or in diameter~~
104 ~~if the mesh is not square. All game fish and American eels taken in such seines shall be~~
105 ~~immediately released unharmed into the waters from which they were taken. It shall~~
106 further be unlawful for any person to engage in the use of minnow seines or minnow traps
107 to collect nongame fish in the fresh waters of this state without a valid resident or
108 nonresident fishing license as provided in Code Section 27-2-23. In accordance with sound
109 principles of wildlife research and management, the department shall have the authority to
110 specify open seasons, creel and possession limits, gear specifications, species taken, and
111 waters open to the use of minnow seines and minnow traps in accordance with this title."

112 **SECTION 2-7.**

113 Said title is further amended in Code Section 27-4-10, relating to creel and possession limits
 114 and size restrictions, by revising paragraph (1) of subsection (a) as follows:

115 <u>"(1) Largemouth bass Genus</u>	0-24 inches	10"
116 <u>micropterus (black bass)</u>		

117 **PART III**118 **SECTION 3-1.**

119 Code Section 52-7-26 of the Official Code of Georgia Annotated, relating to penalty
 120 regarding registration, operation, and sale of watercraft, is amended by revising
 121 subsection (a) as follows:

122 "(a) Except as otherwise provided in this article, any person who violates this article or any
 123 rule or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes
 124 of establishing criminal violations of the rules and regulations promulgated by the board
 125 as provided in this article, the term 'rules and regulations' means those rules and regulations
 126 of the board in force and effect on ~~January 1, 2014~~ January 1, 2021."

127 **PART IV**128 **SECTION 4-1.**

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

131 **SECTION 4-2.**

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