

House Bill 287

By: Representatives Rhodes of the 124<sup>th</sup>, Corbett of the 174<sup>th</sup>, LaHood of the 175<sup>th</sup>,  
McDonald III of the 26<sup>th</sup>, and Cannon of the 172<sup>nd</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to  
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 update the reference date to standards, rules, and regulations; to amend Title 27 of  
5 the Official Code of Georgia Annotated, relating to game and fish, so as to update the  
6 reference date to rules and regulations; to provide for courtesy hunting and fishing licenses  
7 for paralyzed or disabled individuals; to change an age requirement for the special turkey  
8 hunting season for young and mobility impaired hunters; to provide for fees for resident  
9 shellfish crews; to amend Code Section 52-7-26 of the Official Code of Georgia Annotated,  
10 relating to penalty, so as to update the reference date to rules and regulations; to provide for  
11 related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to Environmental  
15 Protection Division, Environmental Advisory Council, duties of council and its members and

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16 director, appeal procedures generally, permit applications, and inspections, is amended by  
 17 revising paragraph (5) of subsection (c) as follows:

18 "(5) Notwithstanding any other law to the contrary, for purposes of establishing criminal  
 19 violations of the standards, rules, and regulations promulgated by the Board of Natural  
 20 Resources as provided in this title, the term 'standards, rules, and regulations' shall mean  
 21 those standards, rules, and regulations of the Board of Natural Resources in force and  
 22 effect on January 1, ~~2024~~ 2025."

23 **SECTION 2.**

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

27 "27-1-39.

28 Notwithstanding any other law to the contrary, for purposes of establishing criminal  
 29 violations of the rules and regulations promulgated by the Board of Natural Resources as  
 30 provided in this title, the term 'rules and regulations' means those rules and regulations of  
 31 the Board of Natural Resources in force and effect on January 1, ~~2024~~ 2025."

32 **SECTION 3.**

33 Said title is further amended by revising Code Section 27-2-4.2, relating to courtesy  
 34 nonresident fishing licenses to certain paralyzed or disabled veterans, as follows:

35 "27-2-4.2.

36 (a) The department is authorized to issue a courtesy resident or nonresident fishing license,  
 37 without fee, to any person who is ~~not a resident of this state who is~~ a paralyzed or disabled  
 38 ~~veteran~~ and who is participating in an organized fishing tournament event in this state  
 39 which is sponsored and conducted by a nonprofit charitable association ~~of paralyzed or~~  
 40 ~~disabled veterans~~ or the department, provided that such tournament event is approved by

41 the department. Such courtesy ~~nonresident~~ fishing license shall be valid for use only  
42 during the specified dates of such ~~tournament~~ event and for a maximum of seven days and  
43 shall include all requirements and privileges of a ~~nonresident~~ fishing license, including the  
44 ~~nonresident~~ trout license, for use only in association with such ~~tournament~~ approved event.

45 (b) The department is authorized to issue a courtesy resident or nonresident hunting  
46 license, without fee, to any person who is paralyzed or disabled and who is participating  
47 in an organized hunting event in this state which is sponsored and conducted by a nonprofit  
48 charitable association or the department, provided that such event is approved by the  
49 department; provided, however, that persons disabled because of a mental impairment shall  
50 be issued a courtesy fishing license only, pursuant to subsection (a) of this Code section.  
51 Such courtesy hunting license shall be valid for use only during the specified dates of such  
52 hunting event and for a maximum of seven days and shall include all requirements and  
53 privileges of a hunting license, including the big game and any other requisite state hunting  
54 licenses, for use only in association with such approved event.

55 (c) All courtesy hunting and fishing licenses are subject to all wildlife laws, rules, and  
56 regulations with the exception of the provisions requiring the payment of fees as described  
57 in Code Section 27-2-23 for such licenses. Such courtesy licenses may be revoked in  
58 accordance with this title. It shall be unlawful for any person who has a courtesy hunting  
59 license or a courtesy fishing license to permit the use of such license by any other person.  
60 It shall also be unlawful for any person who is issued a courtesy hunting license or a  
61 courtesy fishing license to use the license except at the department approved event for  
62 which such courtesy license was issued."

63 **SECTION 4.**

64 Said title is further amended by revising Code Section 27-2-4.4, relating to special turkey  
65 hunting season for young and mobility impaired hunters, as follows:

66 "27-2-4.4.

67 (a) As used in this Code section, the term 'mobility impaired person' means any person  
68 who has been verified by a doctor of medicine currently licensed to practice by the Georgia  
69 Composite Medical Board, the State Board of Examiners in Osteopathy, or an equivalent  
70 body of another state to have any one of the following permanent conditions:

- 71 (1) Dependence upon a wheelchair or similar device for ambulation;  
72 (2) Hemiplegia;  
73 (3) Monoplegia;  
74 (4) Paraplegia; or  
75 (5) Single-leg amputation above the knee.

76 (b) The board shall promulgate rules and regulations authorizing the hunting of turkeys  
77 during an extended open season to:

- 78 (1) Youth under 16 years of age ~~Any person who is 16 years of age or younger~~; or  
79 (2) Any mobility impaired person.

80 (c) Notwithstanding any provisions of Code Section 27-3-15 to the contrary, such  
81 extended season shall be for the weekend prior to the first weekend of the open turkey  
82 season, as established by the board.

83 (d) Such special authorization shall be subject to all other provisions of this title."

84

#### SECTION 5.

85 Said title is further amended in Code Section 27-2-23, relating to license, permit, tag, and  
86 stamp fees, by adding new subparagraphs to paragraph (8) to read as follows:

87	<u>"(BB) Resident shellfish crew, up to ten</u>	<u>Annual</u>	<u>200.00</u>
88	<u>harvesters</u>		
89	<u>(CC) Resident shellfish crew, unlimited</u>	<u>Annual</u>	<u>400.00"</u>
90	<u>harvesters</u>		

**SECTION 6.**

91  
92 Said title is further amended in Code Section 27-4-190, relating to commercial fishing license  
93 with shellfish endorsement and master harvester permit or harvester permit, hours for taking  
94 shellfish, and recreational harvesting, by revising paragraph (1) of subsection (a) as follows:  
95     "(a)(1) It shall be unlawful to take or possess shellfish in commercial quantities or for  
96 commercial purposes without first having obtained a commercial fishing license with a  
97 shellfish endorsement and a master harvester permit or harvester permit or without proof  
98 of purchase that such shellfish were purchased from a certified shellfish dealer. Master  
99 harvester permits shall specify whether the permittee is authorized to take oysters, clams,  
100 or other shellfish and shall only be issued to persons certified by the Department of  
101 Agriculture to handle shellfish unless permission to take and possess shellfish has been  
102 granted by the department as described in subsection (d) of Code Section 27-4-197 and  
103 in Code Section 27-4-202. Such permits shall be provided annually. A permittee may  
104 request authorization from the department for employees or agents, who shall be referred  
105 to as harvesters, of such permittee to take shellfish from permitted areas. Such request  
106 shall be in writing to the department and shall include the name, address, and personal  
107 commercial fishing license number of the harvester. It shall be unlawful for harvesters  
108 to take or possess shellfish as authorized under their employer's master harvester permit  
109 unless they carry on their person while taking or in possession of shellfish a harvester  
110 permit as provided by the department indicating the exact area and circumstances allowed  
111 for taking. Such harvesters' permits and charts shall be provided annually by the  
112 department and shall be in a form as prescribed by the department. Harvesters must  
113 possess a valid personal commercial fishing license as provided for in Code  
114 Section 27-4-110, a shellfish endorsement as provided for in the department's rules and  
115 regulations, and, when a boat is used, a valid commercial fishing boat license as provided  
116 in Code Section 27-2-8, unless the harvester is operating under a master harvester who  
117 has purchased a valid shellfish crew license as provided for in Code Section 27-2-23 for

118 the purposes of such license. Master harvester permits and harvester permits may be  
119 denied pursuant to Code Section 27-2-25 to persons who have violated this part in the  
120 two years immediately preceding the filing of an application for a permit. Permits may  
121 be revoked pursuant to Code Section 27-2-25. Master harvester permits and harvester  
122 permits issued to master harvesters or agents shall be surrendered to the department upon  
123 termination of Department of Agriculture certification for handling shellfish or upon  
124 termination of right to harvest shellfish pursuant to Code Section 27-4-201. If a harvester  
125 is removed from authorization to take shellfish by the master harvester permittee, the  
126 master harvester shall immediately notify the department of such removal. In addition,  
127 that harvester shall immediately surrender to the department his or her harvester permit.  
128 It shall be unlawful to possess unauthorized harvester permits or harvester permits issued  
129 to another person."

130 **SECTION 7.**

131 Code Section 52-7-26 of the Official Code of Georgia Annotated, relating to penalty relative  
132 to the registration, operation, and sale of watercraft, is amended by revising subsection (a)  
133 as follows:

134 "(a) Except as otherwise provided in this article, any person who violates this article or any  
135 rule or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes  
136 of establishing criminal violations of the rules and regulations promulgated by the board  
137 as provided in this article, the term 'rules and regulations' means those rules and regulations  
138 of the board in force and effect on January 1, ~~2024~~ 2025."

139 **SECTION 8.**

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