

Senate Bill 542

By: Senators Watson of the 11th, Kennedy of the 18th and Gooch of the 51st

**AS PASSED SENATE**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 44 of the Official Code of Georgia Annotated, relating to water  
2 rights, so as to remove references to the public trust doctrine; to provide that members of the  
3 public have the right to use all navigable streams for passage and for hunting and fishing; to  
4 provide for statutory construction; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 8 of Title 44 of the Official Code of Georgia Annotated, relating to water rights, is  
9 amended in Code Section 44-8-5, relating to rights of adjoining landowners in navigable  
10 streams, by revising subsection (c) as follows:

11 "(c)(1) The General Assembly finds that the state procured ownership of all navigable  
12 stream beds within its jurisdiction upon statehood and, ~~as sovereign, is trustee of its~~  
13 ~~peoples' rights to use and enjoy all navigable streams capable of use for fishing, hunting,~~  
14 ~~passage, navigation, commerce, and transportation, pursuant to the common law public~~  
15 ~~trust doctrine. The state continues to hold title to all such stream beds, except where title~~  
16 in a private party originates from a valid Crown or state grant before 1863. The General

17 Assembly further finds that, by the common law, the citizens of this state have a right to  
18 use for passage and for hunting and fishing all navigable streams from low-water mark  
19 to low-water mark. The General Assembly further finds that the public retained the  
20 aforementioned ~~rights under such doctrine~~ right even where private title to beds of  
21 navigable streams originates from a valid grant, but, in such cases, the public's right is  
22 limited to entering upon such stream beds held by valid grant only when incidental to  
23 passage and when actively hunting or fishing.

24 (2) Nothing contained in this subsection shall be construed to permit entry upon privately  
25 owned land adjacent to navigable streams."

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.