

House Bill 1289

By: Representatives Smith of the 129th, Post 2, Williams of the 128th, Mosley of the 129th,
Post 1, Boggs of the 145th, Sims of the 130th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so
2 as to change certain provisions relating to revocation, suspension, denial, or nonrenewal of
3 licenses or permits and administrative and judicial review; to change certain provisions
4 relating to hunting deer with dogs; to provide legislative findings and declarations; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds and declares that, according to information from the Wildlife
9 Resources Division of the Department of Natural Resources, the University of Georgia
10 Extension Service, and the Department of Public Safety:

11 (1) The estimated deer population in this state in 2002-2003 was 1.2 million;

12 (2) The number of deer and car collisions in 2002 was 47,000;

13 (3) The number of deer related traffic fatalities in 2002 was seven;

14 (4) The number of crop damage permits issued due to deer in 2002 was 977; and

15 (5) The estimated amount spent per year on dog food and veterinary service in this state
16 is \$150 million, which is a significant contribution to this state's economy.

17 The General Assembly further finds and declares that the foregoing is evidence of a deer
18 overpopulation problem contributing to loss of human life, property damage, and significant
19 harm to agriculture in this state.

20 **SECTION 2.**

21 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
22 striking subsection (c) of Code Section 27-2-25, relating to revocation, suspension, denial,
23 or nonrenewal of licenses or permits and administrative and judicial review, and inserting in
24 lieu thereof the following:

1 "(c) Any person whose license, permit, or application for a license or permit, or both, is
 2 proposed for revocation, suspension, denial, or nonrenewal shall, upon petition to the
 3 commissioner within ~~30~~ ten days of issuance of notice given as stated in subsection (a) of
 4 this Code section, have a right to a hearing before ~~an administrative law judge appointed~~
 5 ~~by the Board of Natural Resources. The~~ the judge of the probate court of the county in
 6 which the alleged violation occurred, who for such purposes shall act and be compensated
 7 as an associate administrative law judge the same as if assigned to such cases by the chief
 8 state administrative law judge under paragraph (5) of subsection (e) of Code Section
 9 50-13-40. In all other respects, the hearing before the ~~administrative law judge of the~~
 10 ~~probate court~~ shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia
 11 Administrative Procedure Act,' and the rules and regulations adopted by the board pursuant
 12 thereto. The decision of the ~~administrative law judge of the probate court~~ shall constitute
 13 the final decision of the board and any party to the hearing, including the commissioner,
 14 shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50."

15 SECTION 3.

16 Said title is further amended in Code Section 27-3-17, relating to hunting deer with dogs, by
 17 striking subsections (c) through (f) and inserting in lieu thereof the following:

18 "(c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property
 19 unless a permit for hunting deer with dogs has been issued by the department for such tract
 20 to the owner or owners of such tract or the lessee of deer hunting rights for such tract.
 21 There shall be no minimum acreage requirement for issuance of a permit for a contiguous
 22 tract of real property to the owner of such property or, if the property is owned by a private
 23 individual, to a lessee of deer hunting rights for such property. A permit for hunting deer
 24 with dogs shall not be issued to a lessee of deer hunting rights for any tract of real property
 25 that is less than ~~1,000~~ 250 contiguous acres if such tract is owned by a corporation or
 26 partnership. Any application for a permit for hunting deer with dogs shall be on such form
 27 as prescribed by the department; ~~shall be accompanied by the required application fee;~~ and
 28 shall include a written description of the tract boundaries and a map showing key features
 29 such as public roads or streams on or bordering the tract and occupied dwellings on
 30 adjacent properties. The application must be signed by all persons owning any portion of
 31 the tract of real property or an authorized agent thereof. ~~The application fee for such permit~~
 32 ~~shall be \$100.00 for an annual permit or \$25.00 for a two-day permit.~~

33 (d) The owner of any dog that is used for hunting deer must cause such dog to be identified
 34 with the owner's name, address, and phone number at all times during the hunt ~~with the~~
 35 ~~permit number for the tract being hunted.~~

1 ~~(e) Any person operating a motor vehicle used in conducting a deer hunt with dogs shall~~
2 ~~during such hunt clearly display in the lower corner of the driver's side of the front or rear~~
3 ~~windshield of such motor vehicle a decal or card showing the tract permit number in~~
4 ~~numerals not less than two inches high.~~

5 ~~(f)~~(e) The department shall thoroughly investigate for validity any complaints from
6 adjacent property owners regarding hunting deer with dogs in violation of this title or rules
7 and regulations issued pursuant to this title. The commissioner ~~may~~ shall not take action
8 against a permit issued to a corporation under this Code section for violations of this title
9 or rules and regulations issued pursuant to this title committed by any individual hunter or
10 hunters, but the commissioner may take action against any individual hunter as provided
11 by Code Section 27-2-25 for violations of the provisions of this title or rules and
12 regulations issued pursuant to this title ~~occurring on the tract of real property for which the~~
13 ~~permit was issued~~ committed by such individual."

14 SECTION 4.

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