

The Senate Natural Resources and the Environment Committee offered the following substitute to HB 1095:

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 regulate the taking of certain wildlife; to change certain provisions relating to  
3 revocation, suspension, denial, or nonrenewal of licenses or permits and administrative and  
4 judicial review; to change certain provisions relating to hunting deer with dogs; to change  
5 certain provisions relating to taking fish generally; to change certain provisions relating to  
6 spearing of fish; to authorize the taking of fish by grabbling, by noodling, or by hand under  
7 certain conditions; to provide penalties for violations; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

14  
15 "(c) Any person whose license, permit, or application for a license or permit, or both, is  
16 proposed for revocation, suspension, denial, or nonrenewal shall, upon petition within 30  
17 days of issuance of notice given as stated in subsection (a) of this Code section, have a  
18 right to a hearing before an administrative law judge ~~appointed by~~ of the Office of State  
19 Administrative Hearings acting in place of the Board of Natural Resources. The hearing  
20 before the administrative law judge shall be conducted in accordance with Chapter 13 of  
21 Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations adopted  
22 by the board pursuant thereto; provided, however, that in any case where such action  
23 against a license, permit, or application is due to an alleged violation of Code Section  
24 27-3-17 or rules or regulations adopted pursuant thereto, the hearing shall be conducted in  
25 the county where the alleged violation occurred. The decision of the administrative law  
26 judge shall constitute the final decision of the board and any party to the hearing, including

1 the commissioner, shall have the right of judicial review thereof in accordance with  
2 Chapter 13 of Title 50."

### 3 SECTION 2.

4 Said title is further amended by striking Code Section 27-3-17, relating to hunting deer with  
5 dogs, and inserting in lieu thereof the following:

6 "27-3-17.

7 (a) It shall be unlawful to hunt deer with dogs except during such special open seasons for  
8 the hunting of deer with dogs as ~~may~~ shall be designated by the board on a state-wide,  
9 regional, or local basis.

10 (b) In accordance with subsection (a) of this Code section, the board ~~is authorized to~~ shall  
11 promulgate rules and regulations establishing an open season for the hunting of deer with  
12 dogs in those counties in which hunting deer with dogs was authorized for the 2003-2004  
13 hunting season and in such other counties as may be appropriate based on sound wildlife  
14 management principles.

15 (c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property  
16 unless a permit for hunting deer with dogs has been issued by the department for such tract  
17 to the owner or owners of such tract or the lessee of deer hunting rights for such tract. A  
18 permit for hunting deer with dogs shall not be issued to the owner or owners for any tract  
19 of real property that is less than 200 contiguous acres. A permit for hunting deer with dogs  
20 shall not be issued to a lessee of deer hunting rights for any tract of real property that is less  
21 than ~~1,000~~ 500 contiguous acres. Any application for a permit for hunting deer with dogs  
22 shall be on such form as prescribed by the department; shall be accompanied by the  
23 required application fee; and shall include a written description of the tract boundaries and  
24 a map showing key features such as public roads or streams on or bordering the tract and  
25 occupied dwellings on adjacent properties. The application must be signed by all persons  
26 owning any portion of the tract of real property or an authorized agent thereof. The  
27 application fee for such permit shall be \$100.00 for an annual permit or \$25.00 for a  
28 two-day permit.

29 (d) The owner of any dog that is used for hunting deer must cause such dog to be identified  
30 at all times during the hunt with the ~~permit number for the tract being hunted~~ name and  
31 phone number of the owner.

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



1 (c) It shall also be unlawful for any person to engage in the spearing of ~~nongame~~ fish in  
 2 the fresh waters of this state without a resident or nonresident fishing license as provided  
 3 in Code Section 27-2-23.

4 (d) It shall be unlawful to use spears with poisonous or exploding heads.

5 (e) It shall be unlawful to discharge spears into waters nearer than 150 feet to anyone  
 6 engaged in any other means of recreation.

7 (f) Any game fish, except channel catfish and flathead catfish taken under the provisions  
 8 of subsection (g) of this Code section, with an open wound and in the possession of a  
 9 person fishing with a spear shall be prima-facie evidence of taking and possessing fish  
 10 illegally.

11 (g) It shall be unlawful to take channel catfish and flathead catfish anywhere in the  
 12 Savannah River, including its tributaries and impoundments within the Savannah River  
 13 Basin, by means of spearing, except under the following conditions:

14 (1) The taking of channel catfish and flathead catfish in the Savannah River, including  
 15 its tributaries and impoundments within the Savannah River Basin, by spear shall be legal  
 16 at any time of the day and at night by the use of a light; and

17 (2) All spears used pursuant to this subsection must be equipped with barbs or contain  
 18 devices on the point to act as a harpoon for recovering fish and must be attached to the  
 19 person using the spear or to the weapon by a rope, line, or cord sufficient for recovering  
 20 the spear and channel catfish or flathead catfish."

## 21 **SECTION 5.**

22 Said chapter is further amended by adding a new Code Section 27-4-37 to read as follows:  
 23 "27-4-37.

24 (a) It shall be unlawful to fish for game fish, catfish, and all other species of fish in the  
 25 freshwaters of the state by grabbling, noodling, or hand grabbing except as provided in this  
 26 Code section. Flathead, channel, and blue catfish may be taken by hand without the aid of  
 27 any device, hook, snare, net, or other artificial instrument and without the aid of any scuba  
 28 equipment, air hose, or other artificial breathing apparatus between March 1 and July 15  
 29 of each year.

30 (b) It shall be unlawful to alter any natural or manmade feature by placing boards, wire,  
 31 barrels, buckets, or any device or obstruction in any stream or other body of water or to  
 32 modify any log, hole, or other feature in an attempt to attract or capture fish by grabbling,  
 33 noodling, or hand grabbing or to take fish by grabbling, noodling, or hand grabbing from  
 34 such altered devices. It shall also be unlawful to raise any part of a natural or artificial  
 35 device out of the water to aid in the hand capture of enclosed fish.

1 (c) Any game fish, except channel and flathead catfish, taken in violation of the provisions  
2 of subsections (a) and (b) of this Code section, in the possession of a person grabbling,  
3 noodling, or hand grabbing fish shall be prima-facie evidence of taking and possessing fish  
4 illegally.

5 (d) It shall be unlawful for any person to engage in the grabbling, noodling, or hand  
6 grabbing of flathead, channel, or blue catfish in the fresh waters of this state without a  
7 resident or nonresident fishing license as provided in Code Section 27-2-23."

8 **SECTION 6.**

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