

House Bill 1651

By: Representatives Sims of the 130th, Smith of the 129th, Post 2, Sholar of the 141st, Post 1, Lord of the 103rd, Coleman of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to
2 authorize and regulate private harvest-hunt preserves; to repeal conflicting laws; and for
3 other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by adding
7 a new chapter to read as follows:

8 style="text-align:center">"CHAPTER 16

9 4-16-1.

10 The purpose of this chapter is to regulate the establishment and operation of harvest-hunt
11 preserves.

12 4-16-2.

13 As used in this chapter, the term:

14 (1) 'Game mammals' means members of the families Cervidae (such as deer and elk; but
15 not including mule deer or whitetail deer or any other Cervids native to this state), Suidae
16 (hog), or Bovidae (such as buffalo and antelope).

17 (2) 'Harvest-hunt preserve' means an animal preserve designed and operated to allow the
18 release and taking of captive raised native and nonnative game animals as specified in
19 this chapter.

20 4-16-3.

21 (a) The Commissioner may issue a license for the establishment and operation of a
22 harvest-hunt preserve. No harvest-hunt preserve license shall be issued until the premises
23 of such preserve have been inspected by a representative of the Commissioner and the
24 requirements of this chapter have been met.

25 (b) No person shall engage in or carry on the business of operating a harvest-hunt preserve
26 without first applying for and obtaining a harvest-hunt preserve license from the
27 Commissioner of Agriculture. A harvest-hunt preserve license shall be valid from the date
28 of issuance to March 31 of the following calendar year. A harvest-hunt preserve license

1 will not be issued by the Commissioner to any operation which has not been inspected and
2 approved by the Department of Natural Resources, provided that any facility expansion
3 must be reapproved prior to renewal of a harvest-hunt preserve license. The provisions of
4 Article 5 of Chapter 4 of this title shall not apply to a harvest-hunt preserve authorized
5 under this chapter or the operator thereof.

6 (c) A harvest-hunt preserve shall consist of not more than 10,000 acres, including water
7 area, and shall be owned or leased by the applicant. For the hunting of game mammals, the
8 land shall be located wholly within a legally fenced tract. The boundaries of all preserves
9 shall be posted with signs bearing the words 'Licensed Harvest-Hunt Preserve,' which shall
10 be placed at intervals of not more than 500 feet and easily visible from any point of ingress
11 or egress. No harvest-hunt preserve shall be located within one mile of any wildlife
12 management area, refuge, or park established by state or federal law or regulation unless:

13 (1) The operation of such preserve does not conflict with the management objectives of
14 the affected wildlife management area, refuge, or park;

15 (2) The owner or manager of the affected wildlife management area, refuge, or park has
16 been notified of the application and given the opportunity to submit comments or
17 recommendations; and

18 (3) The proposed preserve poses no significant adverse impacts to wildlife or public
19 safety on the affected wildlife management area, refuge, or park.

20 (d) In the event the property is under lease to the applicant, such lease shall be for a term
21 of not less than one year from date of application and subject to review and approval by the
22 Commissioner as a condition to the granting of a license.

23 (e) All laws, rules, or regulations pertaining to hunting or game shall apply on all
24 harvest-hunt preserves except as follows:

25 (1) The taking of carnivorous animals is prohibited on such preserves. Only game
26 mammals shall be taken on harvest-hunt preserves; and

27 (2) Game mammals shall not be taken on harvest-hunt preserves while boxed or caged
28 and shall be taken only in accordance with the following conditions and methods:

29 (A) Cervidae (deer family) shall be free roaming on not less than 300 acres, with a
30 minimum of 200 acres covered with woody vegetation. The hunting of Cervidae with
31 dogs is prohibited; provided, however, that a leashed dog shall be allowed for trailing.
32 The preserve shall be completely enclosed with an eight-foot deerproof fence;

33 (B) Bovidae (such as buffalo and antelope) shall be free roaming on not less than 300
34 acres, with a minimum of 200 acres covered with grassy vegetation. The hunting of
35 Bovidae with dogs is prohibited; provided, however, that a leashed dog shall be allowed
36 for trailing. The preserve shall be completely enclosed with an eight-foot deerproof
37 fence; and

38 (C) Suidae (hog) shall be free roaming on not less than 300 acres, with a minimum of
39 200 acres covered with woody vegetation.

40 (f) Game mammals may be kept in small enclosures only for veterinary, breeding,
41 transportation, or other management purposes and shall not be hunted on the same day of
42 release or transport into the minimum acreage required for taking the species.

1 (g) The hunting of game mammals produced, raised, or held at a zoological attraction or
2 that are tame game mammals is prohibited. For the purpose of this subsection, 'tame game
3 mammal' means a game mammal that does not exhibit the flight characteristics normal for
4 the species when found in the wild. When tame game mammals are maintained in hunting
5 areas on a preserve for breeding or other purposes, they shall be readily identifiable with
6 a fluorescent collar or other marking device.

7 (h) Game mammals shall not be taken by nonowners or nonlessees within 50 yards of a
8 supplemental feeding station.

9 (i) Motorized vehicles shall not be used to drive game mammals nor shall game mammals
10 be taken from moving motorized vehicles.

11 (j) Harvest-hunt preserves shall be equipped and operated in such manner as to provide
12 sufficient food and humane treatment for the game kept thereupon. The premises, pens, and
13 facilities of all hunting preserves shall be maintained in a sanitary condition. All game
14 harvested shall be taken by humane method as specified by rules or regulations of the
15 Commissioner for the species. Injured or wounded mammals shall be immediately
16 euthanized, transported to a veterinarian for treatment, or treated by the owner.

17 (k) Operators importing hooved stock from out of state or foreign countries shall maintain
18 copies of all importation permits and health records as required by the department and the
19 United States Department of Agriculture. Such records shall be made available for
20 inspection upon request of any employee of the department or the Department of Natural
21 Resources.

22 (l) Prior to being transported from a harvest-hunt preserve, all carcasses, parts, and meat
23 of game taken on such preserve shall be properly identified with a tag or label with the
24 name of the licensee, the name of the preserve, and the date such game is being transported
25 from the preserve.

26 (m) A hunting license as required by law shall be required of all persons taking game on
27 any harvest-hunt preserve.

28 (n) There shall be a registration book on each harvest-hunt preserve in which the name,
29 address, hunting license number, and quantity of game taken by each person hunting on the
30 preserve shall be recorded. All records and the physical facilities and installations of any
31 harvest-hunt preserve shall be open to inspection upon request by personnel of the
32 department or the Department of Natural Resources.

33 (o) A complete annual report of all game mammals released and taken on any harvest-hunt
34 preserve from July 1 of the previous year through June 30 of the current year shall be
35 furnished to the Commissioner by July 31 of each year.

36 (p) The license of any harvest-hunt preserve operator violating this chapter or any rule or
37 regulation adopted by the Commissioner pursuant to this chapter shall be subject to
38 revocation, cancellation, or suspension following notice and hearing. A harvest-hunt
39 preserve license of any licensee whose facility does not meet the definition of an
40 agricultural operation shall be revoked, and such license may be revoked if the licensee
41 violates any provision of Title 27, relating to wild animals. Any game mammal must be
42 disposed of within 45 days of revocation of any harvest-hunt preserve license.

1 (q) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities
2 and to transmit a copy of any application for a harvest-hunt preserve license to the
3 Department of Natural Resources. The Department of Natural Resources shall inspect the
4 applicant's facilities and shall report to the Department of Agriculture within 30 days of
5 receipt of the application. It also shall be the duty of the Department of Agriculture to
6 transmit a copy of any license issued pursuant to this chapter to the Department of Natural
7 Resources. It also shall be the duty of the Department of Agriculture to notify the
8 Department of Natural Resources of the revocation, nonrenewal, cancellation, or lapse of
9 any license issued pursuant to this chapter. All such notifications shall be made in writing
10 and shall be made as promptly as possible, but in no event shall such notification be given
11 more than 72 hours after the event giving rise to the requirement of notice.

12 (r) For purposes other than harvest-hunt preserve operations, game mammal species must
13 be held under a wild animal license pursuant to Chapter 5 of Title 27. Anyone holding,
14 possessing, importing, or transporting game mammals without a harvest-hunt preserve
15 license or a wild animal license shall be in violation of Title 27.

16 4-16-4.

17 Health and transportation requirements for any Artiodactyla (even-toed ungulates) shall
18 meet the health requirements established by rule or regulation of the Georgia Department
19 of Agriculture. Those animals specifically used for harvest-hunt preserves shall meet the
20 requirements of the Uniform Methods and Rules of the Code of Federal Regulations for
21 Tuberculosis and Brucellosis in Cervidae.

22 4-16-5.

23 Any game mammal which escapes from a licensed harvest-hunt preserve shall be subject
24 to the jurisdiction of the Department of Natural Resources and may be treated as an
25 escaped wild animal subject to the provisions of Chapter 5 of Title 27, except that, while
26 such animal is roaming freely outside the enclosure of any licensed harvest-hunt preserve,
27 the owner of such game mammal shall have 48 hours from the time the escape is detected
28 to recapture such animal and return it to the licensed preserve. As a condition for
29 maintaining a harvest-hunt preserve license, it shall be the duty of the owner or operator
30 of a licensed harvest-hunt preserve to notify the Department of Natural Resources
31 immediately upon discovery of the escape of a game mammal. When such notice has been
32 given, no legal hunter shall be held liable for killing or wounding an escaped game
33 mammal.

34 4-16-6.

35 Harvest-hunt preserve operators shall allow the entry onto the preserve of representatives
36 of the Department of Agriculture, the Department of Natural Resources, or other
37 departments or agencies having authority or duties involving captive game mammals or
38 wild animals to ensure compliance with applicable federal and state laws.

1 4-16-7.

2 The provisions of this chapter shall not apply to any facility at which any animal which
3 would otherwise qualify as a captive game mammal is intentionally commingled with any
4 species classified as and subject to regulation as a wild animal under the provisions of
5 Chapter 5 of Title 27.

6 4-16-8.

7 The Commissioner of Agriculture is authorized to promulgate rules and regulations as may
8 be necessary to effectuate the purpose of this chapter. Such rules and regulations shall be
9 promulgated after consultation with the Department of Natural Resources and shall be
10 designed to ensure the health and safety of wildlife and prevent the spread of animal
11 diseases between wildlife, wild animals, domestic animals, captive game mammals, and
12 people. It shall be the duty of the Commissioner, the Department of Agriculture, the Board
13 of Natural Resources, the commissioner of natural resources, and the Department of
14 Natural Resources to communicate and consult on matters of mutual concern so as to
15 ensure the health and safety of captive game mammals, wildlife, wild animals, domestic
16 animals, and people and to prevent, control, and eradicate animal diseases within this state.

17 4-16-9.

18 In addition to the remedies provided in this chapter and notwithstanding the existence of
19 any adequate remedy at law, the Commissioner is authorized to apply to the superior court
20 for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to
21 grant a temporary or permanent injunction, or both, restraining any person from violating
22 or continuing to violate any of the provisions of this chapter or for failing or refusing to
23 comply with the requirements of this chapter or any rule or regulation adopted by the
24 Commissioner pursuant to this chapter. An injunction issued under this Code section shall
25 not require a bond.

26 4-16-10.

27 (a) The Commissioner, in order to enforce this chapter or any orders, rules, or regulations
28 promulgated pursuant to this chapter, may issue an administrative order imposing a penalty
29 not to exceed \$1,000.00 for each violation whenever the Commissioner, after a hearing,
30 determines that any person has violated any provision of this chapter or any quarantines,
31 orders, rules, or regulations promulgated pursuant to this chapter.

32 (b) The initial hearing and any administrative review thereof shall be conducted in
33 accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia
34 Administrative Procedure Act.' Any person who has exhausted all administrative remedies
35 available and who is aggrieved or adversely affected by any final order or action of the
36 Commissioner shall have the right of judicial review thereof in accordance with Chapter
37 13 of Title 50. All penalties recovered by the Commissioner as provided for in this chapter
38 shall be paid into the state treasury. The Commissioner may file in the superior court
39 wherein the person under order resides or, if said person is a corporation, in the county
40 wherein the corporation maintains its principal place of business or in the county wherein

1 the violation occurred a certified copy of a final order of the Commissioner unappealed
2 from or of a final order of the department affirmed upon appeal, whereupon said court shall
3 render judgment in accordance therewith and notify the parties. Such judgment shall have
4 the same effect, and all proceedings in relation thereto shall thereafter be the same, as
5 though said judgment had been rendered in an action duly heard and determined by said
6 court. The penalty prescribed in subsection (a) of this Code section shall be concurrent,
7 alternative, or cumulative with any and all other civil, criminal, or alternative rights,
8 remedies, forfeitures, or penalties provided, allowed, or available to the Commissioner with
9 respect to any violation of this chapter and any quarantines, orders, rules, or regulations
10 promulgated pursuant thereto.

11 4-16-11.

12 It shall be unlawful for any person intentionally to release a game mammal from captivity
13 or to import, transport, sell, transfer, or possess a game mammal in such a manner as to
14 cause its release or escape from captivity. If a person imports, transports, sells, transfers,
15 or possesses a game mammal in such a manner as to pose a reasonable possibility that such
16 game mammal may be released accidentally or escape from captivity, the department may
17 revoke the license of such person.

18 4-16-12.

19 Any person violating the provisions of this chapter shall be guilty of a misdemeanor."

20

SECTION 2.

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