

The Senate Natural Resources and the Environment Committee offered the following substitute to SB 201:

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 provide that lands managed by the Department of Natural Resources shall be open to  
3 access and use for recreational hunting and trapping except as limited by the department for  
4 reasons of public safety or homeland security or as otherwise limited by law; to define a  
5 term; to change certain provisions relating to revocation, suspension, denial, or nonrenewal  
6 of licenses or permits and administrative and judicial review; to change certain provisions  
7 relating to season and bag limits, promulgation of rules and regulations by the board,  
8 possession of more than bag limit, and reporting number of deer killed; to change certain  
9 provisions relating to hunting deer with dogs; to provide for donation of deer processed for  
10 human consumption to bona fide charitable or nonprofit organizations for service or  
11 distribution to the poor or needy; to amend Chapter 1 of Title 51, relating to general  
12 provisions relative to torts, to provide for certain immunity related to such donation, service,  
13 and distribution; to provide a short title; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 This Act shall be known and may be cited as the "Deer Management Act of 2005."

17 style="text-align:center">**SECTION 2.**

18 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
19 adding a new Code section to read as follows:

20 "27-1-3.1.

21 (a) As used in this Code section, the term 'department managed lands' means those lands  
22 that the department owns or those lands over which the department holds management  
23 authority.

1 (b) Subject to valid existing rights, department managed lands shall be open to access and  
 2 use for recreational hunting and trapping except as limited by the department for reasons  
 3 of public safety or homeland security or as otherwise limited by law.

4 (c) The department shall exercise its authority, consistent with subsection (b) of this Code  
 5 section, in a manner to support, promote, and enhance recreational hunting and trapping  
 6 opportunities to the extent authorized by law. The department shall not be required to give  
 7 preference to hunting and trapping over other uses of department managed lands or over  
 8 land or water management priorities established by state law.

9 (d) To the greatest practical extent, department land management decisions and actions  
 10 shall not result in any net loss of land acreage available for hunting and trapping  
 11 opportunities on department managed lands that exists on the effective date of this Code  
 12 section."

### 13 SECTION 3.

14 Said title is further amended by striking subsection (c) of Code Section 27-2-25, relating to  
 15 revocation, suspension, denial, or nonrenewal of licenses or permits and administrative and  
 16 judicial review, and inserting in lieu thereof the following:

17 "(c) Any person whose license, permit, or application for a license or permit, or both, is  
 18 proposed for revocation, suspension, denial, or nonrenewal shall, upon petition within 30  
 19 days of issuance of notice given as stated in subsection (a) of this Code section, have a  
 20 right to a hearing before an administrative law judge appointed by of the Office of State  
 21 Administrative Hearings assigned under Code Section 50-13-40 and acting in place of the  
 22 Board of Natural Resources. The hearing before the administrative law judge shall be  
 23 conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
 24 Procedure Act,' and the rules and regulations adopted by the board pursuant thereto;  
 25 provided, however, that the hearing shall be held in the county where the alleged violation  
 26 occurred and not later than 30 days after the date of the citation. The decision of the  
 27 administrative law judge shall constitute the final decision of the board and any party to the  
 28 hearing, including the commissioner, shall have the right of judicial review thereof in  
 29 accordance with Chapter 13 of Title 50."

### 30 SECTION 4.

31 Said title is further amended in Code Section 27-3-15, relating to seasons and bag limits,  
 32 promulgation of rules and regulations by the board, possession of more than bag limit, and  
 33 reporting number of deer killed, by striking paragraph (4) of subsection (b) and inserting in  
 34 lieu thereof the following:



1 owner or owners for any tract of real property that is less than 250 contiguous acres. Any  
 2 application for a permit for hunting deer with dogs shall be on such form as prescribed by  
 3 the department; ~~shall be accompanied by the required application fee;~~ and shall include a  
 4 written description of the tract boundaries and a map showing key features such as public  
 5 roads or streams on or bordering the tract and occupied dwellings on adjacent properties.  
 6 The application must be signed by all persons owning any portion of the tract of real  
 7 property or an authorized agent thereof. ~~The application fee for such permit shall be~~  
 8 ~~\$100.00 for an annual permit or \$25.00 for a two-day permit.~~ There shall be no fee for such  
 9 permit.

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

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

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

## 26 SECTION 6.

27 Said title is further amended by adding a new Code section to read as follows:

28 "27-3-51.

29 (a) Deer legally taken and processed for human consumption may be donated to and  
 30 possessed, prepared, and distributed by a bona fide charitable or nonprofit organization  
 31 which serves or distributes food without cost to the poor or needy. Packages of processed  
 32 deer donated pursuant to this Code section shall be marked 'not for sale'; and such marking  
 33 shall identify the meat as deer.

34 (b) The department shall make available instructions for the safe and sanitary preparation  
 35 of deer, a list of professional processors where potential donors may take their deer for  
 36 preparation and packaging, and a list of bona fide charitable or nonprofit organizations

1 which accept donations of deer or processed deer. Professional processors and charitable  
2 and nonprofit organizations may notify the department of their intention to participate in  
3 such distribution of processed deer to the poor or needy, and the department shall include  
4 them in its list unless good cause otherwise exists."

#### 5 **SECTION 7.**

6 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
7 provisions relative to torts, is amended adding a new Code Section 51-1-31.1 to read as  
8 follows:

9 "51-1-31.1.

10 (a) A good faith donor of any deer meat processed and apparently fit for human  
11 consumption who donates such meat to a bona fide charitable or nonprofit organization for  
12 service or distribution to the poor or needy in accordance with Code Section 27-3-51 shall  
13 not be subject to criminal penalty or civil damages arising from the condition of the meat,  
14 unless an injury is caused by the recklessness or intentional misconduct of the donor.

15 (b) A bona fide charitable or nonprofit organization which accepts any deer meat  
16 processed and apparently fit for human consumption from a good faith donor for service  
17 or distribution to the poor or needy in accordance with Code Section 27-3-51 shall not be  
18 subject to criminal penalty or civil damages arising from the condition of the meat, unless  
19 an injury is caused by the recklessness or intentional misconduct of the charitable or  
20 nonprofit organization.

21 (c) The provisions of this Code section shall not be construed to restrict the authority of  
22 any lawful agency otherwise to regulate or ban the use of food for human consumption."

#### 23 **SECTION 8.**

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