

Senate Bill 201

By: Senators Goggans of the 7th, Williams of the 19th, Chapman of the 3rd and Whitehead, Sr. of the 24th

AS PASSED SENATE

**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 **SECTION 1.**

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

17 **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	"(4) Deer	Sept. 8 — Jan. 15; <u>and provided, further,</u>	The daily limit shall be
2		<u>that in those portions of the southern</u>	ten <u>15</u> antlerless deer
3		<u>zone for hunting deer where hunting deer</u>	and two antlered bucks.
4		<u>with dogs is allowed, the open season for</u>	The season limit shall
5		<u>hunting deer with dogs shall be</u>	be ten <u>15</u> antlerless deer
6		<u>designated by the board as ending not</u>	and two antlered bucks.
7		<u>sooner than Jan. 15</u>	Only one antlered buck
8			may have less than four
9			points one inch or
10			longer on one side of
			the antlers.
11			Up to two deer per
12			managed hunt may be
13			allowed on wildlife
14			management areas
15			without complying with
16			the state-wide bag limit"

SECTION 5.

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

20 "27-3-17.

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

24 (b) In accordance with subsection (a) of this Code section, the board is authorized to
25 promulgate rules and regulations establishing an open season for the hunting of deer with
26 dogs as may be appropriate based on sound wildlife management principles; provided,
27 however, that the board shall continue to establish annually an open season for the hunting
28 of deer with dogs in each county in which hunting of deer with dogs was authorized for the
29 2004-2005 hunting season unless the hunting of deer with dogs in such county is prohibited
30 by local Act of the General Assembly.

31 (c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property
32 unless a permit for hunting deer with dogs has been issued by the department for such tract
33 to the owner or owners of such tract or the lessee of deer hunting rights for such tract. A
34 permit for hunting deer with dogs shall not be issued to a lessee of deer hunting rights for
35 any tract of real property that is less than ~~1,000~~ 500 contiguous acres or to the property

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.