

The Senate Natural Resources and the Environment Committee offered the following substitute to HB 1000:

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 define certain terms; to specify a date certain for rules and regulations of the Board of
3 Natural Resources used to establish game and fish criminal violations; to provide that
4 persons under the age of 16 may hunt certain wildlife at certain times; to change certain
5 provisions relating to seasons and bag limits; to regulate the exporting, farming, and selling
6 of fresh-water turtles; to provide for rules and regulations; to make certain findings and
7 declarations; to regulate the use of fertility control of wildlife; to establish a permit
8 application for applying fertility control to wildlife; to require a permit for applying fertility
9 control to wildlife; to provide for rules and regulations; to provide for penalties; to amend
10 Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to general
11 provisions relative to nuisances, so as to provide that hunting operations shall not be
12 nuisances under certain conditions; to provide for related matters; to repeal conflicting laws;
13 and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

15 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in
16 Code Section 27-1-2, relating to definitions, by adding a new paragraph to read as follows:

17 "(29.2) 'Fresh-water turtle' means any turtle or its eggs within the families Chelydridae,
18 Emydidae (excluding Malaclemys terrapin and Terrapene carolina), Kinosternidae, and
19 Trionychidae."
20

SECTION 2.

21 Said title is further amended by revising Code Section 27-1-39, relating to rules and
22 regulations of the Board of Natural Resources used to establish game and fish criminal
23 violations, as follows:
24

25 "27-1-39.

26 Notwithstanding any other law to the contrary, for purposes of establishing criminal
 27 violations of the rules and regulations promulgated by the Board of Natural Resources as
 28 provided in this title, the terms 'rules and regulations' shall mean those rules and regulations
 29 of the Board of Natural Resources in force and effect on ~~January 1, 2008~~ January 1, 2010."

30 **SECTION 3.**

31 Said title is further amended by revising paragraph (2) of Code Section 27-3-4, relating to
 32 legal weapons for hunting wildlife generally, as follows:

33 "(2) During primitive weapon hunts or primitive weapons seasons, ~~longbows:~~

34 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
 35 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
 36 single shot may be used; and

37 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting
 38 deer;"

39 **SECTION 4.**

40 Said title is further amended by revising paragraph (12) of subsection (b) of Code Section
 41 27-3-15, relating to seasons and bag limits, as follows:

42 "(12) Bear Sept. 8 — Jan. 15 † 2 † 2"

43 **SECTION 5.**

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

45 "27-3-19.1.

46 (a) It shall be unlawful to export, farm, or sell any fresh-water turtle or part thereof except
 47 in accordance with rules and regulations adopted by the board.

48 (b) As the board deems appropriate for purposes of this Code section, it may promulgate
 49 such rules and regulations as are reasonable and necessary under sound wildlife
 50 management practices."

51 **SECTION 6.**

52 Said title is further amended in Chapter 3, relating to wildlife generally, by adding a new
 53 article to read as follows:

54

"ARTICLE 8

55

27-3-180.

56

The General Assembly recognizes that the hunting and taking of wildlife pursuant to this

57

title are a valued cultural heritage consistent with the sound scientific principles of wildlife

58

management and play an essential and effective role in the management of wildlife

59

populations. The General Assembly further recognizes that the State of Georgia and its

60

citizens derive substantial economic, recreational, and esthetic benefits from such activities.

61

Therefore, the General Assembly finds and declares that it is in the public interest to ensure

62

public health, safety, welfare, and conservation of the state's wildlife resources by strictly

63

regulating in this state the use of fertility control on any wildlife.

64

27-3-181.

65

(a) As used in this article, the term 'fertility control' means any action that results in

66

contraception, contragestation, or sterilization or produces a temporary or permanent state

67

of infertility.

68

(b) It shall be unlawful to apply any fertility control to any wildlife, except in accordance

69

with a wildlife fertility control permit issued under the provisions of this article and any

70

rules or regulations adopted by the board.

71

(c) Nothing in this article shall prohibit or apply to the medically necessary treatment of

72

sick or injured wildlife by properly licensed veterinarians. This article shall not limit

73

employees of the department in the performance of their official duties.

74

27-3-182.

75

(a) Application for a wildlife fertility control permit shall be made on forms obtained from

76

the department.

77

(b) The department may issue such a permit only if it has determined that the proposed

78

activity is in the best interest of the wildlife resources. In making such a determination, the

79

department may consider the following:

80

(1) Whether the proposed activity may preclude the use of hunting as the primary

81

management tool;

82

(2) Whether the drug has been approved by the federal Food and Drug Administration;

83

(3) Whether there is a need for the information and data or a need to manage the target

84

wildlife population to achieve the objectives sought by the applicant;

85

(4) Whether the proposed activity would duplicate sound scientific research previously

86

accomplished;

87

(5) Whether the proposed activity is of reasonably sound design;

- 88 (6) Whether the proposed activity poses health or safety risks to humans and wildlife,
89 including, but not limited to, wildlife species that may consume the target wildlife;
90 (7) Whether the proposed activity includes all necessary approvals, including, but not
91 limited to, any federal or state agency approvals for specific or extra label use and any
92 agency or institutional endorsement of the application; and
93 (8) Whether the applicant or the sponsor has documented that he or she has adequate
94 funds available to implement the proposed activity.

95 (c) In the event that a determination has been made to revoke, suspend, deny, or refuse to
96 renew any wildlife fertility control permit issued pursuant to this article, the applicant for
97 such permit may appeal the determination according to the provisions stated in Code
98 Section 27-2-25.

99 27-3-183.

100 The board is authorized to promulgate and adopt any rules and regulations, consistent with
101 sound wildlife management practices and not inconsistent with law, as it deems necessary
102 and appropriate to carry out the purposes of this article.

103 27-3-184.

104 (a) The department shall have the authority to prescribe the form, contents, and conditions
105 for a wildlife fertility control permit and application as it deems necessary to carry out the
106 purposes of this article.

107 (b) The department shall have the authority to issue, revoke, or deny any permit required
108 by this article and pursuant to any rules and regulations adopted pursuant to this article.

109 (c) The department may, prior to a hearing and in accordance with Code Section 27-1-37,
110 issue a cease and desist order or other appropriate order to any person who is violating any
111 provision of this article or any regulation, permit, or license issued pursuant to this article.

112 (d) The department shall have the authority in accordance with Code Sections 27-1-21 and
113 27-1-37 to take possession of and dispose of any wildlife if it has reason to believe that
114 fertility control has been administered to such wildlife in violation of this article.

115 27-3-185.

116 (a) Any person who violates any provision of this article shall be guilty of a misdemeanor
117 of a high and aggravated nature and upon conviction shall be punished by a fine of not less
118 than \$1,500.00 nor more than \$5,000.00, imprisonment for a period not exceeding 12
119 months, or both such fine and imprisonment.

120 (b) Any licenses or permits issued under this title to any person convicted of violating any
 121 provision of this article shall by operation of law be revoked and shall not be reissued for
 122 a period of three years. The department shall notify the person in writing of the revocation."

123 **SECTION 7.**

124 Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to general
 125 provisions relative to nuisances, is amended by adding a new Code section to read as follows:

126 "41-1-10.

127 (a) As used in this Code section, the term 'hunting operation' means an operation including
 128 any of the following:

129 (1) Lands, including the buildings and improvements thereon, which are used or which
 130 are intended for use as a hunting club, hunting preserve, or shooting preserve;

131 (2) Lands, including the buildings and improvements thereon, which are used or which
 132 are intended for use as a kennel, training facility, or field trial facility for the breeding,
 133 showing, raising or training of hunting and sporting dogs; or

134 (3) Clubs, associations, partnerships, sole proprietorships, corporations and other
 135 business and social entities whose activities or holdings include the lands and uses
 136 described in paragraphs (1) and (2) of this subsection.

137 (b) No hunting operation shall be or shall become a nuisance, either public or private,
 138 solely as a result of changed conditions in or around the locality of such hunting operation
 139 if the hunting operation has been in operation for at least one year since the date on which
 140 it commenced activity as a hunting operation. Subsequent physical expansion of the
 141 hunting operation shall not establish a new date of commencement of activity for purposes
 142 of this Code section.

143 (c) No hunting operation shall be subject to any action for civil or criminal liability,
 144 damages, abatement, or injunctive relief resulting from or relating to lawful hunting
 145 activities generated by the hunting operation if the hunting operation remains in
 146 compliance with Title 27 and the rules and regulations adopted by the Board of Natural
 147 Resources pursuant to Title 27.

148 (d) This Code section shall not apply to hunting operations which are conducted in
 149 violation of any provision of Title 27 or the rules and regulations adopted by the Board of
 150 Natural Resources pursuant to Title 27."

151 **SECTION 8.**

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