

The Senate Agriculture and Consumer Affairs Committee offered the following substitute to SB 188:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to  
2 wildlife generally, so as to authorize and regulate private harvest-hunt preserves; to repeal  
3 conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

5 Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife  
6 generally, is amended by adding a new article to read as follows:

"ARTICLE 4A

9 27-3-120.

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

12 27-3-121.

13 As used in this article, the term:

14 (1) 'Alternative livestock' means the following species: elk, red deer, sika deer, axis deer,  
15 fallow deer, blackbuck antelope, nyala antelope, horned oryx antelope, lechwe antelope,  
16 waterbuck antelope, mouflon sheep, Barbary (aoudad) sheep, Jacob four-horn sheep, Dall  
17 sheep, red sheep, Corsican sheep, Barbados sheep, American black belly sheep, ibex  
18 sheep, and bison.

19 (2) 'Harvest-hunt preserve' means an animal preserve designed and operated to allow the  
20 release and taking of captive alternative livestock as specified in this article.

21 27-3-122.

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

26 (b) No person shall engage in or carry on the business of operating a harvest-hunt preserve  
27 without first applying for and obtaining a harvest-hunt preserve license. The provisions of  
28 Article 5 of Chapter 4 of Title 4 shall not apply to a harvest-hunt preserve authorized under  
29 this article or the operator thereof.

30 (c) A harvest-hunt preserve shall consist of not less than 640 total acres nor more than  
31 10,000 total acres, including water area, and shall be owned or leased by the applicant. The  
32 preserve shall be completely enclosed with a game fence at least eight feet in height and  
33 of such design and construction as specified by rule or regulation. The boundaries of all  
34 preserves shall be posted with signs bearing the words 'Licensed Harvest-Hunt Preserve,'  
35 which shall be placed at intervals of not more than 500 feet and easily visible from any  
36 point of ingress or egress.

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

40 (e) The following shall apply on all harvest-hunt preserves:

41 (1) Only alternative livestock and other nongame species shall be taken on harvest-hunt  
42 preserves;

43 (2) Alternative livestock shall not be taken on harvest-hunt preserves while boxed or  
44 caged and shall be taken only in accordance with the following conditions and methods:

45 (A) Cervidae (deer family) shall be free roaming and shall have access to not less than  
46 such minimum proportion of wooded acreage as established by rule or regulation. The  
47 harvesting of Cervidae with dogs is prohibited; provided, however, that a leashed dog  
48 shall be allowed for trailing; and

49 (B) Bovidae (such as antelope) shall be free roaming and shall have access to not less  
50 than such minimum proportion of wooded acreage as established by rule or regulation.  
51 The harvesting of Bovidae with dogs is prohibited; provided, however, that a leashed  
52 dog shall be allowed for trailing; and

53 (3) Alternative livestock may be taken year round.

54 (f) Alternative livestock may be kept in small enclosures only for veterinary, breeding,  
55 transportation, or other management purposes and shall not be harvested on the same day  
56 of release or transport into the minimum acreage required for taking the species.

- 57 (g) The harvesting of alternative livestock produced, raised, or held at a zoological  
58 attraction or that are tame alternative livestock is prohibited. For the purpose of this  
59 subsection, 'tame alternative livestock' means alternative livestock that do not exhibit the  
60 flight characteristics normal for the species when found in the wild. When tame alternative  
61 livestock are maintained in harvesting areas on a preserve for breeding or other purposes,  
62 they shall be readily identifiable with a fluorescent collar or other marking device.
- 63 (h) Motorized vehicles shall not be used to drive alternative livestock nor shall alternative  
64 livestock be taken from moving motorized vehicles.
- 65 (i) Harvest-hunt preserves shall be equipped and operated in such manner as to provide  
66 sufficient food and humane treatment for the alternative livestock thereupon. The  
67 premises, pens, and facilities of all harvesting preserves shall be maintained in a sanitary  
68 condition. All alternative livestock harvested shall be taken by humane method as  
69 specified by rules or regulations of the board for the species. Injured or wounded animals  
70 shall be immediately euthanized, transported to a veterinarian for treatment, or treated by  
71 the owner.
- 72 (j) Prior to being transported from a harvest-hunt preserve, all carcasses, parts, and meat  
73 of alternative livestock taken on such preserve shall be properly identified with a tag or  
74 label with the name of the person harvesting, the name of the preserve, and the date such  
75 game is being transported from the preserve.
- 76 (k) A hunting license as required by law shall be required of all persons taking game on  
77 any harvest-hunt preserve.
- 78 (l) There shall be a registration record for each harvest-hunt preserve in which the name,  
79 address, and quantity of alternative livestock taken by each person hunting on the preserve  
80 shall be recorded. All records and the physical facilities and installations of any  
81 harvest-hunt preserve shall be open to inspection upon request by personnel of the  
82 department or the Department of Agriculture.
- 83 (m) A complete record of all alternative livestock released and harvested on any  
84 harvest-hunt preserve shall be maintained and available to the department upon request.
- 85 (n) The license of any harvest-hunt preserve operator violating any provision of this title  
86 or any rule or regulation adopted by the board pursuant to this title shall be subject to  
87 revocation, cancellation, or suspension following notice and hearing. Any alternative  
88 livestock shall be disposed of the same as provided for wild animals by Chapter 5 of this  
89 title within 45 days of revocation of any harvest-hunt preserve license.
- 90 (o) The department shall inspect the applicant's fencing.
- 91 (p) No person shall hold, possess, import, or transport alternative livestock without a  
92 harvest-hunt preserve license under this article, a deer farming licence under Article 5 of  
93 Chapter 4 of Title 4, or a wild animal license under Chapter 5 of this title.

94 27-3-123.

95 Health and transportation requirements for any Artiodactyla (even-toed ungulates) shall  
96 meet the health requirements established by rule or regulation of the Department of  
97 Agriculture. Those animals specifically used for harvest-hunt preserves shall meet the  
98 requirements of the Uniform Methods and Rules of the Code of Federal Regulations for  
99 Tuberculosis and Brucellosis in Cervidae.

100 27-3-124.

101 As a condition for maintaining a harvest-hunt preserve license, it shall be the duty of the  
102 owner or operator of a licensed harvest-hunt preserve to notify the department immediately  
103 of the escape of alternative livestock. No person shall be held liable for killing or  
104 wounding such escaped alternative livestock.

105 27-3-125.

106 Harvest-hunt preserve operators shall allow the entry onto the preserve of representatives  
107 of the department, the Department of Agriculture, or other departments or agencies having  
108 authority or duties involving captive alternative livestock or wild animals to ensure  
109 compliance with applicable federal and state laws.

110 27-3-126.

111 The board is authorized to promulgate rules and regulations as may be necessary to  
112 effectuate the purpose of this article. Such rules and regulations shall be promulgated after  
113 consultation with the Department of Agriculture and shall be designed to ensure the health  
114 and safety of wildlife and prevent the spread of animal diseases between wildlife, wild  
115 animals, domestic animals, captive alternative livestock, and people. It shall be the duty  
116 of the Board of Natural Resources, the commissioner of natural resources, the department,  
117 the Commissioner of Agriculture, and the Department of Agriculture to communicate and  
118 consult on matters of mutual concern so as to ensure the health and safety of captive  
119 alternative livestock, wildlife, wild animals, domestic animals, and people and to prevent,  
120 control, and eradicate animal diseases within this state.

121 27-3-127.

122 In addition to the remedies provided in this article and notwithstanding the existence of any  
123 adequate remedy at law, the department is authorized to apply to the superior court having  
124 jurisdiction for an injunction. Such court may, upon hearing and for good cause shown,  
125 grant a temporary or permanent injunction, or both, restraining any person from violating  
126 or continuing to violate any of the provisions of this article or for failing or refusing to

127 comply with the requirements of this article or any rule or regulation adopted by the Board  
128 pursuant to this article. An injunction issued under this Code section shall not require a  
129 bond.

130 27-3-128.

131 (a) The department, in order to enforce this article or any orders, rules, or regulations  
132 promulgated pursuant to this article, may issue an administrative order imposing a penalty  
133 not to exceed \$50,000.00 for each violation whenever the department, after a hearing,  
134 determines that any person has violated any provision of this article or any quarantines,  
135 orders, rules, or regulations promulgated pursuant to this article.

136 (b) The initial hearing and any administrative review thereof shall be conducted in  
137 accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia  
138 Administrative Procedure Act.' Any person who has exhausted all administrative remedies  
139 available and who is aggrieved or adversely affected by any final order or action of the  
140 department shall have the right of judicial review thereof in accordance with Chapter 13  
141 of Title 50. All penalties recovered by the department as provided for in this chapter shall  
142 be paid into the general fund of the state treasury. The department may file in the superior  
143 court of the county wherein the person under order resides or, if said person is a  
144 corporation, in the county wherein the corporation maintains its principal place of business  
145 or in the county wherein the violation occurred a certified copy of a final order of the  
146 department unappealed from or of a final order of the department affirmed upon appeal,  
147 whereupon said court shall render judgment in accordance therewith and notify the parties.  
148 Such judgment shall have the same effect, and all proceedings in relation thereto shall  
149 thereafter be the same, as though said judgment had been rendered in an action duly heard  
150 and determined by said court. The penalty prescribed in subsection (a) of this Code section  
151 shall be concurrent, alternative, or cumulative with any and all other civil, criminal, or  
152 alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the  
153 department with respect to any violation of this article and any quarantines, orders, rules,  
154 or regulations promulgated pursuant thereto.

155 27-3-129.

156 It shall be unlawful for any person intentionally to release alternative livestock from  
157 captivity or to import, transport, sell, transfer, or possess alternative livestock in such a  
158 manner as to cause its release or escape from captivity. If a person imports, transports,  
159 sells, transfers, or possesses alternative livestock in such a manner as to pose a reasonable  
160 possibility that such alternative livestock may be released accidentally or escape from  
161 captivity, the department may revoke the license of such person.

162 27-3-129.1.

163 Any person violating the provisions of this article shall be guilty of a misdemeanor."

164 **SECTION 2.**

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