

House Bill 1338

By: Representatives Corbett of the 174th, Meeks of the 178th, Cannon of the 172nd, Townsend of the 179th, Smith of the 70th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 2 of Chapter 4 of Title 12 of the Official Code of Georgia
2 Annotated, the "Georgia Surface Mining Act of 1968," so as to provide for a three-year
3 moratorium on the acceptance of applications for new permits by the Environmental
4 Protection Division of the Department of Natural Resources for surface mining utilizing
5 dragline mining for heavy mineral sands; to prohibit tolling; to provide for administrative and
6 judicial review and affirmation by operation of law; to provide for related matters; to provide
7 for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 3 of Article 2 of Chapter 4 of Title 12 of the Official Code of Georgia Annotated, the
11 "Georgia Surface Mining Act of 1968," is amended by adding a new Code section to read
12 as follows:

13 "12-4-85.

14 (a) Beginning on July 1, 2024, and continuing until June 30, 2027, the division shall accept
15 no applications for new permits for surface mining utilizing dragline mining for heavy
16 mineral sands in areas for which no prior surface mining permit has been obtained;

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17 provided, however, that the three-year period shall not be tolled or extended for any reason;
18 and provided, further, that, after such period has expired, the deadlines specified in
19 subparagraph (c)(1)(A) of Code Section 12-2-2 for acting on any permit application
20 formerly subject to such period shall be strictly enforced and shall not be tolled or extended
21 for any reason. The permit shall be considered affirmed by operation of law if the Office
22 of State Administrative Hearings, pursuant to paragraph (2) of subsection (c) of Code
23 Section 12-2-2, does not render a final decision on any challenge to such permit within 150
24 days after the permit is issued by the director. When a petition for judicial review of a final
25 decision of the Office of State Administrative Hearings issuing such a permit is filed in
26 superior court, such final decision shall be considered affirmed by operation of law if the
27 superior court in which such petition is filed does not issue an order dispositive of the
28 issues presented for review within 120 days after the petition for review is filed with the
29 court.

30 (b) This Code section shall not prohibit the modification of permits already issued by the
31 division or the granting or modification of permit applications originally submitted to the
32 division pursuant to this part on or before June 30, 2024."

33 **SECTION 2.**

34 This Act shall become effective upon its approval by the Governor or upon its becoming law
35 without such approval.

36 **SECTION 3.**

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