

The House Committee on Natural Resources and Environment offers the following substitute to HB 1338:

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)(1) Beginning on July 1, 2024, and continuing until June 30, 2027, the division shall  
15 accept no applications for new permits for surface mining utilizing dragline mining for  
16 heavy 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  
18 reason.

19 (2) In the event a petition for review of any action of the division granting a permit for  
20 dragline mining after June 30, 2027, is filed with the division and the Office of State  
21 Administrative Hearings, the administrative law judge shall conduct the hearing within  
22 the time provided under subparagraph (c)(2)(B) of Code Section 12-2-2. In the event the  
23 administrative law judge does not render a final decision on any such petition within 180  
24 days after the permit is issued by the division, the permit shall be affirmed by operation  
25 of law. If a petition for judicial review of a final decision of the administrative law judge  
26 regarding such permit is filed in superior court, such final decision shall be considered  
27 affirmed by operation of law if the superior court in which such petition is filed does not  
28 issue an order dispositive of the issues presented for review within 90 days after the  
29 petition for judicial review is filed with the 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.