

House Bill 401

By: Representatives Wix of the 33rd, Hanner of the 148th, Parrish of the 156th, and Morris of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to coastal waters, beaches, and sand dunes,
3 so as to provide for timely decision making by state agencies regarding applications for
4 certain state permits or variances; to provide an effective date; to provide for applicability;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
9 relating to general provisions relative to coastal waters, beaches, and sand dunes, is amended
10 by adding a new Code section to read as follows:

11 "12-5-210.1.

12 (a) As used in this Code section, the term:

13 (1) 'State agency' means this state and any of its departments, boards, authorities,
14 bureaus, and commissions having administrative authority under this article.

15 (2) 'State permit' means any permit, license, or approval, whether required by federal or
16 state law, which is administered by a state agency under this article.

17 (b) A state agency shall notify the applicant for any state permit or variance from state
18 permit requirements within 30 days of receipt of the application as to the completeness of
19 the application and, if the state agency finds the same to be incomplete, what specific
20 additional materials the applicant need submit to make the application complete. The state
21 agency shall grant or deny any state permit or variance within 90 days after receipt of all
22 required application materials by the state agency, provided that the state agency may for
23 any application order not more than one extension of time of not more than 60 days within
24 which to grant or deny the state permit or variance. When any application for a state permit
25 or variance is pending before the state agency and the state agency has not either granted
26 or denied the permit or variance within the time specified for the state agency to do so, the

1 state agency shall immediately refund any and all fees which were required to be submitted
2 by the applicant as a condition of the permit application, except for any fees required to be
3 levied pursuant to federal law. Such fee refund shall not otherwise affect the application
4 process, and the application shall be granted, denied, or otherwise handled as it otherwise
5 would have been, except that the fee requirement shall be waived.

6 (c) Failure by the state agency to make a decision to issue or deny a state permit or
7 variance application within 18 months from the date a completed state permit or variance
8 application is received shall be considered a refusal to issue or grant, and the applicant may
9 request review of such decision as otherwise provided by law. If the applicant does not
10 request such review within 30 days after the expiration of such 18 month period, then the
11 permit shall be denied as a final state agency action."

12 **SECTION 2.**

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

15 **SECTION 3.**

16 This Act shall apply to any application to a state agency for a state permit or variance under
17 Part 1 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated which
18 application is pending on or after the effective date of this Act; provided, however, that any
19 such application which as of the effective date of this Act has been completed and pending
20 for 18 months or longer shall be deemed to have been denied as of the effective date of this
21 Act for purposes of the applicant's eligibility to request review of such decision under
22 subsection (c) of Code Section 12-5-210.1 as enacted by this Act.

23 **SECTION 4.**

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