

Senate Bill 229

By: Senators Tolleson of the 20th, Johnson of the 1st and Williams of the 19th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to conservation and natural resources, so as to change certain provisions relating to references to administrative law judge or hearing officer, references to final decision of Board of Natural Resources, and filing request for administrative review; to provide for deference by administrative law judges when reviewing certain administrative orders or actions; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to conservation and natural resources, is amended by revising Code Section 12-1-2, relating to references to administrative law judge or hearing officer, references to final decision of Board of Natural Resources, and filing request for administrative review, as follows:

"12-1-2.

(a) Any reference in this title to an administrative law judge or hearing officer shall mean an administrative law judge appointed by the chief state administrative law judge. The decision of an administrative law judge shall constitute the final administrative decision in any matter, and any party to the matter, including without limitation the department, the director of the Environmental Protection Division, ~~the Asbestos Licensing Board~~, and the Shore Protection and Coastal Marshlands Protection Committees, shall have the right of judicial review in accordance with Chapter 13 of Title 50.

(b) Any reference in this title to a final decision of the Board of Natural Resources shall mean a final administrative decision by an administrative law judge.

(c) Any request for administrative review by an administrative law judge shall be filed with the decision maker or entity within the department whose decision is to be reviewed.

27 (d) In any administrative review of orders or actions of the department, the director of the
28 Environmental Protection Division, the Shore Protection Committee, or the Coastal
29 Marshlands Protection Committee, an administrative law judge shall afford deference to
30 the interpretation of laws or rules and regulations and the exercise of discretion by such
31 persons or entities regarding laws or rules and regulations that this title directs them to
32 administer and enforce."

33 **SECTION 2.**

34 This Act shall become effective on the first day of the month following the month in which
35 it is approved by the Governor or in which it becomes law without such approval, and this
36 Act shall apply to all administrative reviews requested on or after such effective date.

37 **SECTION 3.**

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