

House Bill 592

By: Representatives Meeks of the 178<sup>th</sup>, Corbett of the 174<sup>th</sup>, England of the 116<sup>th</sup>, and Rhodes of the 120<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-5-7.7 of the Official Code of Georgia Annotated, relating to the  
2 "Georgia Forest Land Protection Act of 2008," so as to provide that short-term mineral  
3 surface mining shall not constitute a breach of a covenant for forest land conservation use  
4 property; to provide that under certain circumstances the covenant shall be considered  
5 breached; to provide for a definition; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-5-7.7 of the Official Code of Georgia Annotated, relating to the "Georgia  
10 Forest Land Protection Act of 2008," is amended in subsection (q) by deleting "or" at the end  
11 of subparagraph (B) of paragraph (6), by replacing the period with "; or" at the end of  
12 subparagraph (B) of paragraph (7), and by adding a new paragraph to read as follows:

13 "(8)(A) Allowing short-term mineral surface mining on all or part of the property  
14 subject to the covenant if the primary use of such property continues to be good faith  
15 production from or on the land of agricultural products after the short-term mineral  
16 surface mining is completed.

17 (B) The failure to return the portion of the property on which short-term mineral  
18 surface mining occurs to its premining condition and usage within three years from the  
19 date such extraction or placement of necessary infrastructure and equipment on the  
20 property to support the mineral extraction begins shall constitute a breach of the  
21 covenant.

22 (C) For the purposes of this paragraph, the term 'short-term mineral surface mining'  
23 shall mean the surface mining extraction of mineral resources that returns each portion  
24 of the land on which the extraction of minerals occurs to its premining condition within  
25 three years from the date on which such extraction begins with respect to such portion  
26 of the land. Such term shall include the placement of necessary infrastructure and

27 equipment on the land to support the mineral extraction, provided that such  
28 infrastructure and equipment are moved and the portions of the land on which such  
29 infrastructure and equipment are placed are returned to their premining condition and  
30 usage within three years of placement."

31 **SECTION 2.**

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