

The Senate Committee on Regulated Industries and Utilities offers the following substitute to SB 142:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to regulate procedures governing applications for permits for critical infrastructure
3 projects; to regulate local government zoning procedures with respect to critical
4 infrastructure projects; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
9 in Chapter 60, relating to general provisions, by adding a new Code section to read as
10 follows:

11 "36-60-27.

12 (a)(1) No local government shall provide for a moratorium with respect to any critical
13 infrastructure projects except as otherwise provided by paragraph (2) of this subsection.

14 (2) A local government may provide for a moratorium for a period not exceeding 90 days
15 with respect to any critical infrastructure projects of the types described in
16 subparagraphs (b)(1)(C), (b)(1)(D), and (b)(1)(G) of this Code section, but only when an
17 applicable ordinance has been declared invalid by a court of competent jurisdiction or
18 when necessary due to a change in applicable federal law or rules.

19 (b) As used in this Code section, the term:

20 (1) 'Critical infrastructure projects' means:

21 (A) Electrical power transmission lines;

22 (B) Electrical power substations;

23 (C) Water and sewage treatment facilities;

24 (D) Water reservoirs, water storage facilities, and sewer lines;

25 (E) Cellular telephone towers and emergency 9-1-1 system facilities;

26 (F) Natural gas transmission pipelines and power stations; or

27 (G) In-ground fiber optics systems.

- 28 (2) 'Moratorium' means any suspension of accepting, conducting hearings on, or granting
 29 applications for permits. Such term shall not include delay with respect to incomplete
 30 applications or due to compliance with any applicable requirements of other general law
 31 of this state or of federal law.
- 32 (c) Zoning procedures relative to critical infrastructure projects shall be subject to Code
 33 Section 36-66-5.1."

34 SECTION 2.

35 Said title is further amended in Chapter 66, relating to zoning procedures, by adding a new
 36 Code section to read as follows:

37 "36-66-5.1.

38 (a)(1) No local government shall provide for a moratorium with respect to any critical
 39 infrastructure projects except as otherwise provided by paragraph (2) of this subsection.

40 (2) A local government may provide for a moratorium for a period not exceeding 90 days
 41 with respect to any critical infrastructure projects of the types described in
 42 subparagraphs (b)(1)(C), (b)(1)(D), and (b)(1)(G) of this Code section, but only when an
 43 applicable ordinance has been declared invalid by a court of competent jurisdiction or
 44 when necessary due to a change in applicable federal law or rules.

45 (b) As used in this Code section, the term:

46 (1) 'Critical infrastructure projects' means:

47 (A) Electrical power transmission lines;

48 (B) Electrical power substations;

49 (C) Water and sewage treatment facilities;

50 (D) Water reservoirs, water storage facilities, and sewer lines;

51 (E) Cellular telephone towers and emergency 9-1-1 system facilities;

52 (F) Natural gas transmission pipelines and power stations; or

53 (G) In-ground fiber optics systems.

54 (2) 'Moratorium' means any suspension of accepting, conducting hearings on, or granting
 55 applications for zoning decisions. Such term shall not include delay with respect to
 56 incomplete applications or due to compliance with any applicable requirements of other
 57 general law of this state or of federal law."

58 SECTION 3.

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

61 SECTION 4.

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