

House Bill 1059

By: Representatives Jackson of the 68th, Schofield of the 63rd, Scott of the 76th, Davis of the 87th, and Mitchell of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding public utilities and public transportation, so as to enact the
3 "Data Center Impact Assessment and Development Moratorium Act of 2026"; to prohibit the
4 construction or development of new data centers for a specified time; to establish the Data
5 Center Impact Assessment Commission; to provide for membership, terms, meetings, and
6 compensation of such committee; to provide an effective date; to provide for legislative
7 findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Data Center Impact Assessment and
11 Development Moratorium Act of 2026."

12 **SECTION 2.**

13 The General Assembly finds and declares that:

14 (1) The State of Georgia has become a national hub for data center development, with
15 approximately 93 data centers currently operational or in planning across the state;

- 16 (2) The exponential growth of these facilities, particularly large-scale campuses, has
17 created an unprecedented and immediate strain on the state's essential public resources,
18 including the electric power grid, finite water supply, and local infrastructure;
- 19 (3) Data centers increase noise pollution from cooling systems and backup generators,
20 impact local air quality, particularly from diesel generator emissions, and massive power
21 demands are correlated with rising residential utility costs;
- 22 (4) Development of data centers consumes hundreds of acres of land and industrial zoning
23 capacity, which may negatively impact the availability of residential housing and property
24 values in surrounding communities; and
- 25 (5) Current regulatory frameworks and zoning ordinances are insufficient to properly
26 manage the scale and impact of this industry, necessitating a comprehensive, independent
27 study to protect the public health, safety, and welfare of Georgia's citizens.

28 SECTION 3.

29 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general
30 provisions regarding public utilities and public transportation, is amended by adding a new
31 Code section to read as follows:

32 "46-1-7.

33 (a)(1) As used in this Code section, the term 'data center' shall mean a facility, campus
34 of facilities, or array of interconnected facilities which house working servers and that are
35 developed to cool, secure, and connect data associated with applications and services.

36 (2) Under the authority granted by Article III, Section VI, Paragraph II(a)(1) of the
37 Constitution of Georgia, between July 1, 2026, and December 31, 2028, no county,
38 municipal corporation, local authority, or other political subdivision of this state shall
39 issue any permits, licenses, or certificates pursuant to this title or Title 8, 12, or 25 that
40 would authorize or allow for the construction or development of a data center.

41 (b) The prohibition provided for in subsection (a) of this Code section shall not apply to
42 any permits, licenses, or certificates issued prior to July 1, 2026, for the purpose of
43 constructing a data center.

44 (c) There is created the Data Center Impact Assessment Commission. The commission
45 shall be composed of 14 members as follows:

46 (1) The Governor shall appoint three members, one of whom shall be a representative
47 from an investor owned utility, one of whom shall be a representative from Georgia
48 Transmission, and one of whom shall be a member of an electric membership
49 corporation;

50 (2) The Speaker of the House of Representatives shall appoint two members;

51 (3) The President of the Senate shall appoint two members;

52 (4) The minority leader of the House of Representatives shall appoint one member;

53 (5) The minority leader of the Senate shall appoint one member;

54 (6) The chairperson of the Public Service Commission shall appoint two members of the
55 Public Service Commission, or two designees;

56 (7) The commissioner of the Department of Economic Development, or his or her
57 designee;

58 (8) The commissioner of the Department of Community Affairs, or his or her designee;
59 and

60 (9) The executive director of the Georgia Technology Authority, or his or her designee.

61 (d) All members shall serve for the duration of the commission. Any vacancy shall be
62 filled in the same manner in which the original appointment was made.

63 (e) The commission may elect officers as it deems necessary.

64 (f) The commission may conduct meetings at such places and times as it deems necessary
65 or convenient to enable it to fully and effectively exercise its powers, perform its duties,
66 and accomplish the objectives and purposes of this article. The commission shall hold
67 meetings at the call of the chairperson.

68 (g) A quorum for transacting business shall be a majority of the members of the
69 commission.

70 (h) Legislative members of the commission shall receive the allowances provided for in
71 Code Section 28-1-8. Nonlegislative members shall receive a daily expense allowance in
72 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
73 transportation allowance authorized for state employees. Members of the commission who
74 are state officials, other than legislative members, or state employees shall receive no
75 compensation for their services on the commission, but shall be reimbursed for expenses
76 incurred by them in the performance of their duties as members of the commission in the
77 same manner as they are reimbursed for expenses in their capacities as state officials or
78 state employees. The funds necessary for the reimbursement of the expenses of state
79 officials, other than legislative members, and state employees shall come from funds
80 appropriated to or otherwise available to their respective departments. All other funds
81 necessary to carry out the provisions of this article shall come from funds appropriated to
82 the commission.

83 (i) The commission shall have the following powers:

84 (1) To authorize entering into contracts or agreements through the commission's
85 chairperson necessary or incidental to the performance of its duties;

86 (2) To establish rules and procedures for conducting the business of the commission;

87 (3) To hold public hearings;

88 (4) To request the attendance and testimony of witnesses and the production of
89 documents as the commission deems necessary to fulfill its duties; and

90 (5) To request and receive information from appropriate state agencies which the
91 commission deems useful in fulfilling its duties. Such agencies shall cooperate with the
92 commission with respect to such information and shall furnish all information requested
93 by the commission to the extent permitted by law.

94 (j) The commission shall:

- 95 (1) Conduct a comprehensive three-year study of the cumulative impacts of data center
96 development in the state of Georgia; and
97 (2) Submit a written report of its findings and policy recommendations to the Governor,
98 the President of the Senate, the Speaker of the House of Representatives, and the minority
99 leaders of the Senate and House of Representatives no later than October 1, 2029. Such
100 report shall include:
101 (A) Findings relating to the effect of data centers on energy consumption and grid
102 capacity, environment and water supply, health and community well-being, residential
103 market and housing prices; and
104 (B) Recommendations for a state-wide zoning ordinance or a model local ordinance
105 that specifies appropriate criteria for data center locations, which may include guidance
106 regarding residential zones, proximity to essential infrastructure, and minimum
107 requirements for environmental mitigation and resource efficiency.”

108 **SECTION 4.**

109 This Act shall become effective July 1, 2026.

110 **SECTION 5.**

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