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SYNOPSIS:

Under existing law an alien, whether resident or nonresident, may own, hold, or dispose of real property with the same rights as a native citizen.

This bill would prohibit individuals domiciled in certain foreign countries, certain foreign governments, or governmental entities, and any person, country, or government identified on a sanctions list of the Office of Foreign Assets Control from acquiring agricultural and forest property in the state.

This bill would prohibit certain individuals domiciled in certain foreign countries, certain foreign governments, or governmental entities, and any person, country, or government identified on a sanctions list of the Office of Foreign Assets Control from acquiring real property within 10 miles of any military installation or critical infrastructure facility in the state.

A BILL
TO BE ENTITLED
AN ACT



29 Relating to acquisition of title to real property; to
30 amend Section 35-1-1, Code of Alabama 1975, to prohibit
31 certain individuals, governments, or governmental entities
32 from acquiring certain real property in the state.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34 Section 1. This act shall be known and may be cited as
35 the Alabama Property Protection Act.

36 Section 2. For purposes of this section, the following
37 words have the following meanings:

38 (1) AGRICULTURAL AND FOREST PROPERTY. All real property
39 used for raising, harvesting, and selling crops or for the
40 feeding, breeding, management, raising, sale of, or the
41 production of livestock, or for the growing and sale of timber
42 and forest products.

43 (2) CRITICAL INFRASTRUCTURE FACILITY. Any of the
44 following:

45 a. A chemical manufacturing facility.

46 b. A refinery.

47 c. A plant or facility producing electric energy no
48 matter how generated or produced.

49 d. A water treatment facility or wastewater treatment
50 plant.

51 e. A liquid natural gas terminal.

52 f. A telecommunications central switching office.

53 g. A gas processing plant, including any plant used in
54 the processing, treatment, or fractionation of natural gas.

55 h. A seaport facility as defined in Section 40-13-1,
56 Code of Alabama 1975.



57 i. Aerospace or spaceport infrastructure.

58 j. An airport as defined in Section 23-1-411, Code of
59 Alabama 1975.

60 (3) FOREIGN COUNTRY OF CONCERN. China, Iran, North
61 Korea, and Russia. This term shall not include Taiwan.

62 (4) FOREIGN PRINCIPAL. Any of the following:

63 a. The government or any official of the government of
64 a foreign country of concern.

65 b. A political party or member of a political party or
66 any subdivision of a political party in a foreign country of
67 concern.

68 c. A partnership, association, corporation,
69 organization, or its subsidiary, or other combination of
70 persons organized under the laws of or having its principal
71 place of business in a foreign country of concern, or a
72 subsidiary of such entity.

73 d. An individual who is domiciled in a foreign country
74 of concern and is not a citizen or lawful permanent resident
75 of the United States.

76 e. A person or collection of persons described in
77 paragraphs a. through d. having a controlling interest in a
78 partnership, association, corporation, organization, trust, or
79 any other legal entity or subsidiary formed for the purpose of
80 owning real property in this state.

81 f. A person, country, or government identified on any
82 sanctions list of the United State Department of the
83 Treasury's Office of Foreign Assets Control.

84 (5) MILITARY INSTALLATION. A base, camp, post, station,



85 yard, or center that is under the jurisdiction of the
86 Department of Defense or its affiliates, encompassing at least
87 10 contiguous acres.

88 (6) REAL PROPERTY. Land, buildings, fixtures, and all
89 other improvements to land.

90 Section 3. Section 35-1-1, Code of Alabama 1975, is
91 amended to read as follows:

92 "§35-1-1

93 ~~An~~Except as provided in Section 3 of this act, an
94 alien, resident, or nonresident may take and hold property,
95 real and personal, in this state, either by purchase, descent,
96 or devise, and may dispose of and transmit the same by sale,
97 descent, or devise as a native citizen."

98 Section 4. (a) Notwithstanding any other law, no
99 foreign principal shall acquire title to, or acquire a
100 controlling interest in, any of the following:

101 (1) Agricultural and forest property.

102 (2) Real property on or within 10 miles of any military
103 installation or critical infrastructure facility.

104 (b) Subsection (a) shall apply only to the purchase of
105 or other acquisition of title to real property on or after the
106 effective date of this act. The purchase of or other
107 acquisition of title to real property prior to the effective
108 date of this act is governed by the law in effect immediately
109 prior to the effective date of this act, and that law is
110 continued in effect for that purpose.

111 (c) No title insurer, title agent, real estate
112 licensee, or other settlement provider as defined by the Real



113 Estate Procedures Act, 12 U.S.C. 2601 et seq., shall be liable
114 for any violation of Section 4(a).

115 Section 5. This act shall become effective on the first
116 day of the third month following its passage and approval by
117 the Governor, or its otherwise becoming law.