

Senate Bill 26

By: Senators Cagle of the 49th, Bulloch of the 11th, Stephens of the 27th and Pearson of the 51st

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to
2 treatment of agricultural facilities and operations and forest land as nuisances, so as to
3 provide for legislative declarations; to define a term; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to treatment of
8 agricultural facilities and operations and forest land as nuisances, is amended by striking
9 subsection (a) and inserting in lieu thereof the following:

10 "(a) It is the declared policy of the state to conserve, protect, and encourage the
11 development and improvement of its agricultural and forest land and facilities for the
12 production or distribution of food and other agricultural products, including without
13 limitation forest products. When nonagricultural land uses extend into agricultural or
14 agriculture-supporting industrial or commercial areas or forest land or when there are
15 changed conditions in or around the locality of an agricultural facility or agricultural
16 support facility, such operations often become the subject of nuisance actions. As a result,
17 such facilities are sometimes forced to cease operations. Many others are discouraged from
18 making investments in agricultural support facilities or farm improvements or adopting
19 new related technology or methods. It is the purpose of this Code section to reduce losses
20 of the state's agricultural and forest land resources and facilities by limiting the
21 circumstances under which agricultural facilities and operations or agricultural support
22 facilities may be deemed to be a nuisance."

23 **SECTION 2.**

24 Said Code section is further amended by striking paragraph (2) of subsection (b) and
25 inserting in lieu thereof the following:

1 "(2) 'Agricultural facility' includes, but is not limited to, any land, building, structure,
2 pond, impoundment, appurtenance, machinery, or equipment which is used for the
3 commercial production or processing of crops, livestock, animals, poultry, poultry
4 by-products, meat by-products, honeybees, honeybee products, livestock products,
5 poultry products, timber, forest products, or products which are used in commercial
6 aquaculture. Such term shall also include any farm labor camp or facilities for migrant
7 farm workers."

8 **SECTION 3.**

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