

The House Committee on Agriculture and Consumer Affairs offers the following substitute to SB 132:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, so as to prohibit the acquisition of possessory interest in certain land by certain foreign persons and entities; to provide for definitions; to provide for exceptions; to provide for civil actions; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, is amended by adding a new Code section to read as follows:

"2-1-7.

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

(1) 'Agricultural land' means any land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products, but does not include any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use.

(2) 'Nonresident alien' means:

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(A)(i) Any natural person described in subsection (a) of Code Section 1-2-11 who is not a United States citizen or legal resident, is an agent of a foreign government designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R Section 7.4, and:

(I) Has been physically absent from the United States for more than six months out of the most recent 12 months preceding the acquisition of a possessory interest described in this Code section; or

(II) Has been physically absent from Georgia for more than two months out of the most recent 12 months preceding the acquisition of a possessory interest described in this Code section.

(ii) The provisions of this subparagraph shall not be in conflict with the federal Fair Housing Act.

(B) A corporation, partnership, limited partnership, trustee, or other business entity that is:

(i) Domiciled in a country whose government is designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R Section 7.4; or

(ii) Domiciled within the United States, but the ownership of at least 25 percent of which is composed of any corporation, partnership, limited partnership, trustee, or other business entity that is domiciled in a country whose government is designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R Section 7.4;

provided, however, that this subparagraph shall not include a corporation, partnership, limited partnership, trustee, or other business entity leasing land from its owner and using such land for agricultural research and development or experimental purposes, including testing, developing, or producing crop production inputs, including, but not limited to, seeds, plants, pesticides, soil amendments, biologicals, and fertilizers, for sale or resale to farmers; or

(C) A foreign government designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R Section 7.4.

(3) 'Residential property' means real estate intended to be used as the purchaser's dwelling, as such term is defined in Code Section 8-3-201.

(b)(1) Except as provided by subsections (c) and (d) of this Code section, no nonresident alien shall acquire directly or indirectly any possessory interest in agricultural land or land within a ten mile radius of any military base, military installation, or military airport.

(2) This subsection shall not apply to residential property.

(c)(1) A nonresident alien may acquire a possessory interest in agricultural land by devise or inheritance, as security for indebtedness, in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise.

(2) Any such possessory interest in agricultural land acquired by a nonresident alien in the collection of debts or by any procedure for the enforcement of a lien or claim thereon shall be disposed of within two years after acquiring such possessory interest.

(3) Any such possessory interest in agricultural land acquired by a nonresident alien by devise or inheritance shall be disposed of within one year after acquiring such possessory interest.

(d) A nonresident alien that acquires a possessory interest in agricultural land pursuant to subsection (c) of this Code section may avoid disposing of such interest if, within the time required for disposal, such nonresident alien terminates said nonresident alien status.

(e) A broker who is engaged by client who is a prospective buyer or seller of a possessory interest in agricultural land shall timely disclose to said client the requirements and limitations of this Code section. For purposes of this subsection, the terms 'broker,' 'client,' and 'timely' shall have the same meanings as provided in Code Section 10-6A-3.

(f) A nonresident alien that purports to acquire any interest in agricultural land in violation of this Code section shall be barred from making any claim against any party for restitution

of the purchase price paid by such nonresident alien in connection with such interest in agricultural land or for any other kind of payment relating to the nonresident alien's loss or lack of title to such interest in agricultural land. The legal counsel of any county, municipality, or consolidated government in which the agricultural land is located, the Attorney General, or any person that is not a nonresident alien that was a party to the void transaction or is a subsequent holder of such interest may file an action.

(g) An individual who intentionally violates the provisions of this Code section shall be guilty of a felony and shall be punished by a fine of not more than \$15,000.00 or imprisonment for not less than one year nor more than two years, or both."

SECTION 2.

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