

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 452:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general
2 provisions relative to agriculture, so as to prohibit the acquisition of possessory interest in
3 certain land by certain nonresident aliens; to provide for definitions; to provide for
4 exceptions; to provide for rules and regulations; to provide for disclosures; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

10 "2-1-7.

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

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

16 (2) 'Nonresident alien' means:

H. B. 452 (SUB)

- 17 (A) Any natural person described in subsection (a) of Code Section 1-2-11 who is not
18 a United States citizen or legal permanent resident, is a subject of a foreign government
19 designated as a foreign adversary by the United States Secretary of Commerce, and:
20 (i) Has been physically absent from the United States for more than six months out
21 of any 12 month period; or
22 (ii) Has been physically absent from Georgia for more than two months out of any 12
23 month period;
- 24 (B) A corporation, partnership, limited partnership, trustee, or other business entity that
25 is:
26 (i) Domiciled in a country whose government is designated as a foreign adversary by
27 the United States Secretary of Commerce; or
28 (ii) Domiciled within the United States, but which is owned wholly or in majority by
29 any corporation, partnership, limited partnership, trustee, or other business entity
30 domiciled in a country whose government is designated as a foreign adversary by the
31 United States Secretary of Commerce; or
- 32 (C) A foreign government designated as a foreign adversary by the United States
33 Secretary of Commerce.
- 34 (b) Except as provided by subsections (c) and (d) of this Code section, no nonresident alien
35 shall acquire directly or indirectly any possessory interest in agricultural land or land within
36 a 25 mile radius of any military base, military installation, or military airport.
- 37 (c)(1) A nonresident alien may acquire a possessory interest in agricultural land by
38 devise or inheritance, as security for indebtedness, in the collection of debts, or by any
39 procedure for the enforcement of a lien or claim thereon, whether created by mortgage
40 or otherwise.
- 41 (2) Any such possessory interest in agricultural land acquired by a nonresident alien in
42 the collection of debts or by any procedure for the enforcement of a lien or claim thereon
43 shall be disposed of within three years after acquiring such possessory interest.

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

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

50 (e) The Commissioner, in consultation with the Secretary of State, shall promulgate rules
51 and regulations as necessary to implement the provisions of this Code section.

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

56 **SECTION 2.**

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