

Senate Bill 132

By: Senators Beach of the 21st, Dolezal of the 27th, Goodman of the 8th, Summers of the 13th, Anderson of the 24th and others

AS PASSED SENATE

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 related matters; to repeal
5 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, livestock or livestock products, poultry or poultry products, milk or dairy products,
14 or fruit or other horticultural products, but does not include any land zoned by a local
15 governmental unit for a use other than and nonconforming with agricultural use.

16 (2) 'Nonresident alien' means:

(A) Any natural person described in subsection (a) of Code Section 1-2-11 who is not a United States citizen or legal permanent resident, is a subject of a foreign government designated as a The Code of Federal Regulations / Title 15 / Subtitle A / Part 7 / Subpart A / 7.4. by the United States Secretary of State, and:

(i) Has been physically absent from the United States for more than six months out of any 12 month period; or

(ii) Has been physically absent from Georgia for more than two months out of any 12 month period; or

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

(i) Domiciled in a country designated as a Country of Particular Concern by the United States Secretary of State; or

(ii) Domiciled within the United States, but which is owned wholly or in majority by any corporation, partnership, limited partnership, trustee, or other business entity domiciled in a country designated as a Country of Particular Concern by the United States Secretary of State.

(b) 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 25 mile radius of any military base, military installation, or military airport.

(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 three years after acquiring such possessory interest.

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

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

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

51 **SECTION 2.**

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