

No. 1980-39

AN ACT

HB 1778

Restricting the acquisition by certain aliens of an interest in agricultural lands.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. An alien, who is not a resident of a state or territory of the United States or of the District of Columbia; and a foreign government shall not acquire an interest in agricultural land, exceeding 100 acres, except such as may be acquired by devise or inheritance, and such as may be held as security for indebtedness. The provisions of this section shall not apply to citizens, foreign governments or subjects of a foreign country whose rights to hold land are secured by treaty.

Section 2. Section 1 shall not apply to agricultural lands acquired by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All lands so acquired shall be disposed of within three years after acquiring title.

Section 3. A nonresident alien who is or becomes a bona fide resident of some state or territory of the United States or of the District of Columbia, shall have the right to acquire and hold agricultural lands in this State upon the same terms as citizens of this State during the continuance of such bona fide residence. Whenever such resident alien ceases to be a bona fide resident, he shall have three years from the time of termination of residency in which to alienate his interest in the agricultural lands acquired pursuant to this act.

Section 4. Nonresident aliens who acquire agricultural lands in this Commonwealth by devise or descent and who are not designated Class A beneficiaries for inheritance tax purposes shall have three years from the date of so acquiring such title in which to alienate such agricultural lands. Those nonresident aliens who acquire agricultural lands by devise or descent and who qualify as beneficiaries designated Class A for inheritance tax purposes shall have the right to acquire and hold agricultural lands in this Commonwealth upon the same terms as citizens of this Commonwealth.

Section 5. The Department of Agriculture shall monitor, for compliance with this act, biannual reports transmitted to the department pursuant to section 6 of the United States Agricultural Foreign Investment Disclosure Act of 1978 (Public Law 95-460). If this review reveals evidence of noncompliance with this act the Department of Agriculture shall refer this evidence to the Attorney General who shall investigate the case and initiate legal action if necessary in the court of

common pleas of the county in which the land held in violation of section 2 is situated.

Section 6. Agricultural lands acquired or held in violation of sections 1 and 4 shall be forfeited to the Commonwealth. The Attorney General shall enforce such forfeiture. However, no such forfeiture may be adjudged unless the action to enforce is brought within five years after such property has been acquired or held by such alien. No title to land is invalid or liable to forfeiture by reason of the alienage of any former owner or person interested therein.

Section 7. For purposes of this act, the term "agricultural land" means 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 and other horticultural products but does not include any royalty interest, any oil, gas or other mineral interest, or any lease, right-of-way, option or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use.

Section 8. All acts or parts of acts inconsistent herewith are repealed.

Section 9. This act shall take effect in 60 days.

APPROVED—The 6th day of April, A. D. 1980.

DICK THORNBURGH