
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1778

Session of
1979

INTRODUCED BY HONAMAN, THOMAS, WENGER, BRANDT, YAHNER, STUBAN,
HASAY, ARMSTRONG, BOWSER, NOYE, SIRIANNI, DeWEESE, MILLER,
DeVERTER, WEIDNER, FREIND AND CALTAGIRONE, SEPTEMBER 26, 1979

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
SEPTEMBER 27, 1979

AN ACT

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

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

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

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

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

10 Section 4. Nonresident aliens who acquire agricultural lands
11 in this Commonwealth by devise or descent shall have three years
12 from the date of so acquiring such title in which to alienate
13 such agricultural lands.

14 Section 5. The Department of Agriculture shall monitor, for
15 compliance with this act, biannual reports transmitted to the
16 department pursuant to section 6 of the United States
17 Agricultural Foreign Investment Disclosure Act of 1978 (Public
18 Law 95-460). If this review reveals evidence of noncompliance
19 with this act the Department of Agriculture shall refer this
20 evidence to the Attorney General who shall investigate the case
21 and initiate legal action if necessary in the court of common
22 pleas of the county in which the land held in violation of
23 section 2 is situated.

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

1 person interested therein.

2 Section 7. For purposes of this act, the term "agricultural
3 land" means land capable of use in the production of
4 agricultural crops, timber, livestock or livestock products,
5 poultry or poultry products, milk or dairy products, or fruit
6 and other horticultural products but does not include any
7 royalty interest, any oil, gas or other mineral interest, or any
8 lease, right-of-way, option or easement relating thereto, or any
9 land zoned by a local governmental unit for a use other than and
10 nonconforming with agricultural use.

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

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