SLS 25RS-409

ORIGINAL

2025 Regular Session

SENATE BILL NO. 226

BY SENATOR HODGES AND REPRESENTATIVES AMEDEE AND OWEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTRACTS. Prohibits foreign adversaries and prohibited foreign actors from participating in certain property transactions. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 9:2717.1(A), (B)(1), (2), (4), and (5), the introductory paragraph
3	of (C)(1) and (C)(1)(b), (D), (E), (F), (G), and (H) and R.S. 18:1362(A)(1) and
4	1362.1(L) and to enact R.S. 9:2717.1(I), (J), and (K) and 2717.1.1 and R.S.
5	18:1362.3, relative to foreign adversaries and prohibited foreign actors; to prohibit
6	the acquisition of certain immovable property; to prohibit certain transactions with
7	foreign adversaries and prohibited foreign actors; to provide for application; to
8	provide for actions and investigations by the attorney general; to provide for attorney
9	fees and court costs; to provide relative to judgments; to provide for civil forfeiture;
10	to provide with respect to certain immovable property that is located near national
11	security infrastructures; to provide for expropriation; to provide for critical
12	infrastructure; to provide for terms, conditions, and procedures; to provide for
13	definitions; to provide for an effective date; and to provide for related matters.
14	Be it enacted by the Legislature of Louisiana:
15	Section 1. R.S. 9:2717.1(A), (B)(1), (2), (4), (5), the introductory paragraph of
16	(C)(1), (C)(1)(b), (D), (E), (F), (G), and (H) are hereby amended and reenacted and R.S.
17	9:2717.1(I), (J), (K) and 9:2717.1.1 are hereby enacted to read as follows:

Page 1 of 16 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	§2717.1. Prohibition of acquisition of immovable property by a foreign adversary or
2	a person connected with a foreign adversary prohibited foreign
3	actor
4	A.(1) No foreign adversary or person connected with a foreign adversary
5	prohibited foreign actor may purchase, lease, or otherwise acquire immovable
6	property in this state.
7	(2) A party to a contract to purchase, lease, or otherwise acquire immovable
8	property may rescind the contract prior to the transfer of the immovable property if
9	the party determines that the purchaser or lessee is a foreign adversary or a person
10	connected with a foreign adversary prohibited foreign actor.
11	(3) The provisions of this Section are applicable to contracts entered into by
12	a foreign adversary or person connected with a foreign adversary a prohibited
13	foreign actor to purchase, lease, or otherwise acquire immovable property after
14	August 1, 2023. These provisions are not applicable to existing contracts to purchase,
15	lease, or otherwise acquire immovable property or the renewal of existing leases that
16	were in place prior to August 1, 2023.
17	(4) A person may conclusively rely upon an affidavit made by a person
18	intended to acquire or holding an interest in immovable property to the effect that the
19	person is neither a foreign adversary nor a person connected with a foreign adversary
20	prohibited foreign actor, and the correctness of those facts may not be controverted
21	against a person relying on the affidavit, unless actual fraud by such person is
22	proved. A person who gives a false affidavit shall be responsible for any loss or
23	damage suffered by any person whose rights are adversely affected.
24	(5) No seller or lessor shall be liable pursuant to this Section, except a foreign
25	adversary or a person connected with a foreign adversary prohibited foreign actor
26	that is required to forfeit or dispose of property pursuant to a court order as provided
27	for in Subsection C of this Section.
28	B.(1) The attorney general may bring an action for injunctive relief in the
29	name of the state against the foreign adversary or the person connected with a

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1	foreign adversary prohibited foreign actor to enjoin the property transfer prior to
2	the transfer of the immovable property. The attorney general shall serve the petition
3	for injunctive relief upon all parties to the transaction.
4	(2) If the transfer or lease of the property has been completed, the attorney
5	general may bring an action in the name of the state against the foreign adversary or
6	a person connected with a foreign adversary the prohibited foreign actor.
7	* * *
8	(4) The attorney general may open an investigation if any of the following
9	exist:
10	(a) The attorney general has evidence that a foreign adversary or a person
11	connected with a foreign adversary prohibited foreign actor is attempting to enter
12	into, conspiring to enter into, or has entered into a contract to purchase, lease, or
13	otherwise acquire immovable property in this state.
14	(b) The attorney general believes it to be in the public interest that an
15	investigation needs to be made to ascertain whether a foreign adversary or a person
16	connected with a foreign adversary prohibited foreign actor in fact is attempting
17	to enter into, conspiring to enter into, or has entered into a contract to purchase,
18	lease, or otherwise acquire immovable property in this state.
19	(5) If an action is brought pursuant to this Section, then no later than one
20	business day after filing the action, the attorney general shall record in the public
21	mortgage records of the parish clerk of court of each parish in which any portion of
22	the immovable property is located a notice of pendency of the action pursuant to
23	Code of Civil Procedure Article 3751 et seq. The institution of the action and the
24	recordation of the notice of pendency of the action shall have no effect on persons
25	obtaining rights in the immovable property prior to the recordation of the petition.
26	The attorney general shall cause the notice of pendency of action to be cancelled
27	from the mortgage records no later than one business day after judgment is rendered
28	or after a request for cancellation is made by any interested party in connection with
29	the transfer of the property to a person other than a foreign adversary or person

Page 3 of 16 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

ORIGINAL SB NO. 226

1	connected with a foreign adversary prohibited foreign actor. If the notice of
2	pendency of action relates to a property interest vested in a foreign adversary or
3	person connected with a foreign adversary a prohibited foreign actor, the attorney
4	general may petition the court for an order requiring the proceeds of the sale
5	attributable to the property interest of the foreign adversary or person connected with
6	a foreign adversary prohibited foreign actor after the deduction of payments to
7	mortgagees, lienholders, person providing services in connection with the transfer
8	of the property, and credits to the purchaser relating to tax and other customary
9	prorations, to be deposited in the registry of the court in which the proceeding is
10	pending.
11	* * *
12	C.(1) If the court finds that a foreign adversary or person connected with a
13	foreign adversary prohibited foreign actor has purchased, leased, or otherwise
14	acquired property in Louisiana after August 1, 2023, the court may do one of the
15	following:
16	* * *
17	(b) Order that the foreign adversary or person connected with a foreign
18	adversary's prohibited foreign actor interest in the property be sold at a judicial sale
19	in accordance with the requirements of Code of Civil Procedure Article 2331 et seq.
20	* * *
21	D.(1) In addition to the remedies provided in Subsection C of this
22	Section, if a foreign adversary or a prohibited foreign actor violates the
23	provisions of this Section, the court may order a civil penalty of fifty thousand
24	dollars and forfeiture if the prohibited foreign actor does not divest itself of
25	immovable property acquired in violation of this Section within one year after
26	judgment is entered in this action.
27	(2) Any civil penalty collected pursuant to this Section shall be paid to
28	the attorney general to offset costs associated with enforcement of provisions
29	contained in this Section.

1	E. A court petitioned by the attorney general may issue additional orders
2	or render judgments against the foreign adversary or the prohibited foreign
3	actor as may be necessary to protect the public. The orders shall include but not
4	be limited to the following:
5	(1) Revocation, forfeiture, or suspension of any license, charter,
6	<u>franchise, certificate, or other evidence of authority of any person to do business</u>
7	in the state.
8	(2) Appointment of a receiver.
9	(3) Dissolution of domestic corporations or associations.
10	(4) Suspension or termination of the right of foreign corporations or
11	associations to do business in this state.
12	(5) Restitution to compensate any person who did not knowingly enter
13	into a transaction with the foreign adversary or a prohibited foreign actor for
14	any loss, expenses, court costs, or attorney fees which may have been incurred
15	because of the sale being void or enjoined.
16	(6) Civil forfeiture of any immovable property that was acquired by the
17	foreign adversary or the prohibited foreign actor in accordance with the
18	provisions of this Section.
19	F.(1) The attorney general may serve an investigative demand or
20	subpoena for deposition testimony to any person who is believed to have
21	information, documentary material, or physical evidence relevant to the alleged
22	or suspected attempt to enter into, or conspiracy to enter into, a contract to
23	purchase, lease, or otherwise acquire immovable property in this state if all of
24	the following exist:
25	(a) The attorney general has evidence that a foreign adversary or a
26	prohibited foreign actor is attempting to enter into, conspiring to enter into, or
27	has entered into a contract to purchase, lease, or otherwise acquire immovable
28	property in this state.
29	(b) The attorney general believes it to be in the public interest that an

21

1 investigation should be made to ascertain whether a foreign adversary or a 2 prohibited foreign actor in fact is attempting to enter into, conspiring to enter 3 into, or has entered into a contract to purchase, lease, or otherwise acquire immovable property in this state. 4 5 (2)(a) The investigative demand or subpoena for deposition testimony shall contain a description of the attempt to enter into, conspiracy to enter into, 6 7 or entering into a contract to purchase, lease, or otherwise acquire immovable 8 property in this state under investigation and shall require the person to 9 furnish, under oath or otherwise, a report in writing setting forth the relevant 10 facts and circumstances of which he has knowledge, or to produce relevant 11 documentary material or physical evidence for examination, at such reasonable 12 time and place as may be stated in the investigative demand that is the subject 13 matter of the investigation. Nonpublic personal information may be excluded 14 from the report, deposition, or other testimony. 15 (b) Any subpoena for deposition testimony issued pursuant to this 16 Section shall include a notice informing the prospective deponent of the 17 deponent's right to counsel at the deposition with an opportunity for crossexamination, and the deposition shall be conducted at the deponent's principal 18

19 place of business, deponent's place of residence, deponent's domicile, or if 20 agreeable to the deponent, at some other place convenient to the attorney general and the deponent's attorney.

22 (c) Any such deposition shall be held at a reasonable time, as may be stated in the investigative subpoena. At any time before the return date 23 specified in the investigative demand or before the noticed deposition, or within 24 25 twenty days after the demand or deposition notice has been served, whichever is shorter, a petition stating good cause for a protective order to extend the 26 27 return date, or to modify or set aside the demand or deposition notice, may be 28 filed in the district court having civil jurisdiction in the parish where the person 29 served with the demand resides, is domiciled, or has his principal place of

business	located.

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2	(d) If no protective order from the court is secured and the written
3	request by the attorney general is not complied with by the return date thereof,
4	the attorney general may apply to the court for an order compelling compliance
5	with the investigative demand or deposition notice.
6	(e) If any person fails or refuses to file any statement, report,
7	documentary material or physical evidence, or obey any investigative subpoena
8	or demand issued by the attorney general, except as permitted by a protective
9	order issued by an appropriate court, the attorney general may apply to the
10	district court having civil jurisdiction in the parish where the person served
11	with the demand or subpoena resides, is domiciled, or has his principal place of
12	business located, for a rule to show cause why an order compelling compliance
13	should not be issued.
14	(f) Any disobedience of an order compelling compliance under this
15	Section by any court shall be punished as a contempt of court.
16	(g) Service of any demand, subpoena, or petition shall be made in the
17	manner provided by law.
18	$\underline{G.}(1)$ All proceedings under this Section shall be made with due provisions
19	to protect the rights of any person unless the attorney general proves beyond a
20	reasonable doubt that the person entered into the transaction with the foreign
21	adversary or person connected with a foreign adversary prohibited foreign actor
22	for the purpose of aiding such foreign adversary or person connected with a foreign
23	adversary prohibited foreign actor in compromising the security of the United
24	States.
25	(2) No mortgage, lien, privilege, or other security interest recognized under
26	the laws of this state and no ownership interest in indivision, lease, servitude,
27	usufruct, right of use, bond for deed, or other real right shall be affected by a
28	forfeiture or disposition pursuant to this Section or pursuant to R.S. 9:2717.1.1.
29	(3) No forfeiture or disposition under this Section shall affect the rights of

Page 7 of 16 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	any person unless the attorney general proves beyond a reasonable doubt that the
2	person entered into the transaction with the foreign adversary or person connected
3	with a foreign adversary with the purpose of aiding such foreign adversary or person
4	connected with a foreign adversary prohibited foreign actor in compromising the
5	security of the United States.
6	$\underline{E}\underline{H}$. No attorney, title insurer, title insurance producer, title insurance agency
7	producer, lender, mortgage loan servicer, notary public, real estate agent, real estate
8	broker, seller, or lessor shall have a duty to make any investigation as to whether a
9	party to a transaction involving immovable property is a foreign adversary, nor shall
10	any such person be liable for failing to identify that a party to a transaction involving
11	immovable property is a foreign adversary.
12	F <u>I</u> . The provisions of this Section shall not apply to any of the following:
13	(1) A natural person who is an American citizen, regardless of whether the
14	United States citizenship was acquired by birth or the United States citizenship was
15	granted to a person after meeting the requirements established by the United States
16	Congress in the Immigration and Nationality Act, 8 U.S.C. 1158 et seq.
17	(2) A person who is not a United States citizen but is a permanent legal
18	resident or is lawfully present in the United States by virtue of authorization by the
19	United States Department of Homeland Security.
20	(3) A juridical person, as defined in Civil Code Article 24, that is wholly
21	owned by persons who qualify under Paragraphs (1) and (2) of this Subsection.
22	(4) Immovable property purchased, leased, or otherwise acquired by a natural
23	person that is used as a one-to-four family residential property.
24	(5) A juridical person that owned and conducted oil and gas operations
25	located in Louisiana prior to July 1, 2023, and that is granted permissions by a
26	General License issued by the United States Department of the Treasury, Office of
27	Foreign Assets Control (OFAC General License) and that purchases or acquires
28	property in Louisiana with a party or parties that are subject to the OFAC General
29	License.

Page 8 of 16 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	GJ. For the purposes of this Section and R.S. 9:2717.1.1:
2	(1) "Foreign adversary" means an individual or a government identified as
3	a foreign adversary in 15 CFR 7.4(a) any foreign government or foreign non-
4	government person determined by the United States secretary of commerce to
5	have engaged in a long-term pattern or serious instances of conduct
6	significantly adverse to the national security of the United States or security and
7	safety of United States persons as listed in 15 CFR §7.4, Determination of
8	Foreign Adversaries, as amended or renumbered, and identified in the database
9	maintained by the United States Department of the Treasury, Office of Foreign
10	Assets Control.
11	(2) "Person connected with a foreign adversary" "Prohibited foreign actor"
12	means the <u>a</u> juridical person <u>or a natural person</u> , as defined in Civil Code Article
13	24, that meets any of the following criteria:
14	(a) Is under direction of in which the <u>a</u> foreign adversary <u>that</u> has the power
15	to direct or cause the direction of the management or policies of the juridical person
16	whether through ownership of securities, by contract, or otherwise.
17	(b) A person or entity that directly Directly or indirectly has the right to vote
18	fifty percent or more of the voting interests of an entity or is entitled to fifty percent
19	or more of its profits is presumed to have the power to direct or cause the direction
20	of the management or policies of the juridical person.
21	(c) Is a juridical person that meets any of the following:
22	(i) Is headquartered in a country identified as a foreign adversary.
23	(ii) Is held or controlled, either directly or indirectly, by a government
24	<u>of a foreign adversary.</u>
25	<u>(iii) Is owned by, or the majority of stock or other ownership interest is</u>
26	<u>held or controlled by, any person who is a citizen of a foreign adversary, unless</u>
27	that person is a legal permanent resident of the United States.
28	(d) Is a juridical person that is owned by, or the majority of stock or
29	other ownership interest of which is held or controlled by, a corporation or

1	entity described in Subparagraph (c) of this Paragraph.
2	(e) Any individual person who is a citizen of a foreign adversary, unless
3	that person is a legal permanent resident of the United States.
4	HK.(1) This Section shall apply only to property acquired by a foreign
5	adversary or person connected with a foreign adversary on or after August 1, 2023,
6	unless the provisions of Paragaraph (2) of this Subsection apply. If a foreign
7	adversary or person connected with a foreign adversary acquires immovable property
8	despite the prohibitions as provided in this Section, the property shall only be subject
9	to forfeiture during the period in which the prohibited foreign adversary or person
10	connected with a foreign adversary owns the property. Rights in immovable property
11	shall not be void or voidable because the property or right held in the property was
12	previously held by a prohibited foreign adversary or person connected with a foreign
13	adversary.
14	(2) The provisions of R.S. 9:2717.1.1 shall apply to immovable property,
15	regardless of the date acquired.
16	§2717.1.1. Protection of national security infrastructure; ownership of
17	immovable property by foreign adversaries and prohibited
18	<u>foreign actors</u>
19	A. Any immovable property that is purchased, leased, possessed, owned,
20	held in interest, or in any manner under the control of a foreign adversary or
21	a prohibited foreign actor that is located within fifty miles of national security
22	infrastructure may be expropriated by the Military Department, State of
23	Louisiana, regardless of the date that the immovable property was acquired.
24	B. If the Military Department, State of Louisiana, files an expropriation
25	action against immovable property pursuant to Subsection A of this Section, the
26	expropriation shall be filed and conducted in the same manner and by the same
27	method provided for in Part I of Title 19 of the Louisiana Revised Statutes of
28	<u>1950.</u>
29	C.(1) As used in this Section, "national security infrastructure" means

Page 10 of 16 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	any of the following immovable properties:
2	(a) A military facility, reservation, camp, post, base, installation, armory,
3	or training area and any weather station operated by the armed forces of the
4	United States.
5	(b) A military facility, reservation, camp, post, base, installation, armory,
6	or training area that is operated by the state military.
7	(c) Any facility operated by the Civil Air Patrol.
8	(2) The definitions provided in R.S. 9:2717.1 shall apply to this Section.
9	Section 2. R.S. 18:1362(A)(1) and 1362.1(L) are hereby amended and reenacted
10	and R.S. 18:1362.3 is hereby enacted to read as follows:
11	§1362. Method of procuring voting systems or system components; parts and
12	supplies; contracting for the maintenance of voting machines
13	A.(1) All voting systems or system components used in this state shall be
14	procured by the secretary of state, taking into consideration the recommendations of
15	the Voting System Commission as provided in R.S. 18:1362.1 and the
16	requirements set forth in R.S. 18:1362.3 regarding a foreign adversary, out of
17	state funds appropriated for that purpose, on the basis of a competitive request for
18	proposals process or public bids submitted to the secretary of state in accordance
19	with the provisions of the Louisiana Procurement Code. Required specifications shall
20	include tests and examinations of the operation of the voting systems or system
21	components, and the secretary of state, for that purpose, shall employ experts to
22	conduct these examinations in accordance with R.S. 18:1361 and report the results
23	thereof to the Voting System Commission. The expenses of the services of these
24	experts shall be paid by the vendor that seeks to have its system certified for
25	consideration. In every respect, the procurement of voting systems or system
26	components shall be in accordance with the Louisiana Procurement Code.
27	* * *
28	§1362.1. Voting System Commission; creation and organization; duties and
29	responsibilities

responsibilities

Page 11 of 16 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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2	L. Notwithstanding any provision of law to the contrary, the secretary of state
3	shall award no contract for voting systems unless the awarded proposer has provided
4	a sworn affidavit attesting that the proposer is not subject to significant ownership
5	or control by a foreign power, and that the proposer is aware that a false attestation
6	will be subject to the provisions of R.S. 39:1678 and 1679. For purposes of this
7	Subsection, "significant ownership or control by a foreign power" means ownership,
8	equity, or control which equals or exceeds twenty-five percent of the total
9	outstanding ownership, equity, or control of the proposer, and which is exercised
10	directly or indirectly by, or for the express benefit of, the government of a foreign
11	nation, state, or principality, or any instrumentality or subsidiary thereof. The sworn
12	affidavit required pursuant to this Subsection, and all related information, shall be
13	a public record secretary of state has complied with the provisions of R.S.
14	18:1362.3 with respect to the prohibitions against contracting with foreign
15	adversaries in violation of federal law.
16	* * *
17	§1362.3. Foreign Adversaries; prohibition against contracting for voting
18	systems or system components in violation of federal law
19	Notwithstanding any other provision of law to the contrary and in order
20	to protect taxpayers' funds from purchasing or acquiring voting machines or
21	voting systems that are inoperable for federal elections, before any purchase of
22	voting machines or voting systems is made pursuant to this Title, the secretary
23	of state shall certify to the Voting System Commission and to the Joint
24	Legislative Committee on the Budget all of the following:
25	A. That the proposed purchase of voting machines or voting systems is
26	not prohibited as information and communications technology that is
27	designated by the United States Department of Homeland Security to be an
28	election infrastructure as critical infrastructure, as defined in 42 U.S.C. 5195c,

- 1 in violation of the provisions of 42 U.S.C. 5195c(e) or other applicable federal 2 law and is, therefore, not a risk to national security. 3 B. That the Secretary of Homeland Security, as the head of the designated Sector Risk Management Agency under 6 U.S.C. 652a, in 4 coordination with the United States Election Assistance Commission, has not 5 found the proposed voting machines or voting systems to be an electronic voting 6 system that is subject to being compromised through malicious software and 7 8 unauthorized intrusions into the system by foreign adversaries and is, therefore,
- 9 <u>not a risk to national security.</u>
- 10 C. That the proposed voting machines or voting systems or any 11 component parts thereof are not manufactured by a foreign adversary, as 12 determined by 15 CFR 791.4, and that the proposed purchase of the voting 13 machines or voting systems does not violate the provisions of 15 CFR 791, et seq. related to federal requirements for securing the information and 14 communications technology and services supply chain and, therefore, will not 15 16 be subject to the maximum civil penalty of two hundred fifty thousand dollars per violation as provided in 15 CFR 791.200 as a risk to national security. 17
- 18 Section 3. If any provision or item of this Act, or the application thereof, is held 19 invalid, such invalidity shall not affect other provisions, items, or applications of the Act 20 which can be given effect without the invalid provision, item, or application and to this end 21 the provisions of this Act are hereby declared severable.
- Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SB 226 Original

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST 2025 Regular Session

Hodges

<u>Present law</u> provides that beginning Aug. 1, 2023, no foreign adversary or person connected with a foreign adversary may purchase, lease, or acquire immovable property in this state. Provides that parties to the contract with a foreign adversary may rescind the contract prior to the transfer of the immovable property if it is determined that the purchaser or lessee is a foreign adversary or a person connected with a foreign adversary. Provides for exceptions. Provides that the attorney general may bring an action for injunctive relief in the name of the state against a foreign adversary or person connected to a foreign adversary to enforce the provisions of <u>present law</u>. Provides that a court may order that the property be sold to someone who is not a foreign adversary, or to a person who is not a person connected with a foreign adversary, or sold at judicial sale. Provides that the court shall order that the price of the sale be not less than the sum of all of the following:

- (1) Ad valorem taxes and other liens payable to a political subdivision on the property.
- (2) Indebtedness secured by a conventional mortgage on the property.
- (3) Indebtedness secured by a judicial or legal mortgage on the property.
- (4) Indebtedness secured by a lien or privilege on the property.
- (5) Commissions due to a real estate broker or real estate agent.
- (6) Costs related to the perfection of the sale.

<u>Proposed law</u> retains present law but changes the term <u>from</u> "person connected with a foreign adversary" to "prohibited foreign actor".

<u>Present law</u> (R.S. 3:3616) provides that, as it relates to farmland, that any prohibited foreign actor that violates <u>present law</u> is subject to a court ordered civil penalty of \$50,000 and forfeiture of the agricultural land if any prohibited foreign actor does not divest itself of land acquired in violation of <u>present law</u> within one year after judgment is entered in this action.

<u>Proposed law</u> retains <u>present law</u> and also makes the provisions related to the court ordered civil penalty forfeiture provisions regarding agricultural land to be applicable to all other immovable property acquired by a foreign adversary or a prohibited foreign actor.

<u>Present law</u>, (R.S. 3:3616) as it relates to farmland, authorizes the attorney general to bring an action for injunctive relief against the foreign adversary or a prohibited foreign actor to restrain and enjoin the sale or lease of immovable property. Establishes a process for such action if the attorney general elects to seek enforcement. Provides certain requirements for the attorney general to serve an investigative demand or subpoena for deposition testimony of a person who has information or other evidence of an alleged violation of <u>present law</u>. Further provides form, notice, and service requirements for such investigative demands and subpoenas. Authorizes the attorney general to apply to the court for an order compelling compliance with the investigative demand or subpoena if no protective order is secured. Further authorizes the attorney general to use other procedures authorized by law for a violation of <u>present law</u>. Authorizes the court, when petitioned by the attorney general, to issue additional orders such as revocation, forfeiture, or suspension of licensure; to appoint a receiver; to dissolve a domestic corporation; to suspend or terminate a foreign company's

Page 14 of 16

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right to do business in the state, to require restitution; and to require civil forfeiture or divestiture of immovable property.

<u>Proposed law</u> retains <u>present law</u> and also makes the provisions regarding agricultural land applicable to all other immovable property acquired by a foreign adversary or a prohibited foreign actor.

<u>Present law</u> (R.S. 3:3614) applies to both individuals and business entities that are foreign adversaries or prohibited foreign actors as it relates to farmland and <u>present law</u> (R.S. 9:2717.1) as it relates to all other immovable property only applies to business entities.

<u>Proposed law</u> retains <u>present law</u> and provides that an individual who is a foreign adversary or a prohibited foreign actor may not own immovable property, whether it is farmland or other immovable property.

<u>Present law</u> provides that the prohibition against foreign adversaries owning immovable property in Louisiana only applies to property acquired on or after Aug. 1, 2023.

<u>Proposed law</u> retains <u>present law</u> and provides that immovable property that is purchased, leased, possessed, owned, held in interest, or in any manner under the control of a foreign adversary or a prohibited foreign actor that is located within 50 miles of national security infrastructure may be expropriated by the state Military Dept., regardless of the date acquired. Defines "national security infrastructure" as any of the following:

- (1) A military facility, reservation, camp, post, base, installation, armory, or training area and any weather station operated by the armed forces of the United States.
- (2) A military facility, reservation, camp, post, base, installation, armory, or training area that is operated by the state military.
- (3) Any facility operated by the Civil Air Patrol.

<u>Present law</u> provides for the purchase of certain voting systems or voting machines by the secretary of state. Prohibits the secretary of state from awarding a contract for voting machines or voting systems unless the awarded vendor attest that the vendor is not owned or controlled by a foreign power.

<u>Proposed law</u> retains <u>present law</u> and changes term <u>from</u> "owned or controlled by a foreign power" to "foreign adversary". Provides that, in order to protect taxpayers funds from purchasing or acquiring voting machines or voting systems that are inoperable for federal elections, the secretary of state is to certify to the Voting System Commission and to the Joint Legislative Committee on the Budget all of the following:

- (1) That the proposed purchase of voting machines or voting systems is not prohibited as information and communications technology that is designated by the U.S. Dept. of Homeland Security to be an election infrastructure with a nexus to foreign adversaries in violation of federal law and, therefore, is not a risk to national security.
- (2) That the U.S. Secretary of Homeland Security, in coordination with the U.S. Election Assistance Commission, has not found that the proposed voting system to be an electronic voting system that is subject to being compromised through malicious software and unauthorized intrusions into the system by foreign adversaries and is, therefore, not a risk to national security.
- (3) That the proposed voting machines or voting systems or any component parts are not manufactured by a foreign adversary and, therefore, would not be a risk to national security, not violate federal law, and not be subject to the maximum civil penalty of

Page 15 of 16

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

\$250,000 per violation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 9:2717.1(A), (B)(1), (2), (4), and (5), (C)(1)(intro para), (C)(1)(b), (D), (E), (F), (G), and (H) and R.S. 18:1362(A)(1) and 1362.1(L); adds R.S. 9:2717.1(I), (J), and (K), and 2717.1.1 and R.S. 18:1362.3)