
DIGEST

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HB 125 Original

2023 Regular Session

Echols

Abstract: Restricts ownership of agricultural lands by foreign adversaries.

Proposed law restricts any foreign adversary with an ownership interest in a corporation, limited liability company, pension or investment fund, trust, or limited partnership from directly or indirectly, owning, acquiring, leasing, or otherwise obtaining any interest, in agricultural land as defined by present law (R.S. 3:3602).

Proposed law authorizes a foreign adversary to sell or convey ownership interest in agricultural land in this state that was acquired prior to July 30, 2023, but prohibits the sale or other conveyance of such ownership interest to any other foreign business entity that qualifies as a foreign adversary after Aug. 1, 2023.

Proposed law exempts foreign business entities that might otherwise qualify as a foreign adversary from the ownership restrictions applicable to agricultural lands; under the following circumstances:

- (1) If the right is guaranteed by a treaty or if the person's country of origin affords certain real estate rights to United States citizens.
- (2) A title to agricultural land held as a security to indebtedness or real estate acquired upon collection of a debt.
- (3) Religious, educational, charitable, and scientific corporations.
- (4) Inherited land or land received as payment for a debt that is sold or transferred within five years.

Proposed law requires any foreign business entity that acquires, sells, or transfers agricultural land located in the state after July 30, 2023, to report that conveyance to the secretary of state and the attorney general no later than 30 days after the acquisition, sale, or transfer of the agricultural land is finalized. Specifies that the report must be made in the form and manner prescribed by the secretary of state. Requires the attorney general to review the reports that he receives and investigate the conveyance of agricultural land if the attorney general believes it violates proposed law.

Proposed law requires any corporation, limited liability company, pension or investment fund, trust, or limited partnership in which a foreign entity has an ownership interest that violates proposed law be subject to a civil penalty of \$50,000 and forfeiture of said agricultural land if such entity does not divest itself of land acquired in violation of proposed law within one year after judgment is entered in this action. Authorizes a district court with jurisdiction to prevent or restrain violations of proposed law through the issuance of an injunction. Requires the attorney general or district attorney to institute suits on behalf of the state to enforce the provisions of proposed law.

(Adds R.S. 3:3613)