

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/9/23
A Bill

HOUSE BILL 1479

By: Representatives Puryear, Andrews, Eubanks, Ladyman, Lundstrum, McClure, McGrew, K. Moore, Milligan, Painter, Ray, R. Scott Richardson, Rye, Schulz, Steimel, Underwood, Unger, Vaught, Burkes, Cozart, Duffield, *Bentley, Breaux, M. Brown, John Carr, Joey Carr, C. Cooper, Evans, Haak, Hollowell, J. Mayberry, McAlindon, G. Hodges*

By: Senator J. Petty

For An Act To Be Entitled

AN ACT REGARDING REAL PROPERTY; TO PROHIBIT THE PURCHASE OF OR ACQUISITION OF TITLE TO CERTAIN REAL PROPERTY BY CERTAIN ALIENS OR FOREIGN ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT THE PURCHASE OF OR ACQUISITION OF TITLE TO AGRICULTURAL LAND BY A GOVERNMENTAL ENTITY OF THE PEOPLE'S REPUBLIC OF CHINA OR CERTAIN ENTITIES CONNECTED WITH THE PEOPLE'S REPUBLIC OF CHINA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 18-11-101(a), concerning the capacity of aliens to take and transfer lands, is amended to read as follows:

(a) ~~All~~ Except as provided in § 18-11-110, all aliens shall be capable of taking, by deed or will, lands and tenements in fee simple, or other less estate, and of holding, aliening, and devising them.

SECTION 2. Arkansas Code Title 18, Chapter 11, Subchapter 1, is amended to add an additional section to read as follows:



18-11-110. Purchase of or acquisition of title to certain property by certain foreign individuals or entities prohibited.

(a) Notwithstanding any other law, the following may not purchase or acquire title to agricultural land in this state:

(1) A governmental entity of the People's Republic of China; or

(2) A company or other entity:

(A) That is headquartered in the People's Republic of China; or

(B) That is directly or indirectly held or controlled by the government of the People's Republic of China.

(b) This section applies only to the purchase of or other acquisition of title to agricultural land on or after the effective date of this act.

(c) A transfer of an interest in agricultural land in violation of this section is subject to divestiture as provided in this section.

(d) Upon request of a person or upon receipt of information that leads the Attorney General to believe that a violation of this section may exist, the Attorney General may issue subpoenas requiring the:

(1) Appearance of witnesses;

(2) Production of relevant records; and

(3) Giving of relevant testimony.

(e)(1) If as a result of the investigation under subsection (d) of this section the Attorney General concludes that a violation of this section has occurred, the Attorney General shall order the individual or entity described in subsection (a) of this section to divest itself of all interest in the agricultural land within ninety (90) days.

(2) If the individual or entity described in subsection (a) of this section fails to divest itself of all interests, or if an interest holder timely objects to the order of divestiture, the Attorney General shall commence an action in circuit court within the jurisdiction of the agricultural land.

(3)(A) Except in the case of dismissal, the circuit court shall order that the agricultural land to be sold through judicial foreclosure.

(B) Proceeds of the sale shall be disbursed to lien holders, in the order of priority, except for liens which under the terms of the sale are to remain on the agricultural land.

(f) Title to agricultural land is not invalid or subject to

divestiture due to a violation of this section by:

(1) Any former owner; or

(2) Other person holding or owning a former interest in the agricultural land.

(g) A person not subject to this section is not required to determine or inquire into whether another person is or may be subject to this section.

(h) The Attorney General shall promptly record a copy of the following in the local land records:

(1) Upon commencement, notice of the pendency of an action brought under subdivision (e)(2); and

(2) The order for the sale of the agricultural land under subdivision (e)(3)(A) of this section.

/s/Puryear