

# ARKANSAS SENATE

94th General Assembly - Regular Session, 2023

## Amendment Form

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Subtitle of Senate Bill No. 383

TO AMEND THE LAW CONCERNING OWNERSHIP AND POSSESSION OF REAL PROPERTY.

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### Amendment No. 1 to Senate Bill 383

Amend Senate Bill No. 383 as originally introduced:

Page 2, delete lines 12 through 17, and substitute the following:  
"private land.

(2) If a prohibited foreign-party-controlled business entity does not divest the public or private land as required by subdivision (c)(1) of this section, the Attorney General shall commence an action in the circuit court within the jurisdiction of the public or private land.

(3)(A) If the public or private land is held in violation of this section, the circuit court shall order that the public or private land 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 public or private land.

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

(A) Upon commencement, notice of the pendency of an action brought under subdivision (c)(2) of this section; and

(B) The order for the sale of the public or private land under subdivision (c)(3)(A) of this section.

(d) A prohibited foreign-party-controlled business entity shall upon conviction be guilty of a felony punishable by not more than two (2) years imprisonment in the custody of the Division of Correction or a fifteen thousand dollar (\$15,000) fine, or both.

(e) It is an affirmative defense to prosecution under this section that a prohibited foreign-party-controlled business entity is a resident alien of the State of Arkansas.

(f) Title to public or private 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 public or private land.



(g) No person not subject to this section shall be required to determine or inquire into whether another person is or may be subject to this section."

AND

Page 5, delete line 29 through 36, and substitute the following:  
"divest of the agricultural land.

(2) If the prohibited foreign party does not divest of the agricultural land as required by subdivision (b)(1) of this section, the Attorney General shall commence an action in circuit court within the jurisdiction of the agricultural land.

(3) If the agricultural land is held in violation of this section, the circuit court shall order that the agricultural land be sold through judicial foreclosure.

(c)(1) When the Office of Agricultural Intelligence determines a prohibited foreign party has acquired agricultural land in Arkansas in violation of this"

AND

Page 6, delete lines 1 through 14, and substitute the following:  
"subchapter, the office shall report the violation to the Attorney General.

(2) Upon receiving notice under subdivision (c)(1) of this section or upon receipt of information that leads the Attorney General to believe that a violation of this subchapter may exist, the Attorney General may issue subpoenas requiring the:

- (A) Appearance of witnesses;
- (B) Production of relevant records; and
- (C) Giving of relevant testimony.

(3) If as a result of the investigation under subdivision (c)(2) of this section the Attorney General concludes that a violation of this subchapter has occurred, the Attorney General shall commence an action in circuit court within the jurisdiction of the agricultural land.

(4) If the agricultural land is held in violation of this subchapter, the circuit court shall order that the agricultural land be sold through judicial foreclosure.

(d)(1) The proceeds of the sale of agricultural land by judicial foreclosure authorized under this section 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.

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

(A) Upon commencement, notice of the pendency of an action brought under subdivisions (b)(2) and (c)(2) of this section; and

(B) The order for the sale of the agricultural land under subdivisions (b)(3) and (c)(3) of this section.

(e) A prohibited foreign party owning agricultural land subsequent to the passage of this subchapter and not listed under one (1) of the exceptions set out in subsections (a) and (b) of this section shall upon conviction be

guilty of a felony punishable by not more than two (2) years imprisonment in the custody of the Division of Correction or a fifteen thousand dollar (\$15,000) fine, or both.

(f) It is an affirmative defense to prosecution under this section that a prohibited foreign party is a resident alien of the State of Arkansas.

(g) Title to agricultural land is not invalid or subject to divestiture due to a violation of this subchapter by:

(1) Any former owner; or

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

(h) No person not subject to this subchapter shall be required to determine or inquire into whether another person is or may be subject to this subchapter."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator B. Johnson

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Secretary