

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

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/9/23

A Bill

HOUSE BILL 1479

5 By: Representatives Puryear, Andrews, Eubanks, Ladyman, Lundstrum, McClure, McGrew, K. Moore,
6 Milligan, Painter, Ray, R. Scott Richardson, Rye, Schulz, Steimel, Underwood, Unger, Vaught, Burkes,
7 Cozart, Duffield, *Bentley, Breaux, M. Brown, John Carr, Joey Carr, C. Cooper, Evans, Haak, Hollowell,*
8 *J. Mayberry, McAlindon, G. Hodges*
9 By: Senator J. Petty
10

For An Act To Be Entitled

11 AN ACT REGARDING REAL PROPERTY; TO PROHIBIT THE
12 PURCHASE OF OR ACQUISITION OF TITLE TO CERTAIN REAL
13 PROPERTY BY CERTAIN ALIENS OR FOREIGN ENTITIES; AND
14 FOR OTHER PURPOSES.
15
16
17

Subtitle

18 TO PROHIBIT THE PURCHASE OF OR
19 ACQUISITION OF TITLE TO AGRICULTURAL LAND
20 BY A GOVERNMENTAL ENTITY OF THE PEOPLE'S
21 REPUBLIC OF CHINA OR CERTAIN ENTITIES
22 CONNECTED WITH THE PEOPLE'S REPUBLIC OF
23 CHINA.
24
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

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

31 (a) ~~All~~ Except as provided in § 18-11-110, all aliens shall be capable
32 of taking, by deed or will, lands and tenements in fee simple, or other less
33 estate, and of holding, aliening, and devising them.
34

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



1 18-11-110. Purchase of or acquisition of title to certain property by
2 certain foreign individuals or entities prohibited.

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

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

6 (2) A company or other entity:

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

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

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

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

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

18 (1) Appearance of witnesses;

19 (2) Production of relevant records; and

20 (3) Giving of relevant testimony.

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

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

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

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

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

1 divestiture due to a violation of this section by:

2 (1) Any former owner; or

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

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

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

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

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

13
14 /s/Puryear
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36