
SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Re-Reengrossed House Bill No. 125 by Representative Echols

AMENDMENT NO. 1

On page 1, line 16, after "foreign adversary" delete the remainder of the line and insert "or prohibited foreign actor" and delete line 17 in its entirety

AMENDMENT NO. 2

On page 2, line 1, after "A" and before "may sell" delete "foreign adversary" and insert "prohibited foreign actor"

AMENDMENT NO. 3

On page 2, line 2, after "in this state" insert a period "." and delete the remainder of the line and delete lines 3 through 5

AMENDMENT NO. 4

On page 2, between lines 5 and 6, insert the following:

"(3) A person may conclusively rely upon an affidavit made by a person intending to acquire or holding an interest in immovable property to the effect that the person is not a foreign adversary nor a prohibited foreign actor, and the correctness of those facts may not be controverted against any person relying on the affidavit, unless actual fraud by such person is proven. A person who gives a false affidavit shall be responsible for any loss or damage suffered by any person whose rights are adversely affected."

AMENDMENT NO. 5

On page 2, line 6, change "(3)" to "(4)"

AMENDMENT NO. 6

On page 2, between lines 12 and 13, insert the following:

"(5) For purposes of this Section, the term "prohibited foreign actor" means a corporation, limited liability company, pension or investment fund, trust, or limited partnership in which a foreign adversary has a controlling interest.

(6) For purposes of this Section, the term "controlling interest" means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract or otherwise. A person or entity that directly or indirectly has the right to vote fifty percent or more of the voting interests of an entity or is entitled to fifty percent or more of its profits is presumed to possess a controlling interest."

AMENDMENT NO. 7

On page 2, delete lines 24 through 29, and on page 3 delete lines 1 through 5 and at the beginning of line 6 delete "interest" and insert "(C)(1)(a) A prohibited foreign actor"

AMENDMENT NO. 8

On page 3, line 13, change "(3)" to "(2)"

1 AMENDMENT NO. 92 On page 3, line 17, change "(4)" to "(3)"3 AMENDMENT NO. 104 On page 3, line 18, after "foreign adversary or" delete the remainder of the line and at the
5 beginning of line 19, delete "adversary" and insert "prohibited foreign actor"6 AMENDMENT NO. 11

7 On page 3, at the end of line 20, insert the following:

8 "The attorney general shall serve the petition for injunctive relief upon the parties to
9 the transaction. Upon receipt of the petition, a party may rescind the contract to purchase,
10 lease or otherwise acquire immovable property pursuant to Paragraph (2) of this Subsection.
11 The attorney general shall file a notice of lis pendens in the mortgage records of the parish
12 in which the property is located no later than three business days after instituting the
13 proceeding. The institution of the action and the filing of the notice of lis pendens shall have
14 no effect on persons obtaining rights in the immovable property prior to the filing of the
15 notice of the pending action."16 AMENDMENT NO. 1217 On page 3, line 21, change "(5)" to "(4)"18 AMENDMENT NO. 1319 On page 3, at the end of line 27, change "person" to "prohibited foreign actor" and on line
20 28 delete "connected with a foreign adversary"21 AMENDMENT NO. 1422 On page 4, at the end of line 4, change "person" to "prohibited foreign actor" and on line 5
23 delete "connected with a foreign adversary"24 AMENDMENT NO. 1525 On page 4, at the end of line 15, insert "Nonpublic personal information may be excluded
26 from the report, deposition, or other testimony."27 AMENDMENT NO. 1628 On page 5, line 14, change "(6)" to "(5)"29 AMENDMENT NO. 1730 On page 5, line 16, change "(7)" to "(6)" and change "person" to "prohibited foreign actor"
31 and at the beginning of line 17 delete "connected with a foreign adversary"32 AMENDMENT NO. 1833 On page 5, line 19, change "(8)" to "(7)"34 AMENDMENT NO. 1935 On page 5, line 22, change "(9)" to "(8)"36 AMENDMENT NO. 2037 On page 5, at the end of line 23, delete "person connected" and at the beginning of line 24
38 delete "with a foreign adversary" and insert "prohibited foreign actor"39 AMENDMENT NO. 2140 On page 6, line 8, delete "person connected with a foreign adversary" and insert "prohibited
41 foreign actor in accordance with the provisions of this Section"

1 AMENDMENT NO. 22

2 On page 6, line 9, change "(10)" to "(9)"

3 AMENDMENT NO. 23

4 On page 6, line 11, after "adversary" and before "to divest" insert "or prohibited foreign
5 actor"

6 AMENDMENT NO. 24

7 On page 6, line 12, after "foreign adversary" and before the period ":" insert "or prohibited
8 foreign actor"

9 AMENDMENT NO. 25

10 On page 6, line 14, after "by" and before "mail" insert "certified"

11 AMENDMENT NO. 26

12 On page 6, line 15, change "(11)" to "(10)"

13 AMENDMENT NO. 27

14 On page 6, line 23, after "adversary" and before "or any" insert ", prohibited foreign actor,"

15 AMENDMENT NO. 28

16 On page 6, line 27, change "(12)" to "(11)" and after "adversary" and before "fails" insert "or
17 prohibited foreign actor"

18 AMENDMENT NO. 29

19 On page 6, line 28, change "(10)" to "(9)"

20 AMENDMENT NO. 30

21 On page 7, line 1, change "(11)" to "(10)"

22 AMENDMENT NO. 31

23 On page 7, line 10, change "(13)" to "(12)"

24 AMENDMENT NO. 32

25 On page 7, line 11, change "(11)" to "(10)"

26 AMENDMENT NO. 33

27 On page 7, line 16, change, "(14)" to "(13)"

28 AMENDMENT NO. 34

29 On page 7, line 23, after "adversary or" delete the remainder of the line and delete line 24
30 and insert "the prohibited foreign actor."

31 AMENDMENT NO. 35

32 On page 7, line 26 after "in indivision" and before "shall" insert ", lease, servitude, usufruct,
33 right of use, bond for deed, or other real right"

34 AMENDMENT NO. 36

35 On page 8, line 4, after "within" and before "days" delete "seven" and insert "three business"

36 AMENDMENT NO. 37

37 On page 8, delete lines 11 through 17 and insert the following:

38 "(6) Notice of pending forfeiture, seizure, or divestiture shall be provided by the
39 attorney general to the holder of any interest in the immovable property being seized.

40 "(7) The attorney general shall cause the petition or other pleading to be cancelled
41 from the mortgage records no later than three business days after judgment is rendered or
42 after a request for cancellation is made by any interested party seeking to transfer the

1 property to a person other than a foreign adversary or a prohibited foreign actor. If the
2 petition or other pleading relates to a property interest vested in a foreign adversary or a
3 prohibited foreign actor, the attorney general may petition the court for an order requiring
4 the proceeds of the sale attributable to the property interest of the foreign adversary or a
5 prohibited foreign actor after the deduction of payments to mortgagees, lienholders, person
6 providing services in connection with the transfer of the property, and credits to the
7 purchaser relating to tax and other customary prorations, be deposited in the registry of the
8 court in which the proceeding is pending.

9 E. No attorney, title insurer, title insurance producer, title insurance agency producer,
10 lender, mortgage servicer, notary public, real estate agent, real estate broker, seller, or lessor,
11 or any of their directors, officers, or employees shall have a duty to make any investigation
12 as to whether a party to a transaction involving immovable property is a foreign adversary
13 or prohibited foreign actor, nor shall any such person be liable for failing to identify that a
14 party to a transaction involving immovable property is a foreign adversary or prohibited
15 foreign actor.

16 F. The provisions of this Section shall apply only to property acquired by a foreign
17 adversary or prohibited foreign actor after August 1, 2023. If a foreign adversary or
18 prohibited foreign actor acquires immovable property despite the prohibitions contained
19 herein, the property shall only be subject to forfeiture during the period in which the foreign
20 adversary or prohibited foreign actor owns the property. Rights in immovable property shall
21 not be void or voidable because the property or right therein previously was held by a
22 foreign adversary or prohibited foreign actor."