

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 388

AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 21-49 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

ARTICLE 49. POSTSECONDARY EDUCATIONAL INSTITUTION TRANSPARENCY

Chapter 1. Disclosures by Postsecondary Educational Institutions of Foreign Gifts and Contracts

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Contract" has the meaning set forth in 20 U.S.C. 1011f(h)(1).
- (2) "Foreign source" has the meaning set forth in 20 U.S.C. 1011f(h)(2).
- (3) "Gift" has the meaning set forth in 20 U.S.C. 1011f(h)(3).
- (4) "Institution" has the meaning set forth in 20 U.S.C. 1011f(h)(4) and refers only to an institution located in Indiana.
- (5) "Restricted or conditional gift or contract" has the meaning set forth in 20 U.S.C. 1011f(h)(5).

Sec. 2. Whenever any institution is owned or controlled by a foreign source or receives a gift from or enters into a contract (including any restricted or conditional gift or contract) with a foreign source the value of which meets the reporting threshold set forth in 20 U.S.C. 1011f, the institution shall submit a disclosure

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report to the Indiana commissioner for higher education.

Sec. 3. The institution shall submit the disclosure report to the Indiana commissioner for higher education with the same information required to be reported in the disclosure report described in 20 U.S.C. 1011f and at the same time the institution files the disclosure report under 20 U.S.C. 1011f.

Sec. 4. An institution subject to the disclosure requirement set forth in this chapter shall enter the information described in 20 U.S.C. 1011f(b) and 20 U.S.C. 1011f(c)(2) on the commission's Internet web site. However, nothing in this section may be construed to authorize the commission to post information that is confidential or proprietary.

Sec. 5. The commission shall send copies of all reports described in section 2 of this chapter to the attorney general, in a manner prescribed by the attorney general.

Sec. 6. If it appears that an institution has failed to comply with the requirements of this chapter, a civil action may be brought by the attorney general or at the request of:

- (1) a member of the general assembly;
- (2) the governor;
- (3) a member of the commission;
- (4) a member of the Indiana state board of education; or
- (5) an Indiana taxpayer;

in a circuit or superior court to request the court to compel compliance with the requirements of this chapter if the complaint includes a signed affidavit affirming that an institution is not in compliance with the requirements of this chapter.

Sec. 7. An institution shall pay to the attorney general the full costs to the state of obtaining compliance, including all associated costs of investigation and enforcement if the institution is found to have knowingly or willingly failed to comply with the requirements of this chapter.

SECTION 2. IC 32-22-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 3. Rights of a Foreign Business Entity to Hold and Convey Agricultural Land

Sec. 0.5. (a) The prohibition on ownership of agricultural land established by this chapter does not apply to the following:

- (1) Agricultural land that is used for research or experimental purposes, including testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock.



(2) The acquisition by a foreign business entity of agricultural land or an interest in agricultural land that is located within Indiana:

(A) that is used for crop farming and that is not more than three hundred twenty (320) acres; or

(B) that is used for timber production and that is not more than ten (10) acres.

(3) As used in this subdivision, "confined feeding operation" has the meaning set forth in IC 13-11-2-40. The acquisition by a foreign business entity of a confined feeding operation or agricultural land on which to construct a confined feeding operation.

(4) Agricultural land used for raising or producing eggs or poultry, including hatcheries and other ancillary activities.

(b) This chapter does not affect the ability of a foreign business entity to hold or acquire by grant, purchase, devise, descent, or otherwise agricultural land in such acreage as may be necessary to its business operations for purposes other than crop farming or timber production.

Sec. 1. As used in this chapter, "agricultural land" means land for use in crop farming or timber production.

Sec. 2. As used in this chapter, "crop farming" means the cultivation of land for the production of agricultural crops, consisting of plants or plant products that can be grown and harvested exclusively for profit or subsistence.

Sec. 3. (a) As used in this chapter, "foreign business entity" means:

(1) a corporation, professional corporation, nonprofit corporation, limited liability company, partnership, or limited partnership that is organized under the laws of another country; or

(2) the equivalent of any entity described in subdivision (1).

(b) The term includes an agent, trustee, or fiduciary of the foreign business entity.

Sec. 4. (a) Except as provided in section 0.5 of this chapter, after June 30, 2022, a foreign business entity may not acquire by grant, purchase, devise, descent, or otherwise any agricultural land located within Indiana for the purposes of crop farming or timber production.

(b) Except as provided in section 0.5 of this chapter, a foreign business entity that acquired agricultural land located within Indiana for the purposes of crop farming before July 1, 2022, may



not grant, sell, or otherwise transfer the agricultural land to any other foreign business entity for the purposes of crop farming after June 30, 2022.

Sec. 5. In the case of agricultural land for which development of the agricultural land for a purpose other than crop farming or timber production is pending, the agricultural land may be leased to a person who is not subject to this chapter for crop farming or timber production.

Sec. 6. (a) A foreign business entity that acquires, sells, or transfers agricultural land located within Indiana for the purposes of crop farming or timber production after June 30, 2022, must report the acquisition, sale, or transfer to:

- (1) the secretary of state; and
- (2) the attorney general;

not later than thirty (30) days after the acquisition, sale, or transfer of the agricultural land is finalized. The report must be made in the form and manner prescribed by the secretary of state. The attorney general shall review the reports that the attorney general receives under this subsection and investigate an acquisition, sale, or transfer of agricultural land if the attorney general believes the acquisition, sale, or transfer of agricultural land violates section 4 of this chapter.

(b) All agricultural land acquired, sold, or transferred in violation of section 4 of this chapter is subject to forfeiture to the state. The attorney general shall enforce a forfeiture under this subsection.

SECTION 3. IC 32-22-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 4. Rights of a Foreign Business Entity from the Russian Federation to Hold and Convey Real Property

Sec. 1. A corporation, professional corporation, nonprofit corporation, limited liability company, partnership, limited partnership, or other business entity that is:

- (1) organized under the laws of the Russian Federation; or
- (2) wholly controlled by a citizen or citizens of the Russian Federation who are not legal residents of the United States;

may not acquire by grant, purchase, devise, descent, or otherwise any real property located within Indiana.

Sec. 2. This chapter expires June 30, 2023.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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