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## Farm Ownership & Corporate Farming Laws: *Indiana*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

# A National Agricultural Law Center Research Publication

## Farm Ownership & Corporate Farming Laws: Indiana

### Fast Find:

- 1) Prohibition: Ind. Code Ann. §§ 32-22-3-0.5 to 32-22-3-6
- 2) Permission: Ind. Code Ann. §§ 32-22-2-1; 32-22-2-5
- 3) Reporting: Ind. Code Ann. § 32-22-3-6
- 4) Corporate Farming: §§ 32-22-3-0.5 to 32-22-3-6

### Ind. Code Ann. § 32-22-2-1

### Ind. Code Ann. § 32-22-2-5

### Ind. Code Ann. §§ 32-22-3-0.5 to 32-22-3-6

*Current through laws passed by the 2021 Regular Session of the 122<sup>nd</sup> Indiana General Assembly effective through July 1, 2021.*

#### **§ 32-22-2-1. Alien ownership prior to November 1, 1851**

Sec. 1. The title of any resident of Indiana who was in actual possession of any land on or before November 1, 1851, or the title of any person holding under the resident may not be defeated or prejudiced by:

- (1) the alienism of the resident; or
- (2) the alienism of any other person through whom the resident's title was derived.

#### **§ 32-22-2-5. Natural persons who are aliens; right to acquire, hold and convey real estate**

Sec. 5. (a) Natural persons who are aliens, whether they reside in the United States or any foreign country, subject to section 7 of this chapter, may:

- (1) acquire real estate by purchase, devise, or descent;
- (2) hold and enjoy real estate; and
- (3) convey, devise, transmit, mortgage, or otherwise encumber real estate;

in the same manner and with the same effect as citizens of Indiana or the United States.

(b) The title of any real estate inherited, mortgaged, conveyed, or devised is not affected by the alienage of any person from or through whom the title is claimed or derived.



### § 32-22-3. 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.

