

SECOND REGULAR SESSION

HOUSE BILL NO. 2161

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURST.

5920H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 442.571, RSMo, and to enact in lieu thereof one new section relating to foreign ownership of agricultural land.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 442.571, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.571, to read as follows:

442.571. 1. Except as provided in sections 442.586 and 442.591, ~~[no alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer of any agricultural land in this state shall be submitted to the director of the department of agriculture for review in accordance with subsection 3 of this section only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser]~~ **beginning August 28, 2018, no alien or foreign business shall acquire by grant, purchase, devise, descent, or otherwise any agricultural land in this state. Any alien or foreign business who acquired any agricultural land in this state prior to August 28, 2018, shall not grant, sell, or otherwise transfer such agricultural land to any other alien or foreign business on or after August 28, 2018.** No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as he or she

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 holds an interest in the land, provided, however, that no security interest in such agricultural land
19 shall be divested or invalidated by such violation.

20 3. Subject to the provisions of subsection 1 of this section, ~~[such]~~ **all** proposed
21 ~~[acquisitions]~~ **transfers on or after August 28, 2018**, by grant, purchase, devise, descent, or
22 otherwise of **any interest in** agricultural land **held by any alien or foreign business** in this state
23 shall be submitted to the department of agriculture to determine whether such ~~[acquisition]~~
24 **transfer** of agricultural land is conveyed in accordance with the ~~[one percent restriction on the~~
25 ~~total aggregate]~~ **prohibition on** alien and foreign ownership of agricultural land in this state
26 **under this section**. The department shall establish by rule the requirements for submission and
27 approval of requests under this subsection.

28 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
29 under the authority delegated in this section shall become effective only if it complies with and
30 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
31 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
32 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
33 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
34 proposed or adopted after August 28, 2014, shall be invalid and void.

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