

FIRST REGULAR SESSION

# HOUSE BILL NO. 499

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOYD.

1034H.011

DANA RADEMAN MILLER, 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Section A. Section 442.571, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.571, to read as follows: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, 2023, 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, 2023, shall not grant, sell, or otherwise transfer such agricultural land to any other alien or foreign business on or after August 28, 2023.** 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

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 ~~[he or she]~~ **the alien or foreign business** holds an interest in the land, provided, however, that  
19 no security interest in such agricultural land 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, 2023**, by grant, purchase, devise, descent, or  
22 otherwise of **any interest in** agricultural land **held by any alien or foreign business** in this  
23 state shall be submitted to the department of agriculture to determine whether such  
24 ~~[acquisition]~~ **transfer** of agricultural land is conveyed in accordance with the ~~[one percent~~  
25 ~~restriction on the total aggregate]~~ **prohibition on** alien and foreign ownership of agricultural  
26 land in this state **under this section**. The department shall establish by rule the requirements  
27 for submission and approval of requests under this subsection.

28 4. **(1) A foreign business that holds any interest in agricultural land shall divest**  
29 **such interest in such agricultural land before August 28, 2028.**

30 **(2) The department of agriculture shall:**

31 **(a) Compile a list of agricultural land in which a foreign business holds an**  
32 **interest;**

33 **(b) Notify each such foreign business before January 1, 2024, that such foreign**  
34 **business is required under this section to divest any interest in agricultural land before**  
35 **August 28, 2028, and that failure to divest such interest shall be reported as a violation**  
36 **under section 442.576;**

37 **(c) Track the divesting of all interests in agricultural land listed under this**  
38 **subsection; and**

39 **(d) On August 28, 2028, report any failure to divest such interest as a violation**  
40 **under section 442.576.**

41 **(3) This subsection shall not be construed to require any foreign business to**  
42 **divest such interest in agricultural land for less than fair market value.**

43 **(4) No foreign business holding an interest in agricultural land that appears on**  
44 **the department's list compiled under subdivision (2) of this subsection shall be reported**  
45 **for a violation under 442.576 unless such foreign business fails to divest and continues to**  
46 **hold such interest on August 28, 2028.**

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