

HOUSE BILL NO. HB0088

Foreign ownership of agricultural land-prohibited.

Sponsored by: Representative(s) Banks, Allemand, Haroldson
and Pendergraft and Senator(s) French,
Laursen, D and Salazar

A BILL

for

1 AN ACT relating to property; restricting foreign ownership
2 of agricultural land in Wyoming as specified; defining
3 terms; requiring registration as specified; authorizing
4 enforcement of ownership restrictions as specified;
5 providing a civil penalty; requiring the inclusion of
6 notices of foreign ownership in assessment schedules and
7 tax statements; specifying applicability; requiring
8 rulemaking; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 34-15-104 is created to read:

13

14 **34-15-104. Restriction on foreign ownership of**
15 **agricultural land; registration; penalty; enforcement.**

1

2 (a) As used in this section:

3

4 (i) "Agricultural land" means any land that is
5 located outside the exterior boundaries of any incorporated
6 city or town that is used principally for farming or
7 ranching or for:

8

9 (A) The cultivation of the soil for
10 production of crops;

11

12 (B) The production of timber products or
13 grasses for forage;

14

15 (C) The rearing, feeding, grazing or
16 management of livestock;

17

18 (D) A farmstead structure; or

19

20 (E) Any other agricultural purpose.

21

22 (ii) "Foreign business" means a corporation
23 incorporated under the laws of a foreign government or a

1 business entity, whether or not incorporated, in which a
2 majority interest is owned or controlled directly or
3 indirectly by foreign persons or by a foreign government.
4 Legal entities including trusts, holding companies,
5 multiple corporations or other entities with other business
6 arrangements shall not affect the determination of
7 ownership or control of a foreign business;

8

9 (iii) "Foreign government" means a government
10 other than:

11

12 (A) The government of the United States or
13 its states, localities, territories or possessions;

14

15 (B) The government of any federally or
16 state recognized Indian tribe or band.

17

18 (iv) "Foreign person" means a person who is not
19 either:

20

21 (A) A citizen of the United States; or

22

1 (B) A person lawfully admitted into the
2 United States for permanent residence by the United States
3 immigration and naturalization service, including a person
4 whose lawful permanent resident status is conditional.

5
6 (b) No foreign government, foreign business or
7 foreign person, or any agent, trustee or fiduciary thereof,
8 shall purchase or otherwise acquire agricultural land in
9 Wyoming. A foreign government, foreign business or foreign
10 person, or any agent, trustee or fiduciary thereof, that
11 owns or holds agricultural land in Wyoming on July 1, 2023
12 may continue to own or hold the agricultural land but shall
13 not sell or otherwise dispose of the agricultural land to
14 another foreign government, foreign business or foreign
15 person.

16
17 (c) A foreign business, foreign government or foreign
18 person, or any agent, trustee or fiduciary thereof, that
19 owns an interest in agricultural land in Wyoming in
20 accordance with subsection (b) of this section on or after
21 July 1, 2023 shall register the ownership of the
22 agricultural land with the secretary of state. The
23 registration shall be in a form and manner prescribed by

1 the secretary of state and shall contain the name of the
2 owner, the location of the agricultural land, the number of
3 acres of the agricultural land by county and, if the owner
4 is an agent, trustee or fiduciary of a foreign business,
5 foreign government or foreign person, the name of any
6 principal for whom that agricultural land was purchased or
7 acquired. The registration shall be made not later than
8 sixty (60) days after July 1, 2023 and shall be updated
9 annually on or before March 31 of each year.

10

11 (d) A foreign business, foreign government or a
12 foreign person, or any agent, trustee or fiduciary thereof,
13 who fails to register or timely register agricultural land
14 as required by subsection (c) of this section shall be
15 liable for a civil penalty of five thousand dollars
16 (\$5,000.00) for each day that the foreign business, foreign
17 government or a foreign person, or any agent, trustee or
18 fiduciary thereof, is not in compliance with subsection (c)
19 of this section.

20

21 (e) Each county clerk shall report to the secretary
22 of state if a foreign entity, foreign government or foreign
23 person, or any agent, trustee or fiduciary thereof,

1 purchases or acquires agricultural land in the county in
2 violation of this section or if the clerk suspects that
3 agricultural land was purchased or acquired in the county
4 by a foreign entity, foreign government or foreign person.

5

6 (f) The secretary of state shall report any violation
7 of this section to the attorney general if the secretary of
8 state finds that a foreign business, foreign government or
9 a foreign person, or any agent, trustee or fiduciary
10 thereof, has acquired or holds title to or an interest in
11 agricultural land in Wyoming in violation of this section
12 or has failed to register as required by this section. The
13 attorney general may take any action necessary to enforce
14 the provisions of this section, including initiating an
15 action in the district court of any county in which the
16 agricultural land is located.

17

18 **Section 2.** W.S. 39-13-103(b)(viii) and
19 39-13-107(b)(i)(C) are amended to read:

20

21 **39-13-103. Imposition.**

22

23 (b) Basis of tax. The following shall apply:

1

2 (viii) Every assessment schedule sent to a
3 taxpayer shall contain the property's estimated fair market
4 value for the current and previous year, or, productive
5 value in the case of agricultural property. The schedule
6 shall also contain the assessment ratio as provided by
7 paragraph (b)(iii) of this section for the taxable
8 property, the amount of taxes assessed on the taxable
9 property from the previous year, and an estimate of the
10 taxes which will be due and payable for the current year
11 based on the previous year's mill levies. The schedule
12 shall also contain information stating that foreign
13 ownership of agricultural land in Wyoming is prohibited and
14 describing the requirement to register foreign ownership of
15 agricultural land with the secretary of state as provided
16 by W.S. 34-15-104. The schedule shall contain a statement
17 of the process to contest assessments as prescribed by W.S.
18 39-13-109(b)(i);

19

20 **39-13-107. Compliance; collection procedures.**

21

22 (b) The following provisions shall apply to the
23 payment of taxes, distraint of property and deferral:

1

2 (i) The following shall apply to the payment of
3 taxes due:

4

5 (C) Annually, on or before October 10 the
6 county treasurer shall send a written statement to each
7 taxpayer by mail at his last known address or, if offered
8 by the county and upon request of the taxpayer, by
9 electronic transmission of the total tax due, itemized as
10 to property description, assessed value and mill levies.
11 The notice shall contain information, including contact
12 information, of any property tax relief program authorized
13 by state law. The notice shall contain information stating
14 that foreign ownership of agricultural land in Wyoming is
15 prohibited and describing the requirement to register
16 foreign ownership of agricultural land with the secretary
17 of state as provided by W.S. 34-15-104. Failure to send
18 notice, or to demand payment of taxes, does not invalidate
19 any taxes due;

20

21 **Section 3.** Except as provided in W.S. 34-15-104(b),
22 as created by section 1 of this act, nothing in this act

1 shall be construed to divest, extinguish or sever any
2 interest in or claim to agricultural land in Wyoming.

3

4 **Section 4.** The secretary of state shall promulgate
5 all rules necessary to implement the provisions of this
6 act.

7

8 **Section 5.** This act is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13

(END)