

FIRST REGULAR SESSION

SENATE BILL NO. 76

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

0877S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 442.571 and 442.576, RSMo, and to enact in lieu thereof two new sections relating to the foreign ownership of agricultural land.

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

Section A. Sections 442.571 and 442.576, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 442.571 and 442.576, to read as follows:

442.571. 1. Except as provided in sections 442.586
2 and 442.591, no alien or foreign business shall acquire by
3 grant, purchase, devise, descent or otherwise agricultural
4 land in this state [if the total aggregate alien and foreign
5 ownership of agricultural acreage in this state exceeds one
6 percent of the total aggregate agricultural acreage in this
7 state. A sale or transfer of any agricultural land in this
8 state shall be submitted to the director of the department
9 of agriculture for review in accordance with subsection 3 of
10 this section only if there is no completed Internal Revenue
11 Service Form W-9 signed by the purchaser]. No person may
12 hold agricultural land as an agent, trustee, or other
13 fiduciary for an alien or foreign business [in violation of
14 sections 442.560 to 442.592, provided, however, that no
15 security interest in such agricultural land shall be
16 divested or invalidated by such violation].

17 2. Any alien or foreign business who acquires
18 agricultural land in violation of sections 442.560 to

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 [442.592] **442.591** remains in violation of sections 442.560
20 to [442.592] **442.591** for as long as he or she holds an
21 interest in the land, provided, however, that no security
22 interest in such agricultural land shall be divested or
23 invalidated by such violation.

24 [3. Subject to the provisions of subsection 1 of this
25 section, such proposed acquisitions by grant, purchase,
26 devise, descent, or otherwise of agricultural land in this
27 state shall be submitted to the department of agriculture to
28 determine whether such acquisition of agricultural land is
29 conveyed in accordance with the one percent restriction on
30 the total aggregate alien and foreign ownership of
31 agricultural land in this state. The department shall
32 establish by rule the requirements for submission and
33 approval of requests under this subsection.

34 4. Any rule or portion of a rule, as that term is
35 defined in section 536.010, that is created under the
36 authority delegated in this section shall become effective
37 only if it complies with and is subject to all of the
38 provisions of chapter 536 and, if applicable, section
39 536.028. This section and chapter 536 are nonseverable and
40 if any of the powers vested with the general assembly
41 pursuant to chapter 536 to review, to delay the effective
42 date, or to disapprove and annul a rule are subsequently
43 held unconstitutional, then the grant of rulemaking
44 authority and any rule proposed or adopted after August 28,
45 2014, shall be invalid and void.]

442.576. 1. If the director finds that an alien or
2 foreign business or an agent, trustee, or other fiduciary
3 therefor has acquired agricultural land in Missouri [in
4 violation of sections 442.560 to 442.592] **after August 28,**
5 **2023,** or the land ceases to be used for nonagricultural

6 purposes under section 442.591, he or she shall report the
7 violation to the attorney general.

8 2. The attorney general shall institute an action in
9 the circuit court of Cole County or the circuit court in any
10 county in which agricultural land owned by the alien or
11 foreign business, agent, trustee or other fiduciary, alleged
12 to have violated sections 442.560 to [442.592] **442.591**, is
13 located.

14 3. The attorney general shall file a notice of the
15 pendency of the action with the recorder of deeds of each
16 county in which any portion of such agricultural lands is
17 located. If the court finds that the lands in question have
18 been acquired in violation of sections 442.560 to [442.592]
19 **442.591**, it shall enter an order so declaring and shall file
20 a copy of the order with the recorder of deeds of each
21 county in which any portion of the agricultural lands is
22 located. The court shall order the owner to divest himself
23 of the agricultural land. The owner must comply with the
24 order within two years. The two-year limitation period
25 shall be a covenant running with the title to the land
26 against any alien grantee or assignee. Provided, however,
27 an incorporated foreign business must divest itself of
28 agricultural land within the minimum time required by
29 Article XI, Section 5, of the Missouri Constitution. Any
30 agricultural lands not divested within the time prescribed
31 shall be ordered sold by the court at a public sale in the
32 manner prescribed by law for the foreclosure of a mortgage
33 on real estate for default in payment.

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