

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 29

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DUGGER.

0380H.01P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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Section A. Section 442.571, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.571, to read as follows: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. [No such] **A sale[, or transfer[, or acquisition]** of any agricultural land in this state shall [occur unless such sale, transfer, or acquisition is approved by] **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**. 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 holds an interest in the land, **provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation**.

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.

16           3. **[All] Subject to the provisions of subsection 1 of this section,** such proposed  
17 acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state  
18 shall be submitted to the department of agriculture to determine whether such acquisition of  
19 agricultural land is conveyed in accordance with the one percent restriction on the total aggregate  
20 alien and foreign ownership of agricultural land in this state. The department shall establish by  
21 rule the requirements for submission and approval of requests under this subsection.

22           4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
23 under the authority delegated in this section shall become effective only if it complies with and  
24 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
25 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
26 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
27 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
28 proposed or adopted after August 28, 2013, shall be invalid and void.

          Section B. Because immediate action is necessary to ensure the ability of citizens to  
2 obtain timely financing for the purchase of agricultural land, the repeal and reenactment of this  
3 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and  
5 the repeal and reenactment of this act shall be in full force and effect upon its passage and  
6 approval.

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