

## HOUSE BILL NO. HB0168

Foreign ownership of Wyoming agricultural lands.

Sponsored by: Representative(s) Banks, Allred, Conrad,  
Crago, Western and Winter and Senator(s)  
Barlow, Cooper and French

A BILL

for

1 AN ACT relating to property, conveyances and security  
2 transactions; prohibiting ownership of agricultural land by  
3 nonresident aliens, foreign businesses and foreign  
4 governments as specified; providing exceptions; requiring  
5 registration of agricultural lands; requiring reports;  
6 providing a penalty; providing for the escheat of  
7 agricultural lands as specified; providing definitions;  
8 requiring rulemaking; specifying applicability; and  
9 providing for effective dates.

10

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

12

13 **Section 1.** W.S. 34-15-201 through 34-15-206 are  
14 created to read:

15

1

## ARTICLE 2

2

## NONRESIDENT ALIEN AGRICULTURAL LAND OWNERSHIP

3

4

**34-15-201. Definitions.**

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6

(a) As used in this article:

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8

(i) "Agricultural land" means land suitable for an agricultural purpose as defined in W.S. 39-13-101(a)(viii) and any interest in land suitable for an agricultural purpose as defined in W.S. 39-13-101(a)(viii);

12

13

(ii) "Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. "Farming" includes the production of timber, forest products, nursery products or sod. As used in this article, "farming" does not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm services;

23

1           (iii) "Foreign business" means a corporation  
2 incorporated under the laws of a foreign country, or a  
3 business entity whether or not incorporated, in which a  
4 majority interest is owned directly or indirectly by  
5 nonresident aliens. Legal entities, including but not  
6 limited to trusts, holding companies, multiple corporations  
7 and other business arrangements, shall not affect the  
8 determination of ownership or control of a foreign  
9 business;

10

11           (iv) "Foreign government" means a government  
12 other than the government of the United States, its states,  
13 territories or possessions;

14

15           (v) "Lessee" means a nonresident alien, foreign  
16 business or foreign government, or an agent, trustee or  
17 fiduciary thereof acting on behalf of the nonresident  
18 alien, foreign business foreign government, or any other  
19 trade or business, that is under the lessee's common  
20 control as provided in 26 U.S.C. § 414;

21

22           (vi) "Nonresident alien" means any person who is  
23 not either:

1

2 (A) A citizen of the United States;

3

4 (B) A person lawfully admitted into the  
5 United States for permanent residence. A person is lawfully  
6 admitted for permanent residence regardless of whether the  
7 person's lawful permanent resident status is conditional.

8

9 **34-15-202. Alien rights in real property; restriction**  
10 **on agricultural land holdings; exceptions.**

11

12 (a) A nonresident alien, foreign business or foreign  
13 government:

14

15 (i) May acquire, by grant, purchase, devise or  
16 descent, real property, except as otherwise specified in  
17 this section;

18

19 (ii) Shall not acquire agricultural land in  
20 Wyoming;

21

1           (iii) May own, hold, devise or alienate real  
2 property the nonresident alien, foreign business or foreign  
3 government is entitled to hold;

4

5           (iv) Shall incur the same duties and liabilities  
6 associated with the ownership of real property as a citizen  
7 and resident of the United States would incur.

8

9           (b) Except as otherwise provided in this article, no  
10 nonresident alien, foreign business or foreign government,  
11 or an agent, trustee or fiduciary thereof, shall purchase  
12 or otherwise acquire agricultural land in this state. A  
13 nonresident alien, foreign business or foreign government,  
14 or any agent, trustee or fiduciary thereof that owns or  
15 holds agricultural land in this state on July 1, 2024, may  
16 continue to own or hold the agricultural land, but shall  
17 not purchase or otherwise acquire additional agricultural  
18 land in this state.

19

20           (c) A person who acquires agricultural land in  
21 violation of this article or who fails to convert any land  
22 to the purpose other than farming within five (5) years, as  
23 provided for in this article, remains in violation of this

1 article for as long as the person holds an interest in the  
2 agricultural land.

3

4 (d) The restriction on the purchase or acquisition of  
5 agricultural land by a nonresident alien, foreign business  
6 or foreign government or any agent, trustee or fiduciary  
7 thereof pursuant to subsection (b) of this section shall  
8 not apply to the following:

9

10 (i) Agricultural land acquired by devise or  
11 descent;

12

13 (ii) A bona fide encumbrance on agricultural  
14 land taken for purposes of security;

15

16 (iii) Agricultural land acquired by a process of  
17 law in the collection of debts, by a deed in lieu of  
18 foreclosure, pursuant to a forfeiture of a contract for  
19 deed or by any procedure for the enforcement of a lien or  
20 claim on the agricultural land. Agricultural land acquired  
21 under this paragraph shall be sold or otherwise disposed of  
22 not later than two (2) years after title is transferred.

23 Pending the sale or disposition of the agricultural land,

1 the agricultural land shall not be used for any purpose  
2 other than farming except under lease to a person, trust,  
3 corporation, partnership or other business entity not  
4 subject to the restriction on agricultural land holdings  
5 pursuant to subsection (b) of this section. Agricultural  
6 land that has been acquired pursuant to this paragraph  
7 shall not be acquired or utilized by the nonresident alien,  
8 foreign business, foreign government or any agent, trustee  
9 or fiduciary thereof under paragraphs (iv) or (v) of this  
10 subsection;

11

12 (iv) Agricultural land acquired for research or  
13 experimental purposes. Agricultural land is used for  
14 research or experimental purposes if one (1) or more of the  
15 following conditions apply:

16

17 (A) Research or experimental activities are  
18 undertaken on the agricultural land, and commercial sales  
19 of products produced from farming the agricultural land do  
20 not occur or are incidental to the research or experimental  
21 purposes. Commercial sales shall be considered incidental  
22 to the research or experimental purposes when the sales are  
23 less than twenty-five percent (25%) of the gross sales of

1 the primary product of the research or experimental  
2 purposes;

3

4 (B) The agricultural land is used for the  
5 primary purpose of testing, developing or producing seeds  
6 or plants for sale or resale to farmers as seed stock.  
7 Grain or seeds that are not sold as seed stock is an  
8 incidental sale and shall be less than twenty-five percent  
9 (25%) of the gross sales of the primary product of the  
10 research or experimental activities;

11

12 (C) The agricultural land is used for the  
13 primary purpose of testing, developing or producing animals  
14 for sale or resale to farmers as breeding stock when the  
15 following conditions are satisfied:

16

17 (I) The nonresident alien, foreign  
18 business or foreign government or any agent, trustee or  
19 fiduciary of the alien, business or government shall not  
20 hold the agricultural land other than under a lease  
21 contract and the term of the lease shall be for not more  
22 than ten (10) years and the lease shall not be renewed;

23



1                   (II) No term or condition of sale,  
2 including resale, of seed stock or breeding stock shall  
3 relate to the direct or indirect control by the lessee of  
4 the breeding stock or breeding stock progeny subsequent to  
5 the sale;

6

7                   (III) The lessee shall hold not more  
8 than six hundred forty (640) acres of agricultural land;

9

10                   (IV) The lessee shall deliver a copy  
11 of the lease to the secretary of state. The secretary of  
12 state shall notify the lessee of receipt of the copy of the  
13 lease.

14

15                   (D) The agricultural land is used to sell  
16 test animals. For a three (3) year period beginning on the  
17 date that the lease takes effect, the gross sales for any  
18 year shall not be greater than five hundred thousand  
19 dollars (\$500,000.00). After the three (3) year period  
20 ends, the gross sales for any year shall not be greater  
21 than twenty-five percent (25%) of the gross sales for that  
22 year of the breeding stock or five hundred thousand dollars  
23 (\$500,000.00), whichever is less.

1

2 (e) A nonresident alien, foreign business or foreign  
3 government, or any agent, trustee or fiduciary thereof,  
4 that lawfully owns more than three hundred twenty (320)  
5 acres may continue to own or hold the agricultural land but  
6 shall not purchase or otherwise acquire additional  
7 agricultural land in this state except by devise or descent  
8 from a nonresident alien. Pending the development of  
9 agricultural land for a purpose other than farming, the  
10 land shall not be used for farming except under lease to a  
11 person, trust, corporation, partnership or other business  
12 entity not subject to the restriction on agricultural land  
13 holdings imposed by subsection (b) of this section.

14

15 (f) No nonresident alien, foreign business or foreign  
16 government, or any agent, trustee or fiduciary thereof  
17 shall transfer title to or interest in agricultural land to  
18 a nonresident alien, foreign business or foreign  
19 government, or any agent, trustee or fiduciary thereof  
20 except by devise or descent.

21

1           **34-15-203. Development of agricultural land acquired**  
2 **for nonfarming purposes; agricultural land acquired by**  
3 **devise or descent; change of status; divestment.**

4  
5           (a) A nonresident alien, foreign business or foreign  
6 government, or any agent, trustee or fiduciary thereof that  
7 acquires agricultural land for an immediate or pending  
8 purpose other than farming pursuant to W.S. 34-15-202(e)  
9 shall convert the agricultural land to any purpose other  
10 than farming not later than five (5) years after date of  
11 the acquisition of the agricultural land.

12  
13           (b) Except as otherwise provided in this subsection,  
14 a nonresident alien, foreign business or foreign  
15 government, or any agent, trustee or fiduciary thereof that  
16 acquires agricultural land by devise or descent shall  
17 divest itself of all rights, title and interest in the  
18 agricultural land not later than two (2) years from the  
19 date the agricultural land was acquired. This section shall  
20 not require divestment of agricultural land that was  
21 acquired by devise or descent from a nonresident alien if  
22 the agricultural land was acquired by any nonresident alien  
23 before July 1, 2024.

1

2 (c) A business or person that purchases or otherwise  
3 acquires agricultural land in this state except by devise  
4 or descent and whose status changes so that it becomes a  
5 foreign business or nonresident alien subject to this  
6 article shall divest itself of all right, title and  
7 interest in the agricultural land not later than two (2)  
8 years from the date that the business or person's status  
9 changed.

10

11 **34-15-204. Registration.**

12

13 (a) A nonresident alien, foreign business or foreign  
14 government, or any agent, trustee or fiduciary thereof that  
15 owns agricultural land within this state shall annually  
16 register the agricultural land with the secretary of state  
17 in accordance with this section.

18

19 (b) The registration shall be made not later than  
20 sixty (60) days after any agricultural land was acquired or  
21 September 1 of each year, whichever is later. The  
22 registration shall be in the form and manner prescribed by

1 rule of the secretary of state and shall contain the  
2 following:

3

4 (i) The name of the owner of the agricultural  
5 land;

6

7 (ii) The location and number of acres of the  
8 agricultural land;

9

10 (iii) The name of any principal for whom the  
11 agricultural land was purchased, if the owner of the  
12 agricultural land or owner of the interest in agricultural  
13 land is an agent, trustee or fiduciary of a nonresident  
14 alien, foreign business or foreign government.

15

16 **34-15-205. Reports.**

17

18 (a) A nonresident alien, foreign business or foreign  
19 government, or any agent, trustee or fiduciary thereof that  
20 owns or holds agricultural land not subject to the  
21 restrictions of W.S. 34-15-202(b) because the land was  
22 acquired for a purpose other than farming, shall file a  
23 report with the secretary of state no later than March 31

1 of each year that the nonresident alien, foreign business  
2 or foreign government holds or owns the agricultural land.  
3 The report shall be in the form and manner prescribed by  
4 the secretary of state and shall contain the following:

5

6 (i) The name of the owner of the agricultural  
7 land;

8

9 (ii) The name of any principal for whom the  
10 agricultural land was purchased if the owner of the  
11 agricultural land is an agent, trustee or fiduciary of a  
12 nonresident alien, foreign business or foreign government;

13

14 (iii) The location and number of acres of the  
15 agricultural land;

16

17 (iv) The date the agricultural land was  
18 acquired;

19

20 (v) The immediate or pending purpose other than  
21 farming for which the agricultural land was acquired and  
22 the status of the land's development for the purpose other  
23 than farming;

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2

(vi) The present use of the agricultural land.

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(b) A lessee of agricultural land under W.S. 34-15-202(d)(iv)(C) for research or experimental purposes shall file a report with the secretary of state not later than March 31 of each year on a form prescribed by the secretary of state. The report shall contain the following information for the previous year:

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(i) The name and principal place of business of the lessee;

(ii) The location and number of acres of the agricultural land used for research or experimental purposes;

(iii) The date that the lease became effective;

(iv) The name and address of each person purchasing breeding stock produced on the agricultural land;

1           (v) The number or volume of breeding stock  
2 purchased by each person purchasing breeding stock produced  
3 on the agricultural land.

4

5           **34-15-206. Enforcement; escheat; penalties.**

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7           (a) If the secretary of state finds that a  
8 nonresident alien, foreign business, foreign government or  
9 any agent, trustee or fiduciary thereof has acquired or  
10 holds agricultural land in violation of this article or has  
11 failed to timely register as required under W.S. 34-15-206,  
12 the secretary shall report the suspected violation to the  
13 attorney general.

14

15           (b) Upon receipt of the report from the secretary of  
16 state, the attorney general may initiate an action in the  
17 district court of the county in which the agricultural land  
18 is located.

19

20           (c) The attorney general shall file a notice of the  
21 pendency of any action filed under this section with the  
22 clerk of each county in which any of the agricultural land  
23 is located. If the court finds that the agricultural land



1 in question has been acquired or held in violation of this  
2 article or the required registration has not been timely  
3 filed, it shall enter an order so declaring and shall file  
4 a copy of the order with the clerk of each county in which  
5 any portion of the agricultural land is located.

6  
7 (d) If the court finds that the agricultural land in  
8 question has been acquired in violation of this article or  
9 that the agricultural land has not been converted to any  
10 purpose other than farming within five (5) years pursuant  
11 to W.S. 34-15-203(a), the court shall declare the  
12 agricultural land escheated to the state. When escheat is  
13 decreed by the court, the clerk of court shall notify the  
14 board of land commissioners that the title to the  
15 agricultural land is vested in the state by decree of the  
16 court. Any agricultural land acquired under this article  
17 shall be sold by the board of land commissioners in  
18 accordance with title 36, chapter 9 of Wyoming statutes.  
19 The proceeds of the sale shall be used to pay court costs  
20 and the remaining proceeds, if any, shall be paid to the  
21 person divested of the property but only in an amount not  
22 exceeding the actual cost paid by the person for the  
23 agricultural land. Proceeds remaining after the payment of

1 court costs and the payment to the person divested of the  
2 agricultural land shall be credited to the general fund of  
3 the county or counties in which the agricultural land is  
4 located in proportion to the part of the agricultural land  
5 in each county.

6

7 (e) A civil penalty of not more than two thousand  
8 dollars (\$2,000.00) shall be imposed, for each violation,  
9 upon a nonresident alien, foreign business or foreign  
10 government, or any agent, trustee or fiduciary thereof who  
11 fails to timely file a report as required by W.S.  
12 34-15-205.

13

14 **Section 2.** This act shall apply to acquisitions of  
15 agricultural land by nonresident aliens, foreign  
16 businesses, foreign governments, or any agents, trustees or  
17 fiduciaries on and after July 1, 2024.

18

19 **Section 3.** The secretary of state shall promulgate  
20 all rules necessary to implement the provisions of this act  
21 not later than July 1, 2024.

22

1           **Section 4.**

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3           (a) Except as otherwise provided by subsection (b) of  
4 this section, this act is effective July 1, 2024.

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6           (b) Sections 3 and 4 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

10

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(END)