

FIRST REGULAR SESSION

# SENATE BILL NO. 292

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time January 22, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1439S.011

## AN ACT

To repeal sections 442.571 and 442.586, RSMo, and to enact in lieu thereof two new sections relating to 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Section A. Sections 442.571 and 442.586, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 442.571 and 442.586, to  
3 read as follows:

442.571. 1. Except as provided in sections 442.586 and 442.591, no alien  
2 or foreign business shall acquire by grant, purchase, devise, descent or otherwise  
3 agricultural land in this state if the total aggregate alien and foreign ownership  
4 of agricultural acreage in this state exceeds **one-half of** one percent of the total  
5 aggregate agricultural acreage in this state. No such sale, transfer, or acquisition  
6 of any agricultural land in this state shall occur unless such sale, transfer, or  
7 acquisition is approved by the director of the department of agriculture in  
8 accordance with subsection 3 of this section. No person may hold agricultural  
9 land as an agent, trustee, or other fiduciary for an alien or foreign business in  
10 violation of sections 442.560 to 442.592.

11 2. Any alien or foreign business who acquires agricultural land in  
12 violation of sections 442.560 to 442.592 remains in violation of sections 442.560  
13 to 442.592 for as long as he or she holds an interest in the land.

14 3. All such proposed acquisitions by grant, purchase, devise, descent, or  
15 otherwise of agricultural land in this state shall be submitted to the department  
16 of agriculture to determine whether such acquisition of agricultural land is  
17 conveyed in accordance with the one percent restriction on the total aggregate  
18 alien and foreign ownership of agricultural land in this state. The department

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

19 shall establish by rule the requirements for submission and approval of requests  
20 under this subsection.

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

442.586. Sections 442.560 to 442.591 shall not apply to agricultural land  
2 **[now] owned as of August 28, 2015** in this state by aliens or foreign businesses,  
3 **including up to an additional twenty percent of acreage above that**  
4 **owned on such date subsequently acquired by such aliens or foreign**  
5 **businesses**, so long as it is held by the present owners or their direct  
6 descendants including any trust for the benefit of either and any legal person  
7 owned or controlled by either including but not limited to corporations, limited  
8 liability corporations, partnerships, and limited liability partnerships, nor to any  
9 alien who is or shall take up bona fide residence in the United States; and any  
10 alien who is or shall become a bona fide resident of the United States shall have  
11 the right to acquire and hold agricultural lands in this state upon the same terms  
12 as citizens of the United States during the continuance of such bona fide  
13 residence in the United States; except, that if any resident alien shall cease to be  
14 a bona fide resident of the United States, such alien shall have two years from  
15 the time he ceased to be a bona fide resident in which to divest himself of such  
16 agricultural lands. Any agricultural lands not divested within the time  
17 prescribed shall be ordered sold by the court at a public sale in the manner  
18 prescribed by law for the foreclosure of a mortgage on real estate for default in  
19 payment.

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