

HOUSE

AMENDMENT NO. _____

Offered by

of

1 AMEND Senate Bill No. 766, Page 1, In the Title, Line 5, by
2 deleting the words "secured transactions" and inserting in lieu
3 thereof the words "security interests"; and
4

5 Further amend said bill, Page 27, Section 400.2A-103, Line
6 143, by inserting after all of said line the following:

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

24 2. Any alien or foreign business who acquires agricultural
25 land in violation of sections 442.560 to 442.592 remains in
26 violation of sections 442.560 to 442.592 for as long as he or she
27 holds an interest in the land, provided, however, that no such
28 security interest in such agricultural land shall be divested or

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1 invalidated by such violation.

2 3. [All] Subject to the provisions of subsection 1 of this
3 section, such proposed acquisitions by grant, purchase, devise,
4 descent, or otherwise of agricultural land in this state shall be
5 submitted to the department of agriculture to determine whether
6 such acquisition of agricultural land is conveyed in accordance
7 with [the one percent restriction on the total aggregate alien
8 and foreign ownership of agricultural land in this state]
9 sections 442.560 to 442.592. The department shall establish by
10 rule the requirements for submission and approval of requests
11 under this subsection.

12 4. Any rule or portion of a rule, as that term is defined
13 in section 536.010, that is created under the authority delegated
14 in this section shall become effective only if it complies with
15 and is subject to all of the provisions of chapter 536 and, if
16 applicable, section 536.028. This section and chapter 536 are
17 nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536 to review, to delay the
19 effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28,
22 [2013] 2014, shall be invalid and void.

23 442.586. Sections 442.560 to 442.591 shall not apply to
24 agricultural land [now owned] acquired in this state by aliens or
25 foreign businesses prior to August 28, 2014, so long as it is
26 held by the present owners or their direct descendants including
27 any trust for the benefit of either and any legal person owned or
28 controlled by either including but not limited to corporations,
29 limited liability corporations, partnerships, and limited
30 liability partnerships, nor to any alien who is or shall take up
31 bona fide residence in the United States; and any alien who is or
32 shall become a bona fide resident of the United States shall have
33 the right to acquire and hold agricultural lands in this state
34 upon the same terms as citizens of the United States during the
35 continuance of such bona fide residence in the United States;
36 except, that if any resident alien shall cease to be a bona fide
37 resident of the United States, such alien shall have two years

1 from the time he ceased to be a bona fide resident in which to
2 divest himself of such agricultural lands. Any agricultural
3 lands not divested within the time prescribed shall be ordered
4 sold by the court at a public sale in the manner prescribed by
5 law for the foreclosure of a mortgage on real estate for default
6 in payment."; and

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8 Further amend said title, enacting clause and intersectional
9 references accordingly.