

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 903, 465, 430 & 499, Page 1, Section
2 442.566, Lines 13-14, by deleting said lines and inserting in lieu there of the following:

3
4 "~~(3) ["Director", the director of the Missouri department of agriculture;~~
5 (4) "Family members" includes all persons within the ninth degree of consanguinity, "; and

6
7 Further amend said bill, page, and section, Line 16, by deleting the number "(5)" and inserting in
8 lieu thereof the number "~~(5)~~ (4)"; and

9
10 Further amend said bill and section, Page 2, Line 23, by deleting the number "(6)" and inserting in
11 lieu thereof the number "~~(6)~~ (5)"; and

12
13 Further amend said bill, Page 4, Section 442.571, Line 67, by inserting after all of said section and
14 line the following:

15
16 "442.576. 1. If the ~~[director]~~ attorney general finds that an alien or foreign business or an
17 agent, trustee, or other fiduciary therefor has acquired agricultural land in Missouri in violation of
18 sections 442.560 to 442.592, or the land ceases to be used for nonagricultural purposes under section
19 442.591, he or she shall~~[report the violation to the attorney general.~~

20 ~~2. The attorney general shall~~ institute an action in the circuit court of Cole County or the
21 circuit court in any county in which agricultural land owned by the alien or foreign business, agent,
22 trustee or other fiduciary, alleged to have violated sections 442.560 to 442.592, is located.

23 ~~[3.]~~ 2. The attorney general shall file a notice of the pendency of the action with the recorder
24 of deeds of each county in which any portion of such agricultural lands is located. If the court finds
25 that the lands in question have been acquired in violation of sections 442.560 to 442.592, it shall
26 enter an order so declaring and shall file a copy of the order with the recorder of deeds of each
27 county in which any portion of the agricultural lands is located. The court shall order the owner to
28 divest ~~[himself]~~ from ownership of the agricultural land. The owner must comply with the order
29 within two years. The two-year limitation period shall be a covenant running with the title to the
30 land against any alien grantee or assignee. Provided, however, an incorporated foreign business
31 must divest itself of agricultural land within the minimum time required by Article XI, Section 5, of
32 the Missouri Constitution. Any agricultural lands not divested within the time prescribed shall be
33 ordered sold by the court at a public sale in the manner prescribed by law for the foreclosure of a
34 mortgage on real estate for default in payment.

35 442.591. The restrictions set forth in sections 442.560 to 442.592 shall not apply to
36 agricultural land or any interest therein acquired by an alien or foreign business for immediate or

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1 potential use in nonfarming purposes. An alien or foreign business may hold such agricultural land
 2 in such acreage as may be necessary to [its] such alien's or foreign business's nonfarm business
 3 operation; provided, however, that pending the development of agricultural land for nonfarm
 4 purposes, such land may not be used for farming except under lease to a family farm unit; a family
 5 farm corporation defined in section 350.010; an alien or foreign business which has filed with the
 6 [director] secretary of state and the attorney general under sections 442.560 to 442.592; or except
 7 when controlled through ownership, options, leaseholds or other agreements by a corporation which
 8 has entered into an agreement with the United States of America pursuant to the New Community
 9 Act of 1968 (Title IV of the Housing and Urban Development Act of 1969, 42 U.S.C. 3901-3914),
 10 as amended, or a subsidiary or assignee of such a corporation.

11 442.592. 1. For the purposes of this section, the term "foreign person" means:

12 (1) An individual who is not a citizen of the United States and who has not been lawfully
 13 admitted to the United States for permanent residence under the Immigration and Nationality Act or
 14 who has not been made a citizen by an act of Congress;

15 (2) An entity, other than an individual or a government, that is created or organized under
 16 the laws of a nation other than the United States, or that has its principal place of business in a
 17 foreign nation;

18 (3) An entity, other than an individual or a government, that is created or organized under
 19 the laws of the United States or of some state, territory, trusteeship or protectorate of the United
 20 States and that, as defined in regulations to be prescribed by the [director] secretary of state, is
 21 substantially controlled by individuals referred to in subdivision (1) of this subsection, entities
 22 referred to in subdivision (2) of this subsection, governments of foreign nations, or any combination
 23 of such individuals, entities, or governments; ~~[and]~~

24 (4) A foreign business, as defined in section 442.566; and

25 (5) A government of a foreign nation.

26 2. ~~[Any foreign person who holds any interest (including leaseholds of ten or more years
 27 and beneficial interests in the agricultural land under contracts of sale or similar arrangements),
 28 other than a security interest, in agricultural land on September 28, 1979, shall submit, or have a
 29 designated agent submit, a report to the director of agriculture not later than sixty days after
 30 September 28, 1979; provided, however, that no reporting requirement attaches to any holding by an
 31 alien or a foreign person or a foreign business of an interest in agricultural land for the extraction,
 32 refining, processing or transportation of oil, gas, coal or lignite. Such report shall be submitted in
 33 such manner as the director shall prescribe by regulation and shall contain:~~

34 ~~—— (1) The legal name and address of the foreign person;~~

35 ~~—— (2) In any case in which the foreign person is an individual, the citizenship of the foreign
 36 person;~~

37 ~~—— (3) In any case in which the foreign person is not an individual or a government:~~

38 ~~—— (a) The nation in which the foreign person is created or organized;~~

39 ~~—— (b) The principal place of business of the foreign person;~~

40 ~~—— (c) The legal name and address of each person who holds a substantial interest (as defined in
 41 regulations to be prescribed by the director) in the foreign person and, in any case in which the
 42 holder of such an interest is an individual, the citizenship of the holder and, in any case in which the
 43 holder of such an interest is not an individual or a government, the nation in which the holder is
 44 created or organized and the principal place of business of the holder;~~

45 ~~—— (4) The type of interest in the agricultural land that is held by the foreign person;~~

46 ~~—— (5) A legal description of the agricultural land, including the county in which the land is
 47 located and the total acreage involved;~~

48 ~~—— (6) The date of acquisition of the interest and the purchase price paid for, or any other
 49 consideration given for, the interest;~~

1 ~~_____~~(7) A declaration of the type of agricultural activity engaged in by the reporting foreign
2 person;

3 ~~_____~~(8) In the case where any foreign person holds an interest in agricultural land for the
4 purposes outlined in section 442.591, a declaration of intent as to the intended use of the land.

5 ~~_____~~3. No rule or portion of a rule promulgated under the authority of sections 442.560 to
6 442.591 shall become effective unless it has been promulgated pursuant to the provisions of section
7 536.024] The secretary of state may promulgate all necessary rules and regulations for the
8 administration of this section. Any rule or portion of a rule, as that term is defined in section
9 536.010, that is created under the authority delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
11 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
12 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
13 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
14 rule proposed or adopted after August 28, 2023, shall be invalid and void.

15 [4.] 3. Any foreign person who acquires or transfers any interest (including leaseholds of ten
16 years or more and beneficial interests in the agricultural land under contracts of sale or similar
17 arrangements), other than a security interest, in agricultural land shall submit, or have a designated
18 agent submit, a report to the ~~[director]~~ secretary of state and the attorney general not later than thirty
19 days after the date of such acquisition or transfer; provided, however, that no reporting requirement
20 attaches to an acquisition or transfer by an alien or a foreign person or a foreign business of an
21 interest in agricultural land for the extraction, refining, processing, or transportation of oil, gas, coal
22 or lignite. Such report shall be submitted in such manner as the ~~[director]~~ secretary of state shall
23 prescribe by regulation and shall contain:

24 (1) The legal name and address of the foreign person;

25 (2) In any case in which the foreign person is an individual, the citizenship of the foreign
26 person;

27 (3) In any case in which the foreign person is not an individual or a government:

28 (a) The nation in which the foreign person is created or organized;

29 (b) The principal place of business of the foreign person;

30 (c) The legal name and address of each person who holds a substantial interest (as defined in
31 regulations to be prescribed by the ~~[director]~~ secretary of state) in the foreign person and, in any
32 case in which the holder of such an interest is an individual, the citizenship of the holder and, in any
33 case in which the holder of such an interest is not an individual or a government, the nation in which
34 the holder is created or organized and the principal place of business of the holder;

35 (4) The type of interest in the agricultural land that is acquired or transferred by the foreign
36 person;

37 (5) A legal description of the agricultural land including the county in which the land is
38 located and the total acreage involved;

39 (6) The purchase price paid or received for, or any other consideration given or received for,
40 the interest;

41 (7) In any case in which the foreign person transfers the interest, the legal name and the
42 address of the person to whom the interest is transferred, and

43 (a) In any case in which the transferee is an individual, the citizenship of the transferee; and

44 (b) In any case in which the transferee is not an individual or a government, the nation in
45 which the transferee is created or organized and the principal place of business of the transferee;

46 (8) A declaration of the type of agricultural activity engaged in by the reporting foreign
47 person;

48 (9) In the case where any foreign person acquires an interest in agricultural land for the
49 purposes outlined in section 442.591, a declaration of intent as to the intended use of the land.

1 ~~[5. The director may promulgate rules and regulations pertaining to the form and content of~~
 2 ~~reports required by this section; the procedures for filing such reports; and the analysis and~~
 3 ~~distribution of findings and determinations based on the reports required by this section.~~

4 ~~6.]~~ 4. (1) The ~~[director]~~ secretary of state, in consultation with the attorney general, shall:

5 (a) Analyze the information obtained under this section and determine the effects of foreign
 6 persons acquiring, transferring and holding agricultural land, particularly the effects of such
 7 acquisitions, transfers and holdings on family farms and rural communities; and

8 (b) Transmit to the governor and each house of the general assembly a report on the
 9 ~~[director's]~~ findings and conclusions regarding each analysis and determination made under
 10 paragraph (a) above;

11 (2) An analysis and determination shall be made, and a report on the ~~[director's]~~ findings
 12 and conclusions regarding such analysis and determination transmitted[;

13 ~~(a) With respect to information obtained by the director under this section during the six-~~
 14 ~~month period following September 28, 1979, within nine months after such date;~~

15 ~~(b) With respect to information obtained by the director under this section during the~~
 16 ~~twelve-month period following September 28, 1979, within fifteen months after such date; and~~

17 ~~(c) With respect to each calendar year following the twelve-month period referred to in~~
 18 ~~paragraph (b),] within ninety days after the end of such calendar year.~~

19 [7.] 5. Any foreign person who fails to file a report required under the provisions of this
 20 section is liable to the state in civil penalty. The civil penalty shall be determined by the circuit
 21 court in an amount not to exceed twenty-five percent of the fair market value of the interest in
 22 agricultural land with respect to which the violations occurred on the date of the assessment of the
 23 penalty. The attorney general shall recover the amount of any civil penalty assessed in a civil action
 24 in the circuit court in the county in which any part of the land involved is located."; and

25
 26 Further amend said bill by amending the title, enacting clause, and intersectional references
 27 accordingly.