

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/Senate Bill No. 391, Page 2, Section 192.300, Line 27,

2 by inserting after all of said line the following:

3 "442.571. 1. Except as provided in sections 442.586 and
4 442.591, No alien or foreign business shall acquire by grant,
5 purchase, devise, descent or otherwise agricultural land in this
6 state if the total aggregate alien and foreign ownership of
7 agricultural acreage in this state exceeds one percent of the
8 total aggregate agricultural acreage in this state. A sale or
9 transfer of any agricultural land in this state shall be
10 submitted to the director of the department of agriculture for
11 review in accordance with subsection 3 of this section only if
12 there is no completed Internal Revenue Service Form W-9 signed by
13 the purchaser. No person may hold agricultural land as an agent,
14 trustee, or other fiduciary for an alien or foreign business in
15 violation of sections 442.560 to 442.592, provided, however, that
16 no security interest in such agricultural land shall be divested
17 or invalidated by such violation.

18 2. Any alien or foreign business who acquires agricultural
19 land in violation of sections 442.560 to 442.592 remains in
20 violation of sections 442.560 to 442.592 for as long as he or she
21 holds an interest in the land, provided, however, that no
22 security interest in such agricultural land shall be divested or
23 invalidated by such violation.

24 3. Subject to the provisions of subsection 1 of this

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

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

20 Section 1. Notwithstanding the provisions of section 1.140
21 to the contrary, the provisions of this act shall be
22 nonseverable, and if any provision is for any reason held to be
23 invalid, such decision shall invalidate all of the remaining
24 provisions of this act.

25 [442.576. 1. If the director finds that an alien or
26 foreign business or an agent, trustee, or other fiduciary
27 therefor has acquired agricultural land in Missouri in violation
28 of sections 442.560 to 442.592, or the land ceases to be used for
29 nonagricultural purposes under section 442.591, he or she shall
30 report the violation to the attorney general.

31 2. The attorney general shall institute an action in the
32 circuit court of Cole County or the circuit court in any county

1 in which agricultural land owned by the alien or foreign
2 business, agent, trustee or other fiduciary, alleged to have
3 violated sections 442.560 to 442.592, is located.

4 3. The attorney general shall file a notice of the pendency
5 of the action with the recorder of deeds of each county in which
6 any portion of such agricultural lands is located. If the court
7 finds that the lands in question have been acquired in violation
8 of sections 442.560 to 442.592, it shall enter an order so
9 declaring and shall file a copy of the order with the recorder of
10 deeds of each county in which any portion of the agricultural
11 lands is located. The court shall order the owner to divest
12 himself of the agricultural land. The owner must comply with the
13 order within two years. The two-year limitation period shall be
14 a covenant running with the title to the land against any alien
15 grantee or assignee. Provided, however, an incorporated foreign
16 business must divest itself of agricultural land within the
17 minimum time required by Article XI, Section 5, of the Missouri
18 Constitution. Any agricultural lands not divested within the
19 time prescribed shall be ordered sold by the court at a public
20 sale in the manner prescribed by law for the foreclosure of a
21 mortgage on real estate for default in payment.]

22
23 [442.581. Any person who obtains a lease on agricultural
24 land for a term of ten years or longer or a lease renewable at
25 his option for terms which might total ten years has acquired
26 agricultural land within the meaning of sections 442.560 to
27 442.591.]

28
29 [442.586. Sections 442.560 to 442.591 shall not apply to
30 agricultural land now owned in this state by aliens or foreign
31 businesses so long as it is held by the present owners or their
32 direct descendants including any trust for the benefit of either
33 and any legal person owned or controlled by either including but
34 not limited to corporations, limited liability corporations,
35 partnerships, and limited liability partnerships, nor to any
36 alien who is or shall take up bona fide residence in the United
37 States; and any alien who is or shall become a bona fide resident
38 of the United States shall have the right to acquire and hold
39 agricultural lands in this state upon the same terms as citizens
40 of the United States during the continuance of such bona fide
41 residence in the United States; except, that if any resident
42 alien shall cease to be a bona fide resident of the United
43 States, such alien shall have two years from the time he ceased
44 to be a bona fide resident in which to divest himself of such
45 agricultural lands. Any agricultural lands not divested within
46 the time prescribed shall be ordered sold by the court at a
47 public sale in the manner prescribed by law for the foreclosure
48 of a mortgage on real estate for default in payment.]

49
50 [442.591. The restrictions set forth in sections 442.560 to
51 442.592 shall not apply to agricultural land or any interest
52 therein acquired by an alien or foreign business for immediate or

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

15
16 [442.592. 1. For the purposes of this section, the term
17 "foreign person" means:

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

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

26 (3) An entity, other than an individual or a government,
27 that is created or organized under the laws of the United States
28 or of some state, territory, trusteeship or protectorate of the
29 United States and that, as defined in regulations to be
30 prescribed by the director, is substantially controlled by
31 individuals referred to in subdivision (1) of this subsection,
32 entities referred to in subdivision (2) of this subsection,
33 governments of foreign nations, or any combination of such
34 individuals, entities, or governments; and

35 (4) A government of a foreign nation.

36 2. Any foreign person who holds any interest (including
37 leaseholds of ten or more years and beneficial interests in the
38 agricultural land under contracts of sale or similar
39 arrangements), other than a security interest, in agricultural
40 land on September 28, 1979, shall submit, or have a designated
41 agent submit, a report to the director of agriculture not later
42 than sixty days after September 28, 1979; provided, however, that
43 no reporting requirement attaches to any holding by an alien or a
44 foreign person or a foreign business of an interest in
45 agricultural land for the extraction, refining, processing or
46 transportation of oil, gas, coal or lignite. Such report shall
47 be submitted in such manner as the director shall prescribe by
48 regulation and shall contain:

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

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

52 (3) In any case in which the foreign person is not an

1 individual or a government:

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

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

5 (c) The legal name and address of each person who holds a
6 substantial interest (as defined in regulations to be prescribed
7 by the director) in the foreign person and, in any case in which
8 the holder of such an interest is an individual, the citizenship
9 of the holder and, in any case in which the holder of such an
10 interest is not an individual or a government, the nation in
11 which the holder is created or organized and the principal place
12 of business of the holder;

13 (4) The type of interest in the agricultural land that is
14 held by the foreign person;

15 (5) A legal description of the agricultural land, including
16 the county in which the land is located and the total acreage
17 involved;

18 (6) The date of acquisition of the interest and the
19 purchase price paid for, or any other consideration given for,
20 the interest;

21 (7) A declaration of the type of agricultural activity
22 engaged in by the reporting foreign person;

23 (8) In the case where any foreign person holds an interest
24 in agricultural land for the purposes outlined in section
25 442.591, a declaration of intent as to the intended use of the
26 land.

27 3. No rule or portion of a rule promulgated under the
28 authority of sections 442.560 to 442.591 shall become effective
29 unless it has been promulgated pursuant to the provisions of
30 section 536.024.

31 4. Any foreign person who acquires or transfers any
32 interest (including leaseholds of ten years or more and
33 beneficial interests in the agricultural land under contracts of
34 sale or similar arrangements), other than a security interest, in
35 agricultural land shall submit, or have a designated agent
36 submit, a report to the director not later than thirty days after
37 the date of such acquisition or transfer; provided, however, that
38 no reporting requirement attaches to an acquisition or transfer
39 by an alien or a foreign person or a foreign business of an
40 interest in agricultural land for the extraction, refining,
41 processing, or transportation of oil, gas, coal or lignite. Such
42 report shall be submitted in such manner as the director shall
43 prescribe by regulation and shall contain:

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

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

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

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

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

52 (c) The legal name and address of each person who holds a

1 substantial interest (as defined in regulations to be prescribed
2 by the director) in the foreign person and, in any case in which
3 the holder of such an interest is an individual, the citizenship
4 of the holder and, in any case in which the holder of such an
5 interest is not an individual or a government, the nation in
6 which the holder is created or organized and the principal place
7 of business of the holder;

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

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

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

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

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

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

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

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

30 5. The director may promulgate rules and regulations
31 pertaining to the form and content of reports required by this
32 section; the procedures for filing such reports; and the analysis
33 and distribution of findings and determinations based on the
34 reports required by this section.

35 6. (1) The director shall:

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

41 (b) Transmit to the governor and each house of the general
42 assembly a report on the director's findings and conclusions
43 regarding each analysis and determination made under paragraph

44 (a) above;

45 (2) An analysis and determination shall be made, and a
46 report on the director's findings and conclusions regarding such
47 analysis and determination transmitted:

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

51 (b) With respect to information obtained by the director
52 under this section during the twelve-month period following

1 September 28, 1979, within fifteen months after such date; and

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

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

15 Further amend the title and enacting clause accordingly.