

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 117, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

3 "442.592. 1. For the purposes of this section, the
4 term "foreign person" means:

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

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

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

24 (4) A government of a foreign nation.

25 2. Any foreign person who holds any interest
26 (including leaseholds of ten or more years and beneficial

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

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

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

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

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

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

48 (c) The legal name and address of each person who
49 holds a substantial interest (as defined in regulations to
50 be prescribed by the director) in the foreign person and, in
51 any case in which the holder of such an interest is an
52 individual, the citizenship of the holder and, in any case
53 in which the holder of such an interest is not an individual
54 or a government, the nation in which the holder is created
55 or organized and the principal place of business of the
56 holder;

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

59 (5) A legal description of the agricultural land,
60 including the county in which the land is located and the
61 total acreage involved;

62 (6) The date of acquisition of the interest and the
63 purchase price paid for, or any other consideration given
64 for, the interest;

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

67 (8) In the case where any foreign person holds an
68 interest in agricultural land for the purposes outlined in
69 section 442.591, a declaration of intent as to the intended
70 use of the land.

71 3. No rule or portion of a rule promulgated under the
72 authority of sections 442.560 to 442.591 shall become
73 effective unless it has been promulgated pursuant to the
74 provisions of section 536.024.

75 4. Any foreign person who acquires or transfers any
76 interest (including leaseholds of ten years or more and
77 beneficial interests in the agricultural land under
78 contracts of sale or similar arrangements), other than a
79 security interest, in agricultural land shall submit, or
80 have a designated agent submit, a report to the director not
81 later than thirty days after the date of such acquisition or
82 transfer; provided, however, that no reporting requirement
83 attaches to an acquisition or transfer by an alien or a
84 foreign person or a foreign business of an interest in
85 agricultural land for the extraction, refining, processing,
86 or transportation of oil, gas, coal or lignite. Such report
87 shall be submitted in such manner as the director shall
88 prescribe by regulation and shall contain:

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

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

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

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

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

98 (c) The legal name and address of each person who
99 holds a substantial interest (as defined in regulations to
100 be prescribed by the director) in the foreign person and, in
101 any case in which the holder of such an interest is an
102 individual, the citizenship of the holder and, in any case
103 in which the holder of such an interest is not an individual
104 or a government, the nation in which the holder is created
105 or organized and the principal place of business of the
106 holder;

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

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

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

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

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

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

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

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

129 5. The director may promulgate rules and regulations
130 pertaining to the form and content of reports required by
131 this section; the procedures for filing such reports; and
132 the analysis and distribution of findings and determinations
133 based on the reports required by this section.

134 6. (1) The director shall:

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

140 (b) Transmit to the governor and each house of the
141 general assembly a report on the director's findings and
142 conclusions regarding each analysis and determination made
143 under paragraph (a) above;

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

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

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

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

158 7. Any foreign person who fails to file a report
159 required under the provisions of this section is liable to
160 the state in civil penalty. The civil penalty shall be
161 determined by the circuit court in an amount not to exceed
162 twenty-five percent of the fair market value of the interest
163 in agricultural land with respect to which the violations
164 occurred on the date of the assessment of the penalty. The
165 attorney general shall recover the amount of any civil
166 penalty assessed in a civil action in the circuit court in
167 the county in which any part of the land involved is
168 located. Any civil action by the attorney general brought
169 pursuant to this section shall be filed within ten years of
170 the discovery of the failure to file a report as required by
171 the provisions of this subsection."; and

172 Further amend the title and enacting clause accordingly.