

SENATE BILL NO. 250

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1419S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 173.275, 442.566, 442.571, 442.576, and 442.591, RSMo, and to enact in lieu thereof seven new sections relating to foreign ownership of property, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 173.275, 442.566, 442.571, 442.576,
2 and 442.591, RSMo, are repealed and seven new sections enacted
3 in lieu thereof, to be known as sections 33.860, 173.275,
4 262.970, 442.566, 442.571, 442.576, and 442.591, to read as
5 follows:

**33.860. 1. No state department or agency shall
2 implement any program which confers a state public benefit
3 on or relating to any foreign-owned property.**

**4 2. As used in this section, the term "state public
5 benefit" shall include any grant, contract, loan, or tax
6 credit provided by a department or agency of state
7 government.**

173.275. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Foreign government", any government other than
4 the government of the United States or any state or
5 political subdivision of the United States;

6 (2) "Foreign legal entity", any legal entity created
7 under the laws of:

8 (a) A foreign government; or

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

9 (b) The United States, or any state of the United
10 States, if a majority of the ownership of the stock of such
11 legal entity is directly or indirectly owned, legally or
12 beneficially, by one or more foreign governments, foreign
13 persons, or legal entities created under the laws of a
14 foreign government, or if a majority of the membership of
15 any such entity is composed of foreign persons or legal
16 entities created under the laws of a foreign government.

17 The term "foreign legal entity" shall include agents of such
18 entities;

19 (3) "Foreign person", any individual who is not a
20 citizen or national of the United States, or any trust
21 territory or protectorate of the United States. The term
22 "foreign person" shall include agents of such persons;

23 (4) "Gift", any endowment, gift, grant, contract,
24 award, or property of any kind[;

25 (5) "Institution of higher education" or
26 "institution", the University of Missouri, Lincoln
27 University, the state colleges, community colleges and
28 teachers' colleges].

29 2. [Every institution of higher education shall
30 disclose to the department of higher education and workforce
31 development the amount, terms, restrictions, conditions, and
32 requirements attached to or made a part of any gift from any
33 foreign government, foreign legal entity, or foreign person
34 which has a value of one hundred thousand dollars or more,
35 made to such institution of higher education in any fiscal
36 year if any term, restriction, condition or requirement
37 attached to or made a part of any such gift is a violation
38 of, or would cause the institution of higher education to be
39 in violation of, any federal or state law relating to

40 discrimination on the basis of race, creed, color, sex, age,
41 marital status, ethnic background, or religion. If any
42 foreign government, foreign entity, or foreign person makes
43 more than one gift to any institution of higher education in
44 any fiscal year of such institution, such institution shall
45 make the report required by this subsection if the aggregate
46 value of all gifts from any one foreign government, foreign
47 legal entity, or foreign person is one hundred thousand
48 dollars or more in such fiscal year.

49 3. The information to be furnished to the department
50 of higher education and workforce development shall be
51 forwarded to the department no later than thirty days after
52 the final day of the fiscal year of each institution of
53 higher education, and shall include:

54 (1) The amount of each gift and the date on which it
55 was received by the institution;

56 (2) When a gift is conditional, a matching gift, or
57 designated for a particular purpose, the full details of the
58 conditions, matching provisions or designation;

59 (3) In the case of a gift by a foreign government, the
60 name of such government;

61 (4) In the case of a gift by a foreign legal entity or
62 foreign person, the name of the foreign country in which
63 such foreign legal entity or foreign person is principally
64 located or has his principal residence;

65 (5) The purpose for which the gift will be used; and

66 (6) The name of the foreign legal entity which made
67 the gift if the gift:

68 (a) Contains conditions or restrictions regarding the
69 control of curricula, employment or termination of faculty
70 members, admission of students, or student fees and tuition;

71 or

72 (b) Is contingent upon the agreement of the
73 institution to take specific public positions or actions, or
74 to award honorary degrees.

75 4. All information disclosed and furnished to the
76 department of higher education and workforce development
77 under this section shall be deemed a public record under
78 sections 610.010 to 610.030 and shall be made available by
79 the department to the general public for inspection, review
80 and copying during the department's normal business hours.]

81 (1) Notwithstanding any provision of law to the contrary, a
82 public institution of higher education shall not accept any
83 gift from a foreign government, foreign legal entity, or
84 foreign person.

85 (2) This subsection shall not be construed to prohibit
86 a public institution of higher education from accepting
87 tuition payments from students from foreign countries.

262.970. 1. No alien or foreign business shall build
2 an electricity generating facility on agricultural zoned
3 land, as described in section 262.805, owned by such alien
4 or foreign business in the state after August 28, 2025.

5 2. For purposes of this section, "electricity
6 generating facility" means a facility used to convert
7 energy, including but not limited to solar and wind power,
8 to produce electricity which consists of one or more power
9 generating modules connected to a network of one or more
10 connection points.

442.566. As used in sections 442.560 to 442.591,
2 unless the context clearly requires otherwise, the following
3 terms mean:

4 (1) "Agricultural land", any tract of land in this
5 state consisting of more than five acres, whether inside or
6 outside the corporate limits of any municipality, which is

7 capable, without substantial modification to the character
8 of the land, of supporting an agricultural enterprise,
9 including but not limited to land used for the production of
10 agricultural crops or fruit or other horticultural products,
11 or for the raising or feeding of animals for the production
12 of livestock or livestock products, poultry or poultry
13 products, or milk or dairy products. Adjacent parcels of
14 land under the same ownership shall be deemed to be a single
15 tract;

16 (2) "Alien", any person who is not a citizen of the
17 United States and who is not a resident of the United States
18 or of some state, territory, trusteeship, or protectorate of
19 the United States;

20 (3) "Director", the director of the Missouri
21 department of agriculture;

22 (4) "Family members" includes all persons within the
23 ninth degree of consanguinity, or the living or surviving
24 spouse of any person within the ninth degree of
25 consanguinity;

26 (5) "Foreign business", any business entity whether or
27 not incorporated, including but not limited to **companies,**
28 **corporations, professional corporations, nonprofit**
29 **corporations, limited liability companies,** partnerships,
30 limited partnerships, [and] associations, **or the equivalent**
31 **of any entity listed in this subdivision,** in which a
32 controlling interest is owned by aliens **or organized under**
33 **the laws of a foreign country, or both.** In determining
34 ownership of a foreign business, legal fictions such as
35 corporate form or trust shall be disregarded;

36 (6) "Residence", the place of general abode; the place
37 of general abode of a person means his principal, actual

38 dwelling place in fact, where he intends to remain
39 permanently or for an indefinite period of time at least.

442.571. 1. Except as provided in sections 442.586
2 and 442.591, [no alien or foreign business shall acquire by
3 grant, purchase, devise, descent or otherwise agricultural
4 land in this state if the total aggregate alien and foreign
5 ownership of agricultural acreage in this state exceeds one
6 percent of the total aggregate agricultural acreage in this
7 state. A sale or transfer of any agricultural land in this
8 state shall be submitted to the director of the department
9 of agriculture for review in accordance with subsection 3 of
10 this section only if there is no completed Internal Revenue
11 Service Form W-9 signed by the purchaser] **beginning on the**
12 **effective date of this section, no alien, foreign business,**
13 **or foreign government shall acquire by grant, purchase,**
14 **devise, descent, or otherwise any agricultural land in this**
15 **state. Any alien, foreign business, or foreign government**
16 **who acquired any agricultural land in this state prior to**
17 **the effective date of this section shall not grant, sell, or**
18 **otherwise transfer such agricultural land to any other**
19 **alien, foreign business, or foreign government on or after**
20 **the effective date of this section.** No person may hold
21 agricultural land as an agent, trustee, or other fiduciary
22 for an alien [or], foreign business, **or foreign government**
23 in violation of sections 442.560 to 442.592, provided,
24 however, that no security interest in such agricultural land
25 shall be divested or invalidated by such violation.

26 2. Any alien [or], foreign business, **or foreign**
27 **government** who acquires agricultural land in violation of
28 sections 442.560 to 442.592 remains in violation of sections
29 442.560 to 442.592 for as long as [he or she] **the alien,**
30 **foreign business, or foreign government** holds an interest in

31 the land, provided, however, that no security interest in
32 such agricultural land shall be divested or invalidated by
33 such violation.

34 3. Subject to the provisions of subsection 1 of this
35 section, **[such] all proposed [acquisitions] transfers on or**
36 **after the effective date of this section** by grant, purchase,
37 devise, descent, or otherwise of **any interest in**
38 **agricultural land held by any alien, foreign business, or**
39 **foreign government** in this state shall be submitted **at least**
40 **thirty calendar days prior to when such transfers of such**
41 **agricultural land are finalized** to the department of
42 agriculture to determine whether such **[acquisition] transfer**
43 of agricultural land is conveyed in accordance with the **[one**
44 **percent restriction on the total aggregate] prohibition on**
45 alien and foreign ownership of agricultural land in this
46 state **under this section. Such sale or transfer submitted**
47 **for review shall be deemed a closed record under chapter 610**
48 **until such sale is finalized.** The department shall
49 establish by rule the requirements for submission and
50 approval of requests under this subsection.

51 4. Any rule or portion of a rule, as that term is
52 defined in section 536.010, that is created under the
53 authority delegated in this section shall become effective
54 only if it complies with and is subject to all of the
55 provisions of chapter 536 and, if applicable, section
56 536.028. This section and chapter 536 are nonseverable and
57 if any of the powers vested with the general assembly
58 pursuant to chapter 536 to review, to delay the effective
59 date, or to disapprove and annul a rule are subsequently
60 held unconstitutional, then the grant of rulemaking
61 authority and any rule proposed or adopted after August 28,
62 2014, shall be invalid and void.

442.576. 1. If the director finds that an alien [or],
2 foreign business, **or foreign government** or an agent,
3 trustee, or other fiduciary therefor has acquired
4 agricultural land in Missouri [in violation of sections
5 442.560 to 442.592] **after the effective date of this**
6 **section**, or the land ceases to be used for nonagricultural
7 purposes under section 442.591, he or she shall report the
8 violation to the attorney general.

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

14 3. The attorney general shall file a notice of the
15 pendency of the action with the recorder of deeds of each
16 county in which any portion of such agricultural lands is
17 located. If the court finds that the lands in question have
18 been acquired in violation of sections 442.560 to 442.592,
19 it shall enter an order so declaring and shall file a copy
20 of the order with the recorder of deeds of each county in
21 which any portion of the agricultural lands is located. The
22 court shall order the owner to divest himself of the
23 agricultural land. The owner must comply with the order
24 within two years. The two-year limitation period shall be a
25 covenant running with the title to the land against any
26 alien grantee or assignee. Provided, however, an
27 incorporated foreign business must divest itself of
28 agricultural land within the minimum time required by
29 Article XI, Section 5, of the Missouri Constitution. Any
30 agricultural lands not divested within the time prescribed
31 shall be ordered sold by the court at a public sale in the

32 manner prescribed by law for the foreclosure of a mortgage
33 on real estate for default in payment.

442.591. The restrictions set forth in sections
2 442.560 to 442.592 shall not apply to agricultural land or
3 any interest therein acquired by an alien or foreign
4 business for immediate or potential use in nonfarming
5 purposes. An alien or foreign business may hold such
6 agricultural land in such acreage as may be necessary to its
7 nonfarm business operation; provided, however, that pending
8 the development of agricultural land for nonfarm purposes,
9 such land may not be used for farming except under lease to
10 a family farm unit; a family farm corporation defined in
11 section 350.010; an alien or foreign business which has
12 filed with the director under sections 442.560 to 442.592;
13 or except when controlled through ownership, options,
14 leaseholds or other agreements by a corporation which has
15 entered into an agreement with the United States of America
16 pursuant to the New Community Act of 1968 (Title IV of the
17 Housing and Urban Development Act of 1969, 42 U.S.C. 3901-
18 3914), as amended, or a subsidiary or assignee of such a
19 corporation. **As used in this section, the term "nonfarming"**
20 **includes, but is not limited to, the conducting and active**
21 **operation of research or experimentation for the purpose of**
22 **developing or improving any type of agricultural practice,**
23 **tool, device, or implement or animal health research, animal**
24 **nutrition research, raising genetic traits that are used for**
25 **human or animal research, or animals raised for exhibition.**

Section B. Because of the danger of foreign ownership
2 of agricultural land, section A of this act is deemed
3 necessary for the immediate preservation of the public
4 health, welfare, peace, and safety, and is hereby declared
5 to be an emergency act within the meaning of the

6 constitution, and section A of this act shall be in full
7 force and effect upon its passage and approval.

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