

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILLS NOS. 903, 465, 430 & 499  
AN ACT

To repeal sections 442.566, 442.571, 442.576, and 442.591, RSMo, and to enact in lieu thereof four new sections relating to foreign ownership of real property.

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

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2 442.591, RSMo, are repealed and four new sections enacted in  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

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 August  
12 28, 2023, no alien, foreign business, or foreign government  
13 shall acquire by grant, purchase, devise, descent, or  
14 otherwise any agricultural land in this state. Any alien,  
15 foreign business, or foreign government who acquired any  
16 agricultural land in this state prior to August 28, 2023,  
17 shall not grant, sell, or otherwise transfer such  
18 agricultural land to any other alien, foreign business, or  
19 foreign government on or after August 28, 2023. No person  
20 may hold agricultural land as an agent, trustee, or other  
21 fiduciary for an alien [or], foreign business, or foreign  
22 government in violation of sections 442.560 to 442.592,  
23 provided, however, that no security interest in such  
24 agricultural land shall be divested or invalidated by such  
25 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 August 28, 2023, by grant, purchase, devise, descent,  
37 or otherwise of any interest in agricultural land held by  
38 any alien, foreign business, or foreign government in this  
39 state shall be submitted at least thirty calendar days prior  
40 to when such transfers of such agricultural land are  
41 finalized to the department of agriculture to determine  
42 whether such [acquisition] transfer of agricultural land, or

43 if land usage changes, is conveyed in accordance with the  
44 [one percent restriction on the total aggregate] prohibition  
45 on 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 August 28, 2023, or the land  
6 ceases to be used for nonagricultural purposes under section  
7 442.591, he or she shall report the violation to the  
8 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, or foreign government for immediate or potential  
5 use in nonfarming purposes. An alien [or], foreign  
6 business, or foreign government may hold such agricultural  
7 land in such acreage as may be necessary to its nonfarm  
8 business operation; provided, however, that pending the  
9 development of agricultural land for nonfarm purposes, such  
10 land may not be used for farming except under lease to a  
11 family farm unit; a family farm corporation defined in  
12 section 350.010; an alien [or], foreign business, or foreign  
13 government which has filed with the director under sections

14 442.560 to 442.592; or except when controlled through  
15 ownership, options, leaseholds or other agreements by a  
16 corporation which has entered into an agreement with the  
17 United States of America pursuant to the New Community Act  
18 of 1968 (Title IV of the Housing and Urban Development Act  
19 of 1969, 42 U.S.C. 3901-3914), as amended, or a subsidiary  
20 or assignee of such a corporation. As used in this section,  
21 the term "nonfarming" includes, but is not limited to, the  
22 conducting and active operation of research or  
23 experimentation for the purpose of developing or improving  
24 any type of agricultural practice, tool, device, or  
25 implement and animal health research, animal nutrition  
26 research, raising genetic traits that are used for human or  
27 animal research, or animals raised for exhibition.