

SECOND REGULAR SESSION

# HOUSE BILL NO. 1957

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HAFFNER.

3175H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 442.566, 442.571, 442.576, 442.591, and 442.592, RSMo, and to enact in lieu thereof five new sections relating to foreign ownership of real property, with a penalty provision.

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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, 442.591, and 442.592, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 442.566,  
3 442.571, 442.576, 442.591, and 442.592, to read as follows:

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

3 (1) "Agricultural land", any tract of land in this state consisting of more than five  
4 acres, whether inside or outside the corporate limits of any municipality, which is capable,  
5 without substantial modification to the character of the land, of supporting an agricultural  
6 enterprise, including but not limited to land used for the production of agricultural crops or  
7 fruit or other horticultural products, or for the raising or feeding of animals for the production  
8 of livestock or livestock products, poultry or poultry products, or milk or dairy products.  
9 Adjacent parcels of land under the same ownership shall be deemed to be a single tract;

10 (2) "Alien", any person who is not a citizen of the United States and who is not a  
11 resident of the United States or of some state, territory, trusteeship, or protectorate of the  
12 United States;

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

14 (4) "Family members" includes all persons within the ninth degree of consanguinity,  
15 or the living or surviving spouse of any person within the ninth degree of consanguinity;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (5) "Foreign business", any business entity whether or not incorporated, including but  
17 not limited to, **companies**, corporations, **professional corporations**, **nonprofit**  
18 **corporations**, **limited liability companies**, partnerships, limited partnerships, ~~[and]~~  
19 associations, **or the equivalent of any entity listed in this subdivision**, in which ~~[a~~  
20 ~~controlling]~~ **an** interest is owned by aliens **or organized under the laws of a foreign**  
21 **country, or both**. In determining ownership of a foreign business, legal fictions such as  
22 corporate form or trust shall be disregarded;

23 (6) "Residence", the place of general abode; the place of general abode of a person  
24 means ~~[his]~~ **the** principal, actual dwelling place in fact, where ~~[he]~~ **such person** intends to  
25 remain permanently or for an indefinite period of time at least.

442.571. 1. Except as provided in sections 442.586 and 442.591, **beginning August**  
2 **28, 2024**, no alien or foreign business shall acquire by grant, purchase, devise, descent or  
3 otherwise agricultural land in this state if the total aggregate alien and foreign ownership of  
4 agricultural ~~[acreage]~~ **land** in this state exceeds **one-half of** one percent of the total aggregate  
5 agricultural ~~[acreage]~~ **land** in this state. A sale or transfer of any agricultural land in this state  
6 shall be submitted **by such alien or foreign business** to the director of the department of  
7 agriculture **and the attorney general** for review in accordance with subsection 3 of this  
8 section ~~[only if there is no completed Internal Revenue Service Form W-9 signed by the~~  
9 ~~purchaser]~~ **at least thirty calendar days prior to when such sale or transfer of such**  
10 **agricultural land is finalized. The attorney general shall review such sale or transfer**  
11 **and, within thirty days of receipt, approve or reject such transaction. If the attorney**  
12 **general does not take action on such sale or transfer within thirty days, the transaction**  
13 **shall be deemed to meet the requirements of this section. Such sale or transfer**  
14 **submitted for review shall be deemed a closed record under chapter 610 until such sale**  
15 **or transfer is finalized.** No person may hold agricultural land as an agent, trustee, or other  
16 fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592,  
17 provided, however, that no security interest in such agricultural land shall be divested or  
18 invalidated by such violation.

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

24 3. **(1)** Subject to the provisions of subsection 1 of this section, such proposed  
25 acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state  
26 shall be submitted to the department of agriculture **and the attorney general** to determine  
27 whether such acquisition of agricultural land is conveyed in accordance with the **one-half of**

28 one percent restriction on the total aggregate alien and foreign ownership of agricultural land  
29 in this state. **Such submission shall be accomplished in the form and manner established**  
30 **by the department of agriculture. The attorney general shall review each submission**  
31 **that the attorney general receives under this subsection and investigate such acquisition**  
32 **of agricultural land if the attorney general believes such acquisition violates this section.**

33 **(2) An alien or foreign business that owns or acquires agricultural land in this**  
34 **state shall report the status of the usage of the agricultural land. Such report shall be**  
35 **submitted to the department of agriculture and to the attorney general upon the**  
36 **acquisition and every five years thereafter. If the usage of the land changes from**  
37 **agricultural use to any other usage or from any other usage to agricultural use, such**  
38 **change shall be reported within thirty days of such change to the attorney general and**  
39 **the department of agriculture.**

40 **(3) All land acquired in violation of this section is subject to a court action and**  
41 **divestiture under section 442.576.**

42 **(4) The department of agriculture and the attorney general shall establish by rule**  
43 **the requirements for submission and approval of requests under this subsection.**

44 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
45 created under the authority delegated in this section shall become effective only if it complies  
46 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
47 This section and chapter 536 are nonseverable and if any of the powers vested with the  
48 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
49 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
50 rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid  
51 and void.

52 **5. The limitations in this section on the percentage of acreage that an alien or**  
53 **foreign business is authorized to acquire shall not apply to agricultural land that is used**  
54 **for research or experimental purposes including, but not limited to:**

55 **(1) Testing, developing, or producing seeds or plants for sale or resale to**  
56 **farmers; or**

57 **(2) Animal health research, animal nutrition research, raising genetic traits that**  
58 **are used for human or animal research, and animals raised for exhibition.**

59 **6. (1) As used in this subsection, the following terms mean:**

60 **(a) "Foreign adversary", an individual or government identified as a foreign**  
61 **adversary in 15 CFR 7.4(a);**

62 **(b) "Land", any real property of any classification or subclassification within**  
63 **this state.**

64           **(2) Notwithstanding the provisions of section 442.591 or any other law to the**  
65 **contrary, no foreign business in which an interest is owned by an alien who is a citizen of**  
66 **a foreign adversary or that is organized under the laws of a foreign adversary shall**  
67 **purchase any land in this state.**

68           **(3) Violations reported in accordance with this subsection shall be reported to**  
69 **the attorney general of Missouri and adhere to requirements of the USA Patriot Act of**  
70 **2001. The attorney general shall review each submission that the attorney general**  
71 **receives under this subsection and investigate such acquisition of land if the attorney**  
72 **general believes such acquisition violates this section.**

          442.576. 1. If the ~~[director]~~ **attorney general** finds that an alien or foreign business  
2 or an agent, trustee, or other fiduciary therefor has acquired ~~[agricultural]~~ land in Missouri in  
3 violation of sections 442.560 to 442.592, or the land ceases to be used for nonagricultural  
4 purposes under section 442.591, he or she shall ~~[report the violation to the attorney general.~~  
5 ~~2. The attorney general shall]~~ institute an action in the circuit court of Cole County or  
6 the circuit court in any county in which ~~[agricultural]~~ land owned by the alien or foreign  
7 business, agent, trustee or other fiduciary, alleged to have violated sections 442.560 to  
8 442.592, is located.

9           ~~[3-]~~ **2.** The attorney general shall file a notice of the pendency of the action with the  
10 recorder of deeds of each county in which any portion of such ~~[agricultural]~~ lands is located.  
11 If the court finds that the lands in question have been acquired in violation of sections  
12 442.560 to 442.592, it shall enter an order so declaring and shall file a copy of the order with  
13 the recorder of deeds of each county in which any portion of the ~~[agricultural]~~ lands is  
14 located. The court shall order the owner to divest ~~[himself]~~ **from ownership** of the  
15 ~~[agricultural]~~ land. The owner must comply with the order within two years. The two-year  
16 limitation period shall be a covenant running with the title to the land against any alien  
17 grantee or assignee. Provided, however, an incorporated foreign business must divest itself of  
18 ~~[agricultural]~~ land within the minimum time required by Article XI, Section 5, of the Missouri  
19 Constitution. Any ~~[agricultural]~~ lands not divested within the time prescribed shall be  
20 ordered sold by the court at a public sale in the manner prescribed by law for the foreclosure  
21 of a mortgage on real estate for default in payment.

          442.591. **Except as provided under section 442.571,** the restrictions set forth in  
2 sections 442.560 to 442.592 shall not apply to agricultural land or any interest therein  
3 acquired by an alien or foreign business for immediate or potential use in nonfarming  
4 purposes. An alien or foreign business may hold such agricultural land in such acreage as  
5 may be necessary to ~~[its]~~ **such alien's or foreign business's** nonfarm business operation;  
6 provided, however, that pending the development of agricultural land for nonfarm purposes,  
7 such land may not be used for farming except under lease to a family farm unit; a family farm

8 corporation defined in section 350.010; an alien or foreign business which has filed with the  
9 director **and the attorney general** under sections 442.560 to 442.592; or except when  
10 controlled through ownership, options, leaseholds or other agreements by a corporation which  
11 has entered into an agreement with the United States of America pursuant to the New  
12 Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1969, 42  
13 U.S.C. 3901-3914), as amended, or a subsidiary or assignee of such a corporation.

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

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

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

8 (3) An entity, other than an individual or a government, that is created or organized  
9 under the laws of the United States or of some state, territory, trusteeship or protectorate of  
10 the United States and that, as defined in regulations to be prescribed by the director, is  
11 ~~substantially~~ controlled by individuals referred to in subdivision (1) of this subsection,  
12 entities referred to in subdivision (2) of this subsection, governments of foreign nations, or  
13 any combination of such individuals, entities, or governments; ~~and~~

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

15 (5) A government of a foreign nation.

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

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

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

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

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

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

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

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

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

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

42 ~~(7) A declaration of the type of agricultural activity engaged in by the reporting~~  
43 ~~foreign person;~~

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

46 **3. No rule or portion of a rule promulgated under the authority of sections 442.560 to**  
47 **442.591 shall become effective unless it has been promulgated pursuant to the provisions of**  
48 **section 536.024] The department of agriculture may promulgate all necessary rules and**  
49 **regulations for the administration of this section. Any rule or portion of a rule, as that**  
50 **term is defined in section 536.010, that is created under the authority delegated in this**  
51 **section shall become effective only if it complies with and is subject to all of the**  
52 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**  
53 **536 are nonseverable and if any of the powers vested with the general assembly**  
54 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
55 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
56 **and any rule proposed or adopted after August 28, 2024, shall be invalid and void.**

57 **[4.] 3. Any foreign person who acquires or transfers any interest (including leaseholds**  
58 **of ten years or more and beneficial interests in the agricultural land under contracts of sale or**  
59 **similar arrangements), other than a security interest, in agricultural land shall submit, or have**  
60 **a designated agent submit, a report to the director and the attorney general not later than**  
61 **thirty days after the date of such acquisition or transfer; provided, however, that no reporting**  
62 **requirement attaches to an acquisition or transfer by an alien or a foreign person or a foreign**  
63 **business of an interest in agricultural land for the extraction, refining, processing, or**  
64 **transportation of oil, gas, coal or lignite. Such report shall be submitted in such manner as the**  
65 **director shall prescribe by regulation and shall contain:**

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

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

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

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

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

72 (c) The legal name and address of each person who holds a substantial interest (as  
73 defined in regulations to be prescribed by the director) in the foreign person and, in any case  
74 in which the holder of such an interest is an individual, the citizenship of the holder and, in  
75 any case in which the holder of such an interest is not an individual or a government, the  
76 nation in which the holder is created or organized and the principal place of business of the  
77 holder;

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

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

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

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

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

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

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

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

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

100 ~~6.]~~ 4. (1) The director, **in consultation with the attorney general**, shall:

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

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

107 (2) An analysis and determination shall be made, and a report on the [director's]  
108 findings and conclusions regarding such analysis and determination transmitted[=

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

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

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

116 [7-] 5. Any foreign person who fails to file a report required under the provisions of  
117 this section is liable to the state in civil penalty. The civil penalty shall be determined by the  
118 circuit court in an amount not to exceed twenty-five percent of the fair market value of the  
119 interest in agricultural land with respect to which the violations occurred on the date of the  
120 assessment of the penalty. The attorney general shall recover the amount of any civil penalty  
121 assessed in a civil action in the circuit court in the county in which any part of the land  
122 involved is located.

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