

SECOND REGULAR SESSION

# HOUSE BILL NO. 2318

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

5002H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 442.560, 442.571, and 442.591, RSMo, and to enact in lieu thereof two new sections relating to foreign ownership of real estate.

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

Section A. Sections 442.560, 442.571, and 442.591, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 442.560 and 442.571, to read as follows:

442.560. Except as provided in sections 442.560 to 442.591, **beginning August 28, 2024**, persons not citizens of the United States and not residents of the United States or of some territory, trusteeship, or protectorate of the United States, and corporations not created by or under the laws of the United States or of some state, territory, trusteeship, or protectorate of the United States shall **not** be capable of acquiring, by grant, purchase, devise or descent, **commercial** real estate ~~[except]~~, **including** agricultural land as defined in section 442.566, or any interest therein, in this state, and of owning, holding, devising, or alienating the same, ~~[and]~~ **except those persons not citizens of the United States and not residents of the United States or of some territory, trusteeship, or protectorate of the United States, and corporations not created by or under the laws of the United States or of some state, territory, trusteeship, or protectorate of the United States that have acquired commercial real estate and agricultural land in this state prior to August 28, 2024, shall continue to own and hold the acquired real estate and shall incur the like duties and liabilities in relation thereto as if they were citizens of the United States and residents of this state, but shall not grant, sell, or otherwise transfer commercial real estate and agricultural land on or after August 28, 2024, to any other person not a citizen of the**

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.

17 **United States or of some territory, trusteeship, or protectorate of the United States, nor**  
18 **to a corporation not created by or under the laws of the United States or of some state,**  
19 **territory, trusteeship, or protectorate of the United States.** The provisions of sections  
20 442.560 to 442.591 shall not apply to agricultural land located in counties which border the  
21 state of Oklahoma which was owned by such a person described in this section prior to  
22 January 1, 1995.

442.571. 1. Except as provided in sections 442.586 and 442.591, ~~[no alien or foreign~~  
2 ~~business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this~~  
3 ~~state if the total aggregate alien and foreign ownership of agricultural acreage in this state~~  
4 ~~exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer~~  
5 ~~of any agricultural land in this state shall be submitted to the director of the department of~~  
6 ~~agriculture for review in accordance with subsection 3 of this section only if there is no~~  
7 ~~completed Internal Revenue Service Form W-9 signed by the purchaser]~~ **beginning August**  
8 **28, 2024, no alien or foreign business shall acquire by grant, purchase, devise, descent,**  
9 **or otherwise any agricultural land in this state. Any alien or foreign business who**  
10 **acquired any agricultural land in this state prior to August 28, 2024, shall not grant, sell,**  
11 **or otherwise transfer such agricultural land to any other alien or foreign business on or**  
12 **after August 28, 2024.** No person may hold agricultural land as an agent, trustee, or other  
13 fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592,  
14 provided, however, that no security interest in such agricultural land shall be divested or  
15 invalidated by such violation.

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

3. Subject to the provisions of subsection 1 of this section, ~~[such]~~ **all proposed**  
21 ~~[acquisitions]~~ **transfers on or after August 28, 2024,** by grant, purchase, devise, descent, or  
22 otherwise of **any interest in agricultural land held by any alien or foreign business** in this  
23 state shall be submitted to the department of agriculture to determine whether such  
24 ~~[acquisition]~~ **transfer** of agricultural land is conveyed in accordance with the ~~[one percent~~  
25 ~~restriction on the total aggregate]~~ **prohibition on** alien and foreign ownership of agricultural  
26 land in this state **under this section.** The department shall establish by rule the requirements  
27 for submission and approval of requests under this subsection.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
29 created under the authority delegated in this section shall become effective only if it complies  
30 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
31 This section and chapter 536 are nonseverable and if any of the powers vested with the

32 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
33 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
34 rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid  
35 and void.

2           ~~[442.591. The restrictions set forth in sections 442.560 to 442.592~~  
3           ~~shall not apply to agricultural land or any interest therein acquired by an alien~~  
4           ~~or foreign business for immediate or potential use in nonfarming purposes. An~~  
5           ~~alien or foreign business may hold such agricultural land in such acreage as~~  
6           ~~may be necessary to its nonfarm business operation; provided, however, that~~  
7           ~~pending the development of agricultural land for nonfarm purposes, such land~~  
8           ~~may not be used for farming except under lease to a family farm unit; a family~~  
9           ~~farm corporation defined in section 350.010; an alien or foreign business~~  
10           ~~which has filed with the director under sections 442.560 to 442.592; or except~~  
11           ~~when controlled through ownership, options, leaseholds or other agreements~~  
12           ~~by a corporation which has entered into an agreement with the United States of~~  
13           ~~America pursuant to the New Community Act of 1968 (Title IV of the Housing~~  
14           ~~and Urban Development Act of 1969, 42 U.S.C. 3901-3914), as amended, or a~~  
              ~~subsidiary or assignee of such a corporation.]~~

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