SENATE AMENDMENT NO. ___

Offered by ___________________________ Of ___________________________

Amend ________ SS/Senate ________ Bill No. ________, Page ____, Section ________, Line ____, by inserting after all of said line the following:

"442.571. 1. Except as provided in sections 442.586 and 442.591, No alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer of any agricultural land in this state shall be submitted to the director of the department of agriculture for review in accordance with subsection 3 of this section only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser. No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as he or she holds an interest in the land, provided, however, that 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 proposed acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state shall be submitted to the department of agriculture to determine whether such acquisition of agricultural land is conveyed in accordance with the one percent restriction on the total aggregate alien and foreign ownership of agricultural land in this state. [The department shall establish by rule the requirements 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 created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void].

Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.

[442.576. 1. If the director finds that an alien or foreign business or an agent, trustee, or other fiduciary therefor has acquired agricultural land in Missouri in violation of sections 442.560 to 442.592, or the land ceases to be used for nonagricultural purposes under section 442.591, he or she shall report the violation to the attorney general.

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

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

442.581. Any person who obtains a lease on agricultural
land for a term of ten years or longer or a lease renewable at
his option for terms which might total ten years has acquired
agricultural land within the meaning of sections 442.560 to
442.591.]

442.586. Sections 442.560 to 442.591 shall not apply to
agricultural land now owned in this state by aliens or foreign
businesses so long as it is held by the present owners or their
direct descendants including any trust for the benefit of either
and any legal person owned or controlled by either including but
not limited to corporations, limited liability corporations,
partnerships, and limited liability partnerships, nor to any
alien who is or shall take up bona fide residence in the United
States; and any alien who is or shall become a bona fide resident
of the United States shall have the right to acquire and hold
agricultural lands in this state upon the same terms as citizens
of the United States during the continuance of such bona fide
residence in the United States; except, that if any resident
alien shall cease to be a bona fide resident of the United
States, such alien shall have two years from the time he ceased
to be a bona fide resident in which to divest himself of such
agricultural lands. Any agricultural lands not divested within
the time prescribed shall be ordered sold by the court at a
public sale in the manner prescribed by law for the foreclosure
of a mortgage on real estate for default in payment.]
potential use in nonfarming purposes. An alien or foreign
business may hold such agricultural land in such acreage as may
be necessary to its nonfarm business operation; provided,
however, that pending the development of agricultural land for
nonfarm purposes, such land may not be used for farming except
under lease to a family farm unit; a family farm corporation
defined in section 350.010; an alien or foreign business which
has filed with the director under sections 442.560 to 442.592; or
except when controlled through ownership, options, leaseholds or
other agreements by a corporation which has entered into an
agreement with the United States of America pursuant to the New
Community Act of 1968 (Title IV of the Housing and Urban
Development Act of 1969, 42 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:
(1) An individual who is not a citizen of the United States
and who has not been lawfully admitted to the United States for
permanent residence under the Immigration and Nationality Act or
who has not been made a citizen by an act of Congress;
(2) An entity, other than an individual or a government,
that is created or organized under the laws of a nation other
than the United States, or that has its principal place of
business in a foreign nation;
(3) An entity, other than an individual or a government,
that is created or organized under the laws of the United States
or of some state, territory, trusteeship or protectorate of the
United States and that, as defined in regulations to be
prescribed by the director, is substantially controlled by
individuals referred to in subdivision (1) of this subsection,
entities referred to in subdivision (2) of this subsection,
governments of foreign nations, or any combination of such
individuals, entities, or governments; and
(4) A government of a foreign nation.
2. Any foreign person who holds any interest (including
leaseholds of ten or more years and beneficial interests in the
agricultural land under contracts of sale or similar
arrangements), other than a security interest, in agricultural
land on September 28, 1979, shall submit, or have a designated
agent submit, a report to the director of agriculture not later
than sixty days after September 28, 1979; provided, however, that
no reporting requirement attaches to any holding by an alien or a
foreign person or a foreign business of an interest in
agricultural land for the extraction, refining, processing or
transportation of oil, gas, coal or lignite. Such report shall
be submitted in such manner as the director shall prescribe by
regulation and shall contain:
(1) The legal name and address of the foreign person;
(2) In any case in which the foreign person is an
individual, the citizenship of the foreign person;
(3) In any case in which the foreign person is not an
individual or a government:

(a) The nation in which the foreign person is created or organized;
(b) The principal place of business of the foreign person;
(c) The legal name and address of each person who holds a substantial interest (as defined in regulations to be prescribed by the director) in the foreign person and, in any case in which the holder of such an interest is an individual, the citizenship of the holder and, in any case in which the holder of such an interest is not an individual or a government, the nation in which the holder is created or organized and the principal place of business of the holder;
(4) The type of interest in the agricultural land that is held by the foreign person;
(5) A legal description of the agricultural land, including the county in which the land is located and the total acreage involved;
(6) The date of acquisition of the interest and the purchase price paid for, or any other consideration given for, the interest;
(7) A declaration of the type of agricultural activity engaged in by the reporting foreign person;
(8) In the case where any foreign person holds an interest in agricultural land for the purposes outlined in section 442.591, a declaration of intent as to the intended use of the land.

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

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

(1) The legal name and address of the foreign person;
(2) In any case in which the foreign person is an individual, the citizenship of the foreign person;
(3) In any case in which the foreign person is not an individual or a government:
(a) The nation in which the foreign person is created or organized;
(b) The principal place of business of the foreign person;
(c) The legal name and address of each person who holds a
substantial interest (as defined in regulations to be prescribed by the director) in the foreign person and, in any case in which the holder of such an interest is an individual, the citizenship of the holder and, in any case in which the holder of such an interest is not an individual or a government, the nation in which the holder is created or organized and the principal place of business of the holder;

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

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

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

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

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

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

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

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

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

6. (1) The director shall:

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

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

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

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

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

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

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

Further amend the title and enacting clause accordingly.