

## SENATE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILLS NOS. 903, 465, 430 &amp; 499

## AN ACT

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Section A. Sections 442.571 and 442.591, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 442.571 and 442.591, to read as follows:

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] beginning August 28, 2023, no alien, foreign business, or foreign government shall acquire by grant, purchase, devise, descent, or otherwise any agricultural land in this state. Any alien, foreign business, or foreign government who acquired any agricultural land in this state prior to August 28, 2023, shall not grant, sell, or otherwise transfer such agricultural land to any other alien, foreign business, or foreign government on or after August 28, 2023. No person

may hold agricultural land as an agent, trustee, or other fiduciary for an alien [or], foreign business, or foreign government 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, or foreign government 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] the alien, foreign business, or foreign government 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] all proposed [acquisitions] transfers on or after August 28, 2023, by grant, purchase, devise, descent, or otherwise of any interest in agricultural land held by any alien, foreign business, or foreign government in this state shall be submitted at least thirty calendar days prior to when such transfers of such agricultural land are finalized to the department of agriculture to determine whether such [acquisition] transfer of agricultural land is conveyed in accordance with the [one percent restriction on the total aggregate] prohibition on alien and foreign ownership of agricultural land in this state under this section. 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.

442.591. The restrictions set forth in sections 442.560 to 442.592 shall not apply to agricultural land or any interest therein acquired by an alien [or], foreign business, or foreign government for immediate or potential use in nonfarming purposes. An alien [or], foreign business, or foreign government 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, or foreign government 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. As used in this section, the term "nonfarming" includes, but is not limited to, the conducting and active operation of research or experimentation for the purpose of developing or improving any type of agricultural practice, tool, device, or implement.