

**TITLE 2 – DEPARTMENT OF
AGRICULTURE
Division 110 – Office of the Director
Chapter 4 – Registration of
Foreign-Owned Agricultural Land**

EMERGENCY AMENDMENT

2 CSR 110-4.040 Procedure for Filing. The director is amending sections (1)–(5).

PURPOSE: This emergency amendment establishes new foreign owned agricultural land registration requirements required by the implementation of Executive Order 24-01.

*EMERGENCY STATEMENT: This emergency amendment is necessary to serve the compelling government interest of ensuring the safety of all Missourians from foreign adversaries. The Director of the Department of Agriculture is mandated to approve foreign acquisitions of agricultural land in this state and Executive Order 24-01 further mandates that those potential owners who are citizens, residents, or incorporated under the laws of foreign adversary shall be denied the acquisition of agricultural land in this state if the land is within ten miles of certain military facilities. This emergency amendment is necessary to protect the state's security interests, especially at military installations. This emergency amendment protects the public health, safety, and welfare under a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protection extended in the *Missouri* and *United States Constitutions*. The Department of Agriculture believes this emergency amendment is fair to all interest persons and parties under the circumstances. This emergency amendment was filed January 9, 2024, becomes effective January 24, 2024, and expires July 21, 2024.*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) A report upon forms, which are available on the Missouri Department of Agriculture's website, shall be filed *[within]* at least thirty (30) days *[off]* prior to the date of acquisition *[or]* by sale, transfer, grant, devise, descent, or otherwise of any interest in agricultural land in Missouri by any foreign person, as that term is defined in section 442.592.1., RSMo.

(2) These reports shall be submitted *[in duplicate. Both copies shall be completed in full and each shall be signed as an original.]* to the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102-0630 and shall be completed in full. Failure to complete the required form timely could result in a delay in determining whether the acquisition is in violation of state law.

(3) Each copy of the report shall be signed personally by the individual foreign person holding a **potential** interest in the agricultural land or by the legally authorized representative of that foreign person. If the reports are signed by the legally authorized representative of a foreign person, there shall be attached an appropriate document designating the individual signing as the authorized representative of the foreign person in question.

(4) The report required by this rule shall contain the following information in the appropriate spaces provided on the form:

(A) The legal name and address of the foreign person;

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

(C) In any case in which the foreign person is not an individual or a government –

1. The nation in which the foreign person is created or organized; and

2. The legal name and address of each person **or entity** who holds any interest comprising five percent (5%) or more of the foreign person, directly or indirectly, through other persons or entities; and in any case in which the holder of the interest is an individual, the citizenship of the holder and in any case in which the holder of the 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;

(D) **Whether any potential interest holder is a citizen or resident of, or is incorporated under the laws of a foreign adversary as determined by Title 15, Code of Federal Regulations, Section 7.4, published January 19, 2021, herein incorporated by reference and made a part of this rule, as published by the United States Publishing Office, 732 N. Capital St NW, Washington DC, 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>;**

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

~~[(E)]~~(F) An exact legal description of the agricultural land, comporting with all requirements for recordation of title and including the county(ies) in which the land is located and the total acreage involved **and any knowledge regarding whether or not the potential land acquisition is located within ten (10) miles of a military facility in this state;**

~~[(F)]~~(G) The purchase price paid or received for or any other consideration given or received for the interest **as well as whether the potential land acquisition will utilize or involve any state or local government financial assistance or financing mechanisms;**

~~[(G)]~~ *In any case in which the foreign person transfers the interest, the legal name and address of the person to whom the interest is transferred.*

1. *In any case in which the transferee is an individual, the citizenship of the transferee.*

2. *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.;*

(H) A declaration of the *[type of agricultural]* intended activity *[engaged in]* on the potential land by the reporting foreign person; *[and]*

(I) In the case where any foreign person acquires an interest in agricultural land for the purposes outlined in section 442.591, RSMo, a declaration of the intended use of the land, which declaration shall be supplemented by submitting in writing to the director of the Department of Agriculture an amended declaration each time the intended use of all or a portion of the land changes;

(J) Whether the foreign person currently owns any land in the state of Missouri, and if so, the specific locations of current ownership; and

(K) Any other information the Director of the Missouri Department of Agriculture deems necessary to comply with state law and executive order.

(5) Failure to file the report required by this rule subjects the foreign person holding an interest in the Missouri farmland to a substantial civil penalty as provided in section [442.592.6] **442.592.7.**, RSMo.

*AUTHORITY: section 442.592, RSMo 2016. This rule originally filed as 2 CSR 20-3.040. Original rule filed Jan. 12, 1982, effective May 15, 1982. Moved to 2 CSR 110-4.040 and amended: Filed May 21, 2018, effective Dec. 30, 2018. Executive Order 24-01, effective Jan. 02, 2024. Emergency amendment filed Jan. 9, 2024, effective Jan. 24, 2024, expires July 21, 2024. An emergency and proposed amendment covering the same material will be published in the Feb. 15, 2024, issue of the **Missouri Register**.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.