

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

EMERGENCY RULE

2 CSR 110-4.050 Process for Approval

PURPOSE: This rule specifies which agricultural land acquisitions will be disallowed based on the information provided on submitted reports in accordance with Executive Order 24-01 and section 442.571, RSMo.

*EMERGENCY STATEMENT: This emergency rule 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 (10) miles of certain military facilities. This emergency rule is necessary to protect the state's security interests, especially at military installations. This emergency rule protects the public health, safety, and welfare under a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this rule 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 rule is fair to all interest persons and parties under the circumstances. This emergency rule was filed January 9, 2024, becomes effective January 24, 2024, and expires July 21, 2024.*

(1) The Director of the Missouri Department of Agriculture shall:

(A) Disallow the potential agricultural land acquisition included in any report by any citizen or resident of, or those incorporated under the laws of a foreign adversary as determined by Title 15, *Code of Federal Regulations*, Section 7.4, if such land is within ten (10) miles of a military facility, to include all federal installations as well as all staffed Missouri National Guard units as published on the Department's website.

(B) Disallow the potential agricultural land acquisition included in any report by any alien or foreign business 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.

(C) Review in accordance with state laws, regulations, and orders at the time that the report by a foreign person is submitted, any report not listed in (1) or (2) of this rule, and allow or disallow accordingly.

*AUTHORITY: Executive Order 24-01, effective Jan. 2, 2024. sections 442.571 and 442.592, RSMo 2016. Emergency rule filed Jan. 9, 2024, effective Jan. 24, 2024, expires July 21, 2024. An emergency and proposed rule covering this same material will be published in the Feb. 15, 2024, issue of the **Missouri Register**.*

PUBLIC COST: This emergency amendment is estimated to cost state agencies or political subdivisions fifty eight thousand eight hundred and seventy nine dollars (\$58,879) 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.

EMERGENCY PROOF

FISCAL NOTE PUBLIC COST

- I. Department Title: Department of Agriculture**
Division Title: Office of the Director
Chapter Title: Registration of Foreign-Owned Agricultural Land

Rule Number and Name:	2 CSR 110-4.050 Process for Approval
Type of Rulemaking:	Emergency

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	\$58,879

III. WORKSHEET

The Department anticipates the need to increase staffing by 0.33FTE totaling \$58,879. The total fiscal impact includes \$27,137 PS and \$31,742 E&E.

IV. ASSUMPTIONS

The Department has assumed that there will be additional foreign owned agricultural land reports filed with the Department as a result of increased awareness of the state provisions requiring such filings, as well as an increased level of investigatory and enforcement actions by the Department as required by Executive Order 24-01, including the need for GIS support to conduct geographical searches of parcels and properties included on the reports.