

By: Representatives Currie, Stamps

To: Agriculture

HOUSE BILL NO. 280

1 AN ACT TO PROHIBIT A FOREIGN GOVERNMENT FROM PURCHASING,
 2 ACQUIRING, LEASING, OR HOLDING AN INTEREST, AS DEFINED, IN
 3 AGRICULTURAL LAND WITHIN THE STATE OF MISSISSIPPI; TO EXEMPT LAND
 4 HELD BY FOREIGN GOVERNMENTS BEFORE JULY 1, 2023, FROM THAT
 5 PROHIBITION, AND WOULD SPECIFY THAT IT DOES NOT APPLY TO FEDERALLY
 6 RECOGNIZED INDIAN TRIBES OR THEIR GOVERNMENT UNITS AND
 7 ENTERPRISES; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF AGRICULTURE
 8 AND COMMERCE, IN CONSULTATION WITH THE APPROPRIATE BOARDS OR
 9 DEPARTMENTS TO COMPILE AN ANNUAL REPORT BASED ON REPORTS FROM THE
 10 UNITED STATES SECRETARY OF AGRICULTURE AND OTHER INFORMATION THE
 11 DEPARTMENT DEEMS APPROPRIATE; TO SPECIFY THE CONTENTS OF
 12 INFORMATION TO BE CONTAINED IN THE REPORT, INCLUDING THE TOTAL
 13 AMOUNT OF AGRICULTURAL LAND THAT IS UNDER FOREIGN OWNERSHIP, HOW
 14 THAT LAND IS CURRENTLY BEING USED, AND ANY POLICY RECOMMENDATIONS
 15 IN LIGHT OF THE INFORMATION FROM THE ANNUAL REPORT; TO REQUIRE THE
 16 DEPARTMENT TO PUBLISH THE INAUGURAL ANNUAL REPORT ON ITS WEBSITE
 17 BY OCTOBER 1, 2023, AND ON OCTOBER 1 EVERY YEAR THEREAFTER; TO
 18 REQUIRE THE DEPARTMENT TO DELIVER COPIES OF ANY RECOMMENDATIONS
 19 FOR LEGISLATIVE POLICY CHANGES CONTAINED IN THE REPORT TO THE
 20 GOVERNOR AND THE HOUSE AND SENATE COMMITTEES ON AGRICULTURE; TO
 21 REQUIRE THE DEPARTMENT TO BE REIMBURSED FOR COSTS INCURRED FOR
 22 COMPILING DATA, PRINTING AND MAILING THE REPORT; AND FOR RELATED
 23 PURPOSES.

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

25 **SECTION 1.** This act shall be known and may be cited as the
 26 Agricultural Land Foreign Acquisition Prohibition Act.



27 **SECTION 2.** As used in this act, the following terms shall
28 have the meaning ascribed in this section unless the context
29 clearly requires otherwise:

30 (a) "Agricultural land" means any land located in one
31 or more states and used for agricultural, forestry, or timber
32 production purposes as determined by the United States Secretary
33 of Agriculture under regulations to be prescribed by the
34 Secretary, as defined in 7 USCS Section 3508.

35 (b) "Controlling interest" means either of the
36 following:

37 (i) Possession of fifty-one percent (51%) or more
38 of the ownership interests in an entity; or

39 (ii) A percentage ownership interest in an entity
40 of less than fifty-one percent (51%), if the foreign government
41 actually directs the business and affairs of the entity without
42 the requirement or consent of any other party.

43 (c) "Department" means the Mississippi Department of
44 Agriculture and Commerce.

45 (d) "Foreign government" means a government or the
46 state-controlled enterprise of a foreign government, except the
47 term "foreign government" does not include the government of the
48 United States, its states, territories or possessions.

49 (e) "Interest" means any estate, remainder or reversion
50 or portion of the estate, remainder or reversion, or an option



51 pursuant to which one (1) party has a right to cause legal or
52 equitable title to agricultural land to be transferred.

53 (f) "State-controlled enterprise" means a business
54 enterprise, however denominated, in which the government has a
55 controlling interest.

56 **SECTION 3.** (1) Notwithstanding any other law, on and after
57 July 1, 2023, a foreign government shall not purchase, acquire,
58 lease, or hold any interest in agricultural land in the State of
59 Mississippi.

60 (2) This section does not apply to any interest in
61 agricultural land held by a foreign government before July 1,
62 2023.

63 (3) This section does not apply to a federally recognized
64 Indian tribe or its government units and enterprises.

65 (4) A transfer of an interest in land in violation of this
66 section is void.

67 (5) This section shall not be applied in a manner
68 inconsistent with any provision of any treaty between the United
69 States and another country.

70 **SECTION 4.** (1) Based on the reports submitted to it
71 pursuant to 7 USCS Section 3505, and other information the
72 Mississippi Department of Agriculture and Commerce, at its
73 discretion, deems appropriate, the department shall compile an
74 annual report in consultation with the appropriate boards or



75 departments for each calendar year containing all of the
76 following:

77 (a) The total amount of agricultural land that is under
78 foreign ownership;

79 (b) The percentage change in foreign ownership of
80 agricultural land in Mississippi, by year, over the past ten (10)
81 years;

82 (c) The purpose to which foreign-owned agricultural
83 land in Mississippi is being put to use currently. The department
84 shall also include any significant recent changes or trends in the
85 use to which foreign-owned agricultural land in Mississippi is
86 being put to use;

87 (d) Information regarding the extent of, and any recent
88 changes in, foreign ownership of water rights in Mississippi;

89 (e) Information regarding the extent of, and any recent
90 changes in, foreign ownership of water desalination facilities in
91 Mississippi;

92 (f) Information regarding the extent of, and any recent
93 changes in, foreign ownership of energy production, storage or
94 distribution facilities in Mississippi;

95 (g) The Mississippi Department of Agriculture and
96 Commerce's assessment of the impact of any recent changes in
97 foreign ownership of agricultural land in Mississippi, water
98 rights and food security; and



99 (h) Any legislative, regulatory or administrative
100 policy changes the department recommends in light of the
101 information in the report.

102 (2) The report required by subsection (1) shall also include
103 information on agricultural land that is leased by a foreign
104 government for each of the categories set forth in paragraphs (a)
105 to (h), inclusive, of subsection (1), as applicable.

106 (3) (a) The Mississippi Department of Agriculture and
107 Commerce shall publish the inaugural report described in
108 subsection (1) on its website by October 1, 2023, and on October 1
109 of each following year;

110 (b) The Department of Food and Agriculture shall
111 publish each subsequent report described in subsection (1) on its
112 website by October 1 of each following year;

113 (c) If the report contains recommendations for
114 legislative policy changes pursuant to paragraph (h) of subsection
115 (1), the department shall also deliver copies of those
116 recommendations to the Governor and the House and Senate
117 Committees on Agriculture; and

118 (d) The department shall be reimbursed from the funds
119 appropriated for the purpose of covering the costs incurred for
120 compiling data, printing and mailing the report.

121 **SECTION 5.** This act shall become operative upon an
122 appropriation by the Legislature for the purpose of implementing
123 the provisions of this chapter.



124 **SECTION 6.** This act shall take effect and be in force from
125 and after July 1, 2023.

