

By: Representative Currie

To: Agriculture

HOUSE BILL NO. 348

1 AN ACT TO CREATE THE "MISSISSIPPI AGRICULTURAL LAND  
2 PROTECTION AND FOREIGN ACQUISITION PROHIBITION ACT" FOR THE  
3 PURPOSES OF PROHIBITING CERTAIN FOREIGN GOVERNMENTS AND  
4 NONRESIDENT ALIENS FROM PURCHASING, ACQUIRING, LEASING, OR HOLDING  
5 AN INTEREST IN AGRICULTURAL LAND WITHIN THE STATE OF MISSISSIPPI;  
6 TO DEFINE TERMINOLOGY USED IN THE ACT; TO PROHIBIT ANY PARTY FROM  
7 HOLDING AGRICULTURAL LAND AS AN AGENT, TRUSTEE OR OTHER FIDUCIARY  
8 FOR A PROHIBITED FOREIGN PARTY; TO PROVIDE THAT A PROHIBITED  
9 FOREIGN PARTY WHO IS A RESIDENT ALIEN OF THE UNITED STATES IS  
10 ENTITLED TO ACQUIRE AND HOLD AGRICULTURAL LAND IN THE STATE AS A  
11 CITIZEN OF THE UNITED STATES FOR THE DURATION OF HIS OR HER  
12 RESIDENCE IN THE STATE OF MISSISSIPPI, TO PROVIDE THAT NO SUCH  
13 RESIDENT ALIEN SHALL BE ENTITLED TO ACQUIRE A HOLD ON ANY  
14 AGRICULTURAL LAND WITHIN A RADIUS OF 100 MILES OF A UNITED STATES  
15 MILITARY INSTALLATION, AS PRESCRIBED IN THE REAL ESTATE  
16 REGULATIONS OF THE COMMITTEE ON FOREIGN INVESTMENTS IN THE UNITED  
17 STATES (CFIUS); TO REQUIRE A PROHIBITED FOREIGN PARTY TO DIVEST OF  
18 THE LAND HELD WITHIN TWO YEARS AFTER THEY ARE NO LONGER A RESIDENT  
19 ALIEN; TO AUTHORIZE THE ATTORNEY GENERAL TO COMMENCE A LEGAL  
20 ACTION AGAINST PROHIBITED FOREIGN PARTY OFFENDERS WHO FAIL TO  
21 DIVEST OF THE RESPECTIVE PROPERTY AN ACTION IN CIRCUIT COURT  
22 WITHIN THE JURISDICTION WHEREIN THE AGRICULTURAL LAND IS SITUATED;  
23 TO PRESCRIBE THE PROCESSES TO BE FOLLOWED BY THE SECRETARY OF  
24 STATE'S OFFICE AND THE ATTORNEY GENERAL WHEN IT HAS BEEN  
25 DETERMINED THAT A PROHIBITED FOREIGN PARTY HAS ACQUIRED  
26 AGRICULTURAL LAND IN VIOLATION OF THIS ACT; TO AMEND SECTIONS  
27 89-1-23 AND 29-1-75, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO  
28 THE PRECEDING PROVISIONS; TO AMEND SECTION 7-3-5, MISSISSIPPI CODE  
29 OF 1972, TO EXPAND THE DUTIES OF THE SECRETARY OF STATE WITH  
30 REGARD TO ENFORCING THE PROVISIONS OF THIS ACT IN CONJUNCTION WITH  
31 THE COMMISSIONER OF AGRICULTURE AND COMMERCE; AND FOR RELATED  
32 PURPOSES.

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



34           **SECTION 1.** This act shall be known and may be cited as the  
35 "Mississippi Agricultural Land Protection and Foreign Acquisition  
36 Prohibition Act."

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

40                   (a) "Agricultural land" means any land situated within  
41 the boundaries of the State of Mississippi which is located  
42 outside the corporate limits of a municipality, and which is:

43                           (i) Used for forestry production, including,  
44 without limitation, land exceeding ten (10) acres in which ten  
45 percent (10%) of the land is stocked by trees of any size,  
46 including land that formerly had trees of any size covering the  
47 land which will be naturally or artificially regenerated;

48                           (ii) Currently used for, or, if currently idle,  
49 last used within the past five (5) years, for farming, ranching or  
50 timber production, except land not exceeding ten (10) acres in the  
51 aggregate, if the annual gross receipts from the sale of the farm,  
52 ranch or timber products produced on the land do not exceed One  
53 Thousand Dollars (\$1,000); or

54                           (iii) Used for agricultural, forestry, or timber  
55 production purposes as determined by the United States Secretary  
56 of Agriculture under regulations to be prescribed by the  
57 Secretary, as defined in 7 USCS Section 3508.



58           The term "agricultural land" does not include oil, gas, and  
59 all other minerals, including coal, lignite, brine and all  
60 minerals known and recognized as commercial minerals underlying  
61 the land.

62           (b) "Controlling interest" means either of the  
63 following:

64                   (i) An interest of thirty-three percent (33%) or  
65 more held by:

66                           1. A party referred to in paragraph (g) (iv)  
67 of this section;

68                           2. An individual referred to in paragraph  
69 (g) (i) of this section;

70                           3. A party referred to in paragraph (g) (iii)  
71 of this section; or

72                           4. A single government referred to in  
73 paragraph (g) (ii) of this section;

74                   (ii) An interest of thirty-three percent (33%) or  
75 more held whenever the parties, individuals or foreign governments  
76 referred to in paragraph (g) of this section are acting in concert  
77 with respect to the interest even though no single individual,  
78 party or foreign government holds an interest of thirty-three  
79 percent (33%) or more; or

80                   (iii) An interest of fifty percent (50%) or more,  
81 in the aggregate, held by parties, individuals or governments  
82 referred to in paragraph (g) of this section even though the



83 individuals, parties or foreign governments may not be acting in  
84 concert.

85 (c) "Department" means the Mississippi Department of  
86 Agriculture and Commerce.

87 (d) "Foreign government" means a government or the  
88 state-controlled enterprise of a foreign government, except the  
89 term "foreign government" does not include the government of the  
90 United States, its states, territories or possessions.

91 (e) "Interest" means any estate, remainder or reversion  
92 or portion of the estate, remainder or reversion, or an option  
93 pursuant to which one (1) party has a right to cause legal or  
94 equitable title to agricultural land to be transferred.

95 (f) "Interest in agricultural land" means all direct  
96 interest acquired, transferred, or held in agricultural land,  
97 including, without limitation, a lease of agricultural land:

98 (i) For a term of one (1) year or longer; or

99 (ii) Renewable by option for terms which, if the  
100 options were all exercised, would total one (1) year.

101 (g) "Prohibited foreign party" means:

102 (i) A citizen or resident of a country subject to  
103 International Traffic in Arms Regulations, 22 CFR Section 126.1;

104 (ii) A foreign government formed within a country  
105 subject to International Traffic in Arms Regulations, 22 CFR  
106 Section 126.1;



107 (iii) A party other than an individual or a  
108 government, that is created or organized under the laws of a  
109 foreign government within a country subject to International  
110 Traffic in Arms Regulations, 22 CFR Section 126.1;

111 (iv) Any party other than an individual or a  
112 government:

113 1. That is created or organized under the  
114 laws of any state; and

115 2. In which a significant interest or  
116 substantial control is directly or indirectly held or is capable  
117 of being exercised by:

118 a. An individual referred to in  
119 paragraph (g) (i) of this section;

120 b. A foreign government referred to in  
121 paragraph (g) (ii) of this section;

122 c. A party referred to in paragraph  
123 (g) (iii) of this section; or

124 d. A combination of the individuals,  
125 parties, or governments referred to in paragraph (g) (iv) (2);

126 (v) An Entity of Particular Concern designated by  
127 the United States Department of State; or

128 (vi) An agent, trustee or other fiduciary of a  
129 person or entity enumerated in paragraph (g) (i) through (v) of  
130 this section.



131 (h) "Residence" means a person's principal dwelling  
132 place where the person intends to remain permanently for an  
133 indefinite period of time.

134 (i) "Resident alien" means a person who:

135 (i) Is not a citizen of the United States; and

136 (ii) Is a resident of a state, territory,  
137 trusteeship or protectorate of the United States.

138 (j) "State-controlled enterprise" means a business  
139 enterprise, however denominated, in which the government has a  
140 controlling interest.

141 **SECTION 3.** (1) (a) Except as provided in Section 4 of this  
142 act, a prohibited foreign party shall not acquire by grant,  
143 purchase, devise, descent or otherwise any interest in  
144 agricultural land in this state regardless of whether the  
145 prohibited foreign party intends to use the agricultural land for  
146 nonfarming purposes.

147 (b) A party may not hold agricultural land as an agent,  
148 trustee or other fiduciary for a prohibited foreign party in  
149 violation of this act.

150 (2) A prohibited foreign party that acquires agricultural  
151 land in violation of this act remains in violation as long as the  
152 prohibited foreign party holds an interest in the agricultural  
153 land.

154 **SECTION 4.** (1) A prohibited foreign party who is a resident  
155 alien of the United States shall have the right to acquire and



156 hold agricultural land in the state upon the same terms as a  
157 citizen of the United States during the continuance of his or her  
158 residence in the State of Mississippi. However, no such resident  
159 alien shall be entitled to acquire a hold on any agricultural land  
160 in the state within a radius of one hundred (100) miles of a  
161 United States military installation as prescribed in the real  
162 estate regulations of the Committee on Foreign Investments in the  
163 United States (CFIUS) at 31 CFR Section 802.

164 (2) (a) If a prohibited foreign party is no longer a  
165 resident alien under subsection (1) of this section, he or she  
166 shall have two (2) years to divest of the agricultural land.

167 (b) If the prohibited foreign party does not divest of  
168 the agricultural land as required by paragraph (a) of this  
169 subsection, the Attorney General shall commence an action in  
170 circuit court within the jurisdiction wherein the agricultural  
171 land is situated.

172 (c) If the agricultural land is held in violation of  
173 this section, a quo warranto proceeding, under the authority of  
174 Section 11-39-1, the circuit court shall order that the  
175 agricultural land be sold through judicial foreclosure or that it  
176 escheats to the state in accordance with the provisions of  
177 Sections 29-1-75(2)(c) and 89-1-23.

178 (3) (a) When the Secretary of State determines a prohibited  
179 foreign party has acquired agricultural land in Mississippi in



180 violation of this act, the office shall report the violation to  
181 the Attorney General.

182 (b) Upon receiving notice under paragraph (a) of this  
183 subsection or upon receipt of information that leads the Attorney  
184 General to believe that a violation of this act may exist, the  
185 Attorney General may issue subpoenas requiring the:

- 186 (i) Appearance of witnesses;
- 187 (ii) Production of relevant records; and
- 188 (iii) Giving of relevant testimony.

189 (c) If, as a result of the investigation under  
190 subsection (3)(b) of this section, the Attorney General concludes  
191 that a violation of this act has occurred, the Attorney General  
192 shall commence an action in circuit court within the jurisdiction  
193 wherein the agricultural land is situated.

194 (d) If the agricultural land is held in violation of  
195 this act, the circuit court shall order that the agricultural land  
196 be sold through judicial foreclosure or that it escheats to the  
197 state in accordance with the provisions of Sections 29-1-75(2)(c)  
198 and 89-1-23.

199 (4) (a) The proceeds of the sale of agricultural land by  
200 judicial foreclosure authorized under this section shall be  
201 disbursed to lien holders, in the order of priority, except for  
202 liens which under the terms of the sale are to remain on the  
203 agricultural land.





204 (b) The Attorney General shall promptly record a copy  
205 of the following in the local land records:

206 (i) Upon commencement, notice of the pendency of  
207 an action brought under subsections (2) (b) and (3) (c) of this  
208 section; and

209 (ii) The order for the sale of the agricultural  
210 land under subsections (2) (c) and (3) (d) of this section.

211 (5) A prohibited foreign party owning agricultural land  
212 subsequent to the passage of this act and not listed under one (1)  
213 of the exceptions set out in subsections (1) and (2) of this  
214 section shall, upon conviction, be guilty of a felony punishable  
215 by imprisonment not to exceed two (2) years imprisonment in the  
216 custody of the Mississippi Department of Corrections or a fine of  
217 Fifteen Thousand Dollars (\$15,000.00), or both fine and  
218 imprisonment.

219 (6) It is an affirmative defense to prosecution under this  
220 section that a prohibited foreign party is a resident alien of the  
221 State of Mississippi.

222 (7) Title to agricultural land is not invalid or subject to  
223 divestiture due to a violation of this act by:

224 (a) Any former owner; or

225 (b) Another person holding or owning a former interest  
226 in the agricultural land.

227 (8) The Secretary of State, in conjunction with the  
228 Commissioner of Agriculture and Commerce, may designate employees



229 of his or her office or of the Department of Agriculture and  
230 Commerce, who have the powers of peace officers or institutional  
231 law enforcement officers in the enforcement of the criminal laws  
232 of this state, to perform the duties of the office under Section  
233 7-3-5(2).

234 (9) No person who is not subject to this act shall be  
235 required to determine or inquire into whether another person is or  
236 may be subject to this act.

237 **SECTION 5.** Section 89-1-23, Mississippi Code of 1972, is  
238 amended as follows:

239 89-1-23. (1) Resident aliens may acquire and hold land, and  
240 may dispose of it and transmit it by descent, as citizens of the  
241 state may. Except as otherwise provided in this section,  
242 nonresident aliens shall not hereafter acquire or hold land, but a  
243 nonresident alien may have or take a lien on land to secure a  
244 debt, and at any sale thereof to enforce payment of the debt may  
245 purchase the same, and thereafter hold it, not longer than twenty  
246 (20) years, with full power during said time to sell the land, in  
247 fee, to a citizen; or he may retain it by becoming a citizen  
248 within that time. All land held or acquired contrary to this  
249 section shall escheat to the state; but a title to real estate in  
250 the name of a citizen of the United States, or a person who has  
251 declared his intention of becoming a citizen, whether resident or  
252 nonresident, if he be a purchaser or holder, shall not be



253 forfeited or escheated by reason of the alienage of any former  
254 owner or other person.

255 (2) Any person who was or is a citizen of the United States  
256 and became or becomes an alien by reason of marriage to a citizen  
257 of a foreign country, may hereafter inherit, or if he or she  
258 heretofore inherited or acquired or hereafter inherits, may hold,  
259 own, transmit by descent or transfer land free from any escheat to  
260 the State of Mississippi, if said land has not heretofore  
261 escheated by final valid order or decree of a court of competent  
262 jurisdiction.

263 (3) Nonresident aliens who are citizens of Syria or the  
264 Lebanese Republic may inherit property from citizens or residents  
265 of the State of Mississippi.

266 (4) Except as otherwise provided in subsection (5),  
267 nonresident aliens may acquire and hold not to exceed three  
268 hundred twenty (320) acres of land in this state for the purpose  
269 of industrial development thereon. In addition, any nonresident  
270 alien may acquire and hold not to exceed five (5) acres of land  
271 for residential purposes. The nonresident alien may dispose of  
272 any such land, but if any land acquired for industrial development  
273 ceases to be used for industrial development while owned by a  
274 nonresident alien, it shall escheat to the state. The limitation  
275 set forth in this \* \* \* subsection shall not apply to corporations  
276 in which the stock thereof is partially or wholly owned by  
277 nonresident aliens; and title to real estate acquired by, and held



278 in the name of, any corporation, limited partnership, general  
279 partnership, limited liability partnership, limited liability  
280 company, joint venture, joint stock company or business trust  
281 organized and existing under the laws of the State of Mississippi  
282 or of any other state or the federal laws of the United States of  
283 America for purposes of development thereon of one or more  
284 projects, as defined in Section 57-75-5(f)(xxxi), shall not be  
285 forfeited or escheated by reason of the alienage of any former  
286 owner or other person if said land has not heretofore escheated to  
287 the State of Mississippi by final valid order or decree of a court  
288 of competent jurisdiction. The limitation set forth in this  
289 section shall also not apply to any real estate acquired by, and  
290 held in the name of, any corporation, limited partnership, general  
291 partnership, limited liability partnership, limited liability  
292 company, joint venture, joint stock company or business trust  
293 organized and existing under the laws of the State of Mississippi  
294 or of any other state or the federal laws of the United States of  
295 America for purposes of developing, owning and/or operating a  
296 project, as defined in Section 57-75-5(f)(xxxii).

297 (5) A prohibited foreign party, as defined in Section 2 of  
298 this act, who is a nonresident alien of the United States, shall  
299 not be allowed to acquire and hold any land interests in the State  
300 of Mississippi.

301 **SECTION 6.** Section 29-1-75, Mississippi Code of 1972, is  
302 amended as follows:



303           29-1-75. (1) Except as otherwise provided in this section,  
304 neither a corporation nor a nonresident alien, nor any association  
305 of persons composed in whole or in part of nonresident aliens,  
306 shall directly or indirectly purchase or become the owner of any  
307 of the public lands; and every patent issued in contravention  
308 hereof shall be void.

309           (2) (a) A banking corporation owning such tax-forfeited  
310 lands or holding a mortgage or deed of trust thereon at the time  
311 of the sale to the state, and whose mortgage or deed of trust is  
312 still in force and effect, may purchase such lands, regardless of  
313 acreage, owned by it as aforesaid or on which it held a mortgage  
314 or deed of trust. In the event of a purchase by such corporation  
315 as a mortgagee, such lands shall be held for the benefit of the  
316 mortgagor subject to all the terms and conditions of the mortgage  
317 or deed of trust held by the purchasing banking corporation and,  
318 upon payment of the debt secured by such mortgage or deed of  
319 trust, together with interest and incidents, such banking  
320 corporation shall in that event reconvey such lands to the  
321 original mortgagor, his heirs or assigns.

322           (b) Any other nonbanking corporation may purchase lands  
323 sold or forfeited to the state for delinquent taxes under any  
324 section of Chapter 1, Title 29, specifically relating to the sale  
325 of such tax-forfeited lands by the Secretary of State. A  
326 nonbanking corporation purchasing land sold or forfeited to the



327 state shall be subject to the acreage limitations of Section  
328 29-1-73.

329 (c) Nonresident aliens may acquire and hold not to  
330 exceed three hundred twenty (320) acres of public lands in this  
331 state for the purpose of industrial development thereon. In  
332 addition, any nonresident alien may acquire and hold not to exceed  
333 five (5) acres of public lands for residential purposes. If any  
334 land acquired by a nonresident alien for the purpose of industrial  
335 development ceases to be used for industrial development, it shall  
336 escheat to the public body that sold such land to the nonresident  
337 alien.

338 (3) A prohibited foreign party, as defined in Section 2 of  
339 this act, who is a nonresident alien of the United States shall  
340 not be allowed to acquire and hold any land interests in the State  
341 of Mississippi, notwithstanding the purpose for which the land is  
342 intended for use.

343 ( \* \* \*4) This section shall stand repealed on July 1, 2026.

344 **SECTION 7.** Section 7-3-5, Mississippi Code of 1972, is  
345 amended as follows:

346 7-3-5. (1) The Secretary of State shall keep a correct  
347 register of all official acts and proceedings of the Governor and  
348 take charge of and safely keep in his office the returns of all  
349 elections by the people. He shall lay all official documents  
350 before either branch of the Legislature when required; he shall  
351 receive from the Clerk of the House of Representatives and the



352 Secretary of the Senate, and shall carefully keep and preserve in  
353 his office, the journals, papers and proceedings of both houses of  
354 the Legislature; and he shall carefully keep and preserve the  
355 enrolled acts and resolutions of the Legislature, maps, charts and  
356 other property of the state remaining at the seat of government,  
357 the keeping of which is not otherwise provided for. He shall act  
358 as the custodian of the apostille issued by the Department of  
359 Authentications Office of the Hague Conference on Private  
360 International Law and shall act as the authorizing official for  
361 public documents under the Hague agreement of 1961.

362 (2) The Secretary of State shall collect and analyze  
363 information concerning the unlawful sale or possession of  
364 agricultural land by prohibited foreign parties and administer and  
365 enforce the provisions of the "Mississippi Agricultural Land  
366 Protection and Foreign Acquisition Prohibition Act," including,  
367 without limitation, the reporting of a violation of the act to the  
368 Attorney General under Section 4(3) of this act.

369 **SECTION 8.** This act shall take effect and be in force from  
370 and after July 1, 2024.

