Farm Ownership & Corporate Farming Laws: 

Mississippi
Miss. Const. Art. 4, § 84
Miss. Code Ann. § 29-1-75
Miss. Code Ann. § 89-1-23
Laws 2023, H.B. No. 280 § 1

Current through laws passed by the Mississippi State Legislature from the 2023 Regular Session effective through July 1, 2023. The statutes are subject to changes provided by the state’s Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

Art. 4, § 84. Acquisition of land by nonresident aliens and corporations.

The Legislature shall enact laws to limit, restrict, or prevent the acquiring and holding of land in this State by nonresident aliens, and may limit or restrict the acquiring or holding of lands by corporations.

§ 29-1-75. Who may purchase.

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

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

(b) Any other nonbanking corporation may purchase lands sold or forfeited to the
state for delinquent taxes under any section of Chapter 1, Title 29, specifically
relating to the sale of such tax-forfeited lands by the Secretary of State. A
nonbanking corporation purchasing land sold or forfeited to the state shall be
subject to the acreage limitations of Section 29-1-73.

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

(3) This section shall stand repealed on July 1, 2026.

§ 89-1-23. Aliens.

Resident aliens may acquire and hold land, and may dispose of it and transmit it by
descent, as citizens of the state may. Except as otherwise provided in this section,
nonresident aliens shall not hereafter acquire or hold land, but a nonresident alien may
have or take a lien on land to secure a debt, and at any sale thereof to enforce payment
of the debt may purchase the same, and thereafter hold it, not longer than twenty (20)
years, with full power during said time to sell the land, in fee, to a citizen; or he may
retain it by becoming a citizen within that time. All land held or acquired contrary to
this section shall escheat to the state; but a title to real estate in the name of a citizen of
the United States, or a person who has declared his intention of becoming a citizen,
whether resident or nonresident, if he be a purchaser or holder, shall not be forfeited or
escheated by reason of the alienage of any former owner or other person.

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

Nonresident aliens who are citizens of Syria or the Lebanese Republic may inherit
property from citizens or residents of the State of Mississippi.

Nonresident aliens may acquire and hold not to exceed three hundred twenty (320)
acres of land in this state for the purpose of industrial development thereon. In
addition, any nonresident alien may acquire and hold not to exceed five (5) acres
of land for residential purposes. The nonresident alien may dispose of any such
land, but if any land acquired for industrial development ceases to be used for
industrial development while owned by a nonresident alien, it
shall escheat to the state. The limitation set forth in this paragraph shall not apply to
corporations in which the stock thereof is partially or wholly owned by nonresident
aliens; and title to real estate acquired by, and held in the name of, any corporation,
limited partnership, general partnership, limited liability partnership, limited liability
company, joint venture, joint stock company or business trust organized and existing
under the laws of the State of Mississippi or of any other state or the federal laws of the
United States of America for purposes of development thereon of one or more projects,
as defined in Section 57-75-5(f)(xxxi), shall not be forfeited or escheated by reason of
the alienage of any former owner or other person if said land has not heretofore
escheated to the State of Mississippi by final valid order or decree of a court of
competent jurisdiction.

Laws 2023, H.B. 280, § 1 (effective July 1, 2023)

(1) There is created a study committee for the purpose of studying the purchasing,
acquiring, leasing or holding an interest in agricultural land by foreign government.
The committee shall be comprised of the following nine (9) members:

(a) The Commissioner of Department of Agriculture and Commerce, or his or her
designee;

(b) The Attorney General, or his or her designee;

(c) The Chairman of the House Judiciary A Committee;

(d) The Chairman of the Senate Judiciary A Committee;

(e) The Chairman of the House Agriculture Committee;

(f) The Chairman of the Senate Agriculture Committee;

(g) One (1) person to be appointed by the Governor;

(h) One (1) person to be appointed by the Lieutenant Governor; and

(i) One (1) person to be appointed by the Speaker of the House of Representatives,
who shall be a representative of Farm Bureau.

(2) Appointments to the study committee shall be made within thirty (30) days of the
effective date of this act. At the first meeting, the committee shall elect from among its
membership a chairman, a vice chairman and any other officers determined to be
necessary, and shall adopt rules for transacting business and keeping records. The
study committee shall develop and report its findings to the Legislature on or before
December 1, 2023.

(3) A majority of the members of the study committee shall constitute a quorum. In the
adoption of rules, resolutions and reports, and in the election of a chairman, vice
chairman and any other officers determined to be necessary, an affirmative vote
of a majority of the members present shall be required.
(4) To effectuate the purposes of this act, any department, division, board, bureau, committee, institution or agency of the state, or any political subdivision thereof, shall, at the request of the chairman of the study committee, provide the facilities, assistance, information and data needed to enable the study committee to carry out its duties.

(5) The study committee shall study at least the following information:

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

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

(c) The purpose to which foreign-owned agricultural land in Mississippi is being put to use currently, including any significant recent changes or trends in the use to which foreign-owned agricultural land in Mississippi is being put to use;

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

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

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

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

(h) Any current prohibitions on the foreign ownership of Mississippi land and why such prohibitions are not being enforced; and

(i) Any legislative, regulatory or administrative policy changes the department recommends in light of the information in the report.