



State of Wisconsin
2025 - 2026 LEGISLATURE

LRBs0102/1

KRP:cdc

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 218

August 18, 2025 - Offered by Representative MOSES.

1 **AN ACT** *to repeal* 710.02 (2) (d) to (g) and 710.02 (3); *to renumber and amend*
2 710.02 (1) and 710.02 (9); *to amend* 710.02 (title), 710.02 (2) (intro.), 710.02
3 (2) (a), 710.02 (2) (b), 710.02 (4) (a) 2., 710.02 (5) (a) and (b) and 710.02 (6); *to*
4 **create** 710.02 (1g), 710.02 (1r) (d), 710.02 (2) (h) and 710.02 (9) (b) of the
5 statutes; **relating to:** limitations on ownership of real property in this state
6 by foreign persons.

Analysis by the Legislative Reference Bureau

Under current law, certain foreign persons may not acquire, own, or hold more than 640 acres of agricultural or forestry land in this state. This bill makes several changes to that limitation.

Type of land subject to acreage limit

Current law generally prohibits a covered foreign person (as defined below) from acquiring, owning, or holding more than 640 acres of land in this state. However, that limitation does not apply to any of the following activities:

1. An exploration mining lease and land used for certain mining and associated activities.
2. Certain manufacturing activities.
3. Certain mercantile activities.
4. A lease for exploration or production of oil, gas, coal, shale, and related hydrocarbons, including by-products of the production, and land used in connection with the exploration or production.

Those exceptions have been interpreted to be “extremely broad, embracing almost every conceivable business activity [other than a]ctivities relating to agriculture and forestry.” See Wis. Op. Att’y Gen. OAG 11-14, ¶5, available at <https://www.doj.state.wi.us>. In other words, under current law, foreign persons may acquire, own, and hold unlimited amounts of land for most nonagricultural and nonforestry purposes, but covered foreign persons may not acquire, own, or hold more than 640 acres of land for agricultural or forestry purposes.

The bill eliminates the current scheme under which the limitation applies to all land with extremely broad exceptions and replaces the scheme with a limitation that applies only to land that is classified, for property tax purposes, as agricultural (agricultural land). Under the bill, the limitation does not apply to forestry land.

Amount of land foreign persons may own

The bill reduces the maximum amount of agricultural land that a covered foreign person may acquire, own, or hold from 640 acres to 50 acres (acreage limit).

Covered foreign persons

Under current law, the following persons generally are subject to the acreage limit (covered foreign person):

1. An alien not a resident of a state of the United States (nonresident alien).
2. A corporation that is not created under federal law or the laws of any state (foreign entity).
3. A corporation, limited liability company, partnership, or association having more than 20 percent of its stock, securities, or other indicia of ownership held or owned by nonresident aliens or foreign entities (foreign-owned entity).
4. A trust having more than 20 percent of the value of its assets held for the benefit of nonresident aliens or foreign entities (foreign beneficiary trust).

The bill does all of the following:

1. Specifies that the acreage limit also applies to a foreign government.
2. Increases the percentage of an entity’s ownership held by nonresident aliens or foreign entities that is required for the entity to be considered a foreign-owned entity from 20 percent to 25 percent of its stock, securities, or other indicia of ownership.
3. Increases the percentage of a trust’s assets held for the benefit of nonresident aliens or foreign entities that is required for the trust to be considered a foreign beneficiary trust from 20 percent to 25 percent of the value of its assets.
4. Specifies that, for purposes of determining whether an entity is a foreign-owned entity or whether a trust is a foreign beneficiary trust, foreign government interests are included in calculating the relevant percentage amounts.

Exception for agricultural research leases

Current law includes exceptions from the acreage limit for railroad and pipeline corporations and treaty rights, among other things. The bill provides that the acreage limit also does not apply to a lease that is exclusively for agricultural research purposes.

Divestiture period

Under current law, if a covered foreign person acquires an interest in land that causes the covered foreign person to exceed the acreage limit, the covered foreign person must divest itself of that interest. Specifically, the covered foreign person must divest itself within four years after:

1. Acquiring the interest, if the covered foreign person is a nonresident alien or foreign entity and the interest is acquired by devise or inheritance or in the good faith collection of debts by due process of law.

2. Acquiring the interest or becoming a foreign-owned entity or foreign beneficiary trust, whichever is later, if the covered foreign person is a foreign-owned entity or foreign beneficiary trust.

The bill reduces the divestiture period from four years to three years and specifies that the divestiture requirement described under item 1 applies to a foreign government.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 710.02 (title) of the statutes is amended to read:

2 **710.02** (title) **Limitation on ~~nonresident aliens and corporations~~**
3 **foreign ownership of agricultural land.**

4 **SECTION 2.** 710.02 (1) of the statutes is renumbered 710.02 (1r), and 710.02
5 (1r) (intro.) and (c), as renumbered, are amended to read:

6 710.02 (1r) ~~LIMITATION~~ ACREAGE LIMIT. (intro.) The following persons may
7 not acquire, own, or hold any interest, directly or indirectly, except an interest used
8 to secure repayment of a debt incurred in good faith, in more than ~~640~~ 50 acres of
9 agricultural land in this state:

10 (c) 1. Corporations, limited liability companies, partnerships, or associations
11 having more than ~~20~~ 25 percent of their stock, securities, or other indicia of

ownership held or owned, directly or indirectly, by persons under par. (a) ~~or~~, (b), or
(d).

2. Trusts having more than ~~20~~ 25 percent of the value of their assets held,
directly or indirectly, for the benefit of persons under par. (a) ~~or~~, (b), or (d).

SECTION 3. 710.02 (1g) of the statutes is created to read:

710.02 (1g) DEFINITION. In this section, “agricultural land” means land that
is classified as agricultural under s. 70.32 (2) (a) 4.

SECTION 4. 710.02 (1r) (d) of the statutes is created to read:

710.02 (1r) (d) Foreign governments.

SECTION 5. 710.02 (2) (intro.) of the statutes is amended to read:

710.02 (2) EXCEPTIONS. (intro.) ~~Except as provided in sub. (3), sub. (1)~~
Subsection (1r) does not apply to any of the following:

SECTION 6. 710.02 (2) (a) of the statutes is amended to read:

710.02 (2) (a) Subject to sub. (5), any person acquiring an interest in
agricultural land by devise, or inheritance or in the good faith collection of debts by
due process of law.

SECTION 7. 710.02 (2) (b) of the statutes is amended to read:

710.02 (2) (b) Citizens, foreign governments, or subjects of a foreign
government whose rights to hold larger quantities of agricultural land are secured
by treaty.

SECTION 8. 710.02 (2) (d) to (g) of the statutes are repealed.

SECTION 9. 710.02 (2) (h) of the statutes is created to read:

710.02 (2) (h) A lease that is exclusively for agricultural research purposes.

SECTION 10. 710.02 (3) of the statutes is repealed.

SECTION 11

1 **SECTION 11.** 710.02 (4) (a) 2. of the statutes is amended to read:

2 710.02 (4) (a) 2. If the interest in land is acquired, owned, or held under an
3 exception set forth in sub. (2), a statement ~~which~~ that sets forth the specific
4 exception ~~and, if under sub. (2) (d), (e), (f) or (g), the timetable and plan for~~
5 ~~conversion and development to a purpose permitted under sub. (2) (d), (e), (f) or (g).~~

6 **SECTION 12.** 710.02 (5) (a) and (b) of the statutes are amended to read:

7 710.02 (5) (a) Interests ~~exceeding 640~~ in agricultural land in excess of 50
8 acres that are acquired by persons under sub. ~~(1)~~ (1r) shall be divested at the
9 discretion of the holder to comply with sub. ~~(1)~~ (1r) within ~~4~~ 3 years after:

10 1. Acquiring the interest, if the interest is described under sub. (2) (a) and the
11 person is subject to sub. ~~(1)~~ (1r) (a) ~~or~~, (b), or (d).

12 2. Acquiring the interest or becoming subject to sub. ~~(1)~~ (1r) (c), whichever is
13 later, if the person is subject to sub. ~~(1)~~ (1r) (c).

14 (b) ~~Land~~ Agricultural land subject to divestiture under par. (a) may not be
15 managed to cause undue levels of soil erosion or to injure the long-range
16 productivity of the agricultural land. The attorney general may bring an action to
17 enjoin ~~these~~ those practices on the agricultural land.

18 **SECTION 13.** 710.02 (6) of the statutes is amended to read:

19 710.02 (6) FORFEITURES. Interests in ~~lands~~ agricultural land in excess of ~~640~~
20 50 acres that are acquired, owned, or held in violation of this section are forfeited to
21 the state. The holder of the interest shall determine which agricultural lands are to
22 be forfeited to comply with sub. ~~(1)~~ (1r).

23 **SECTION 14.** 710.02 (9) of the statutes is renumbered 710.02 (9) (a) and
24 amended to read:

SECTION 14

710.02 (9) (a) ~~This section~~ Section 710.02, 2023 stats., applies to interests in land acquired after July 1, 1982, and before the first day of the first month beginning after the effective date of this paragraph [LRB inserts date]. No interest acquired before July 1, 1982, is subject to divestiture or forfeiture under ~~this section~~ s. 710.02, 2023 stats.

SECTION 15. 710.02 (9) (b) of the statutes is created to read:

710.02 (9) (b) This section applies to interests in land acquired on or after the first day of the first month beginning after the effective date of this paragraph [LRB inserts date]. No interest acquired before the first day of the first month beginning after the effective date of this paragraph [LRB inserts date], is subject to divestiture or forfeiture under this section.

(END)