



2025 ASSEMBLY BILL 30

February 17, 2025 - Introduced by Representatives PENTERMAN, BEHNKE, ALLEN, ARMSTRONG, BRILL, BROWN, DITTRICH, GOEBEN, GREEN, B. JACOBSON, KREIBICH, MAXEY, MURPHY, MURSAU, PIWOWARCZYK, SORTWELL, STEFFEN, WICHGERS and TUSLER, cosponsored by Senators JACQUE, CABRAL-GUEVARA and NASS. Referred to Committee on Agriculture.

1 **AN ACT to renumber and amend** 710.02 (1) and 710.02 (9); **to amend** 710.02
2 (2) (intro.), 710.02 (3), 710.02 (5) (a) (intro.), 710.02 (5) (a) 1., 710.02 (5) (a) 2.
3 and 710.02 (6); **to create** 710.02 (1g), 710.02 (1r) (d) and 710.02 (9) (b) of the
4 statutes; **relating to:** prohibiting a foreign adversary from acquiring
5 agricultural or forestry land in this state.

Analysis by the Legislative Reference Bureau

This bill generally prohibits a foreign adversary from acquiring agricultural or forestry land in this state. In the bill, “foreign adversary” means a foreign government or nongovernment person determined by the federal secretary of commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of U.S. persons.

Current law generally prohibits a nonresident alien or a corporation that is not created under federal law or the laws of any state (foreign person) from acquiring, owning, or holding more than 640 acres of land in this state. However, that prohibition does not apply to any of the following activities:

1. An exploration mining lease and land used for certain mining and associated activities.

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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 Opinion of Wis. Att’y Gen., OAG 11-14, ¶5, available at <https://www.doj.state.wi.us>. In other words, under current law, a foreign person may acquire, own, and hold unlimited amounts of land for most nonagricultural and nonforestry purposes, but a foreign person may not acquire, own, or hold more than 640 acres of land for agricultural or forestry purposes.

The bill retains the current law restriction on foreign person ownership of agricultural and forestry land and adds a provision that prohibits a foreign adversary from acquiring any land for agricultural or forestry purposes.

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

1 **SECTION 1.** 710.02 (1) of the statutes is renumbered 710.02 (1r) and amended
2 to read:

3 710.02 (1r) LIMITATION. The following persons may not acquire, own, or hold
4 any interest, directly or indirectly, except an interest used to secure repayment of a
5 debt incurred in good faith, in ~~more than 640 acres of~~ land in this state in excess of
6 the following amounts:

7 (a) ~~Aliens~~ Except as provided in par. (d), aliens not residents of a state of the
8 United States, not more than 640 acres.

9 (b) ~~Corporations~~ Except as provided in par. (d), corporations not created under
10 the laws of the United States or a state of the United States, not more than 640
11 acres.

12 (c) 1. ~~Corporations~~ Except as provided in par. (d), corporations, limited
13 liability companies, partnerships, or associations having more than 20 percent of

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1 their stock, securities, or other indicia of ownership held or owned by persons under
2 par. (a) or (b), not more than 640 acres.

3 2. ~~Trusts~~ Except as provided in par. (d), trusts having more than 20 percent of
4 the value of their assets held for the benefit of persons under par. (a) or (b), not more
5 than 640 acres.

6 **SECTION 2.** 710.02 (1g) of the statutes is created to read:

7 710.02 (1g) DEFINITION. In this section, “foreign adversary” means a foreign
8 government or nongovernment person determined by the federal secretary of
9 commerce to have engaged in a long-term pattern or serious instances of conduct
10 significantly adverse to the national security of the United States or security and
11 safety of U.S. persons.

12 **SECTION 3.** 710.02 (1r) (d) of the statutes is created to read:

13 710.02 (1r) (d) Foreign adversaries may not acquire, own, or hold any land in
14 this state.

15 **SECTION 4.** 710.02 (2) (intro.) of the statutes is amended to read:

16 710.02 (2) EXCEPTIONS. (intro.) Except as provided in sub. (3), sub. ~~(1)~~ (1r)
17 does not apply to:

18 **SECTION 5.** 710.02 (3) of the statutes is amended to read:

19 710.02 (3) USE OF LAND RESTRICTED. ~~Land in excess of 640 acres, acquired by~~
20 ~~a~~ A person listed under sub. ~~(1)~~ (1r), other than a person listed under sub. (2) (a),
21 (b), or (c), that acquires land in excess of the amount allowed under sub. (1r) for an
22 activity listed under sub. (2) (d), (e), (f), or (g), may not be used directly or indirectly
23 by that person use the land for any activity not listed under sub. (2) (d), (e), (f), or

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1 (g). Pending the conversion and development of the land for a purpose ~~permitted~~
2 allowed under sub. (2) (d), (e), (f), or (g), ~~it the person may be used~~ use the land for
3 agriculture or forestry purposes under a lease to a person not subject to sub. ~~(1)~~ (1r).
4 Products of the land may be sold by the lessee to the owner of the land.

5 **SECTION 6.** 710.02 (5) (a) (intro.) of the statutes is amended to read:

6 710.02 (5) (a) (intro.) Interests exceeding ~~640 acres~~ the amounts allowed
7 under sub. (1r) that are acquired by persons under sub. ~~(1)~~ (1r) shall be divested at
8 the discretion of the holder to comply with sub. ~~(1)~~ (1r) within 4 years after:

9 **SECTION 7.** 710.02 (5) (a) 1. of the statutes is amended to read:

10 710.02 (5) (a) 1. Acquiring the interest, if the interest is described under sub.
11 (2) (a) and the person is subject to sub. ~~(1)~~ (1r) (a) or (b).

12 **SECTION 8.** 710.02 (5) (a) 2. of the statutes is amended to read:

13 710.02 (5) (a) 2. Acquiring the interest or becoming subject to sub. ~~(1)~~ (1r) (c),
14 whichever is later, if the person is subject to sub. ~~(1)~~ (1r) (c).

15 **SECTION 9.** 710.02 (6) of the statutes is amended to read:

16 710.02 (6) FORFEITURES. Interests in lands in excess of ~~640 acres~~ the amounts
17 allowed under sub. (1r) that are acquired or held in violation of this section are
18 forfeited to the state. The holder of the interest shall determine which lands are to
19 be forfeited to comply with sub. ~~(1)~~ (1r).

20 **SECTION 10.** 710.02 (9) of the statutes is renumbered 710.02 (9) (a) and
21 amended to read:

22 710.02 (9) (a) ~~This~~ Except as provided in par. (b), this section applies to

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1 interests in land acquired after July 1, 1982. No interest acquired before July 1,
2 1982, is subject to divestiture or forfeiture under this section.

3 **SECTION 11.** 710.02 (9) (b) of the statutes is created to read:

4 710.02 (9) (b) Subsection (1r) (d) applies to interests in land acquired by a
5 foreign adversary on or after the first day of the first month beginning after the
6 effective date of this paragraph [LRB inserts date], or the date on which the
7 federal secretary of commerce determines the person is a foreign adversary,
8 whichever occurs later. No interest acquired by the foreign adversary before the
9 date on which sub. (1r) (d) first applies, as specified in this paragraph, is subject to
10 divestiture or forfeiture under this section.

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(END)