



2021 South Dakota Legislature

House Concurrent Resolution 6007

Introduced by: **Representative Mulally**

1 **A CONCURRENT RESOLUTION, To provide for an interim study regarding foreign**
2 **ownership of agricultural land.**

3 WHEREAS, the concept of limiting foreign ownership of agricultural land received little
4 attention in the United States until the 1970s, when several large purchases took place and
5 concerns were raised about liquidity in oil exporting countries, resulting in more such
6 purchases; and

7 WHEREAS, in 1978, Congress enacted the Agricultural Foreign Investment Disclosure Act
8 to serve as the basis for any future action Congress might take in establishing controls or
9 limits on foreign investment in agricultural land and to provide states with information related
10 to land holdings or acquisitions by foreigners; and

11 WHEREAS, the Agricultural Foreign Investment Disclosure Act defines agricultural land as
12 "any land located in one or more states and used for agricultural, forestry, or timber
13 production purposes"; and

14 WHEREAS, while penalties can be assessed under the Agricultural Foreign Investment
15 Disclosure Act, they rarely are, because the Act is viewed as a reporting statute, rather than
16 a regulatory Act; and

17 WHEREAS, information available under the Agricultural Foreign Investment Disclosure Act
18 is usually several years old and often lacking in accuracy; and

19 WHEREAS, some estimates suggest that foreign investors already own more than 30
20 million acres of United States farmland - acreage almost equal in size to the state of Ohio;
21 and

1 WHEREAS, with the median age of farmers continuing to rise, and many facing retirement
2 with no prospect of family members willing or able to take over their operations, it is likely
3 that the number of agricultural acres under foreign ownership will also continue to rise; and

4 WHEREAS, foreign ownership or control of agricultural land raises broad issues of national
5 security, food security, and economic security, it also raises issues regarding the survivability
6 of South Dakota's rural communities and culture, local supply chains and distribution
7 mechanisms, and land stewardship:

8 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-Sixth
9 Legislature of the State of South Dakota, the Senate concurring therein, that the Executive
10 Board of the Legislative Research Council establish an interim committee to study foreign
11 ownership and control of agricultural land in this state and the short-term and longer-term
12 impacts on national security, food security, and economic security; and

13 BE IT FURTHER RESOLVED, that the interim committee seek data regarding the foreign
14 ownership and control of agricultural land in this state and recommendations for statutory or
15 regulatory changes from federal, state, and local governmental officials, and from
16 representatives of interest groups focusing on agriculture, banking, commodity marketing,
17 economic development, environmental issues, and real estate sales; and

18 BE IT FURTHER RESOLVED, that that the interim committee prepare and report its findings
19 and recommendations to the Executive Board of the Legislative Research Council, together
20 with any legislation required to implement the recommendations, on or before December 1,
21 2021.