



2023 South Dakota Legislature

House Bill 1069

Introduced by: **Representative Perry**

1 **An Act to prohibit the acquisition of agricultural land by foreign governments.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 43-2A-1 be AMENDED:**

4 **43-2A-1.** ~~For purposes of~~ Terms used in this chapter, the term "agricultural land"
5 means mean:

6 (1) "Agricultural land," land capable of use in the production of agricultural crops,
7 timber, livestock or livestock products, poultry or poultry products, milk or dairy
8 products, or fruit and other horticultural products, ~~but does not include~~ including
9 any royalty interest, any oil, gas, or other mineral interest, or any lease,
10 right-of-way, option, or easement relating thereto, or any land zoned by a local
11 governmental unit for a use other than and nonconforming with agricultural use;

12 (2) "Controlling interest," possession of:

13 (a) An ownership interest that is greater than fifty percent; or

14 (b) An ownership interest in any entity whose business and affairs are directed
15 by a foreign government, without a requirement for consent by another
16 party;

17 (3) "Foreign government," a government or the state-controlled enterprise of a
18 government, other than the United States, its states, or its territories; and

19 (4) "State-controlled enterprise," a business entity in which a foreign government has
20 a controlling interest.

21 **Section 2. That § 43-2A-2 be AMENDED:**

22 **43-2A-2.** ~~No~~ An alien, who is not a resident of this state, of ~~some another~~ another state or
23 territory of the United States, or of the District of Columbia; ~~and no foreign government~~
24 ~~shall hereafter,~~ may not acquire agricultural ~~lands~~ land, or any interest ~~therein~~ in
25 agricultural land, exceeding one hundred sixty acres, ~~except such as may be~~

1 ~~acquired~~unless the acquisition is by devise ~~or, by inheritance, and such as may be held as~~
2 or security for indebtedness.

3 ~~The provisions of this~~A foreign government may not purchase, acquire, lease, or
4 hold any interest in agricultural land in this state.

5 ~~This section de~~does not apply tocitizens, foreign governments;

6 (1) Citizens or subjects of a foreign country ~~whose~~if their right to hold land ~~are~~is
7 secured by treaty; or

8 (2) Any interest in agricultural land acquired by a foreign government before July 1,
9 2023.