

To: Senate Committee on Judiciary, Senator Kellie Warren, Chair

From: John Donley, Kansas Farm Bureau

Date: March 21, 2023

Re: Neutral testimony on SB 283-conveyance of property to foreign adversaries

Chairman Warren and members of the Committee, on behalf of Kansas Farm Bureau, I want to thank you for the opportunity to provide neutral testimony on SB 283. KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

Kansas Farm Bureau has long been an organization that supports private property rights and free markets. When legislation such as SB 283 is introduced, we naturally look at the legislation with a skeptical view. Putting restrictions on the ownership of real property is something that should be taken very seriously and not just be an issue that is raised to score "political points." While we are neutral on the bill, I want to ask you to seriously consider what the policy motivation is behind this legislation. I suspect that this bill may not support the policy position that is trying to be achieved.

We also understand that there are certainly times where the interest of national and state security are items of concern for policy makers. Kansas Farm Bureau feels that this bill is attempting, albeit politically, to address national security issues. However, KFB feels that this issue is better addressed at the federal level. There are numerous federal laws dealing with foreign land ownership. Additionally, there are several bills that have been introduced dealing with the specific issue of land ownership by foreign entities.

Finally, SB 283 could potentially violate the Dormant Commerce Clause of the U.S. Constitution. I do not purport to be a constitutional law expert, so I will not go into the details of the protections for interstate commerce in this testimony.

In conclusion, while we are neutral on the SB 283, we feel that this body should vote on this issue with their "eyes wide open." You should be asking yourself, "What is the policy position we are attempting to further in this legislation? Does this bill support that policy position?" I suspect that an honest analysis of the situation may help you reach the conclusion that SB 283 is all about politics, not policy. That is the true decision you are facing.

I will stand for questions at the appropriate time.