

1 SENATE BILL NO. 203  
2 INTRODUCED BY K. BOGNER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW FOR THE TRANSFER OF CRITICAL  
5 INFRASTRUCTURE AND AGRICULTURAL LAND; PROHIBITING THE SALE, LEASE, OR RENTAL OF  
6 CRITICAL INFRASTRUCTURE OR LAND USED FOR AGRICULTURAL PRODUCTION TO FOREIGN  
7 ADVERSARIES OR CORPORATIONS DOMICILED IN FOREIGN ADVERSARY NATIONS; AND PROVIDING  
8 DEFINITIONS."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 NEW SECTION. Section 1. Prohibited transactions with foreign adversaries. (1) ~~An entity~~  
13 ~~provided for in this title may not:~~

14 ~~(a) sell, lease, or rent critical infrastructure or land used for agricultural production to a foreign~~  
15 ~~adversary; or~~

16 ~~(b) enter into a contract with a foreign adversary that results in the foreign adversary's control of~~  
17 ~~agricultural production land or critical infrastructure in this state. A foreign adversary may not:~~

18 ~~(a) buy, lease, or rent critical infrastructure or land used for agricultural production from an entity~~  
19 ~~provided for in this title; or~~

20 ~~(b) enter into a contract with an entity provided for in this title that results in the foreign adversary's~~  
21 ~~control of agricultural production land or critical infrastructure in this state.~~

22 ~~(2) A foreign adversary that violates this section shall divest from its interest in critical infrastructure~~  
23 ~~or land used for agricultural production within 1 year, after which time the property may be sold at public auction~~  
24 ~~by the county sheriff of any county where the critical infrastructure or land used for agricultural production is~~  
25 ~~located.~~

26 ~~(3) The attorney general or county where the critical infrastructure or land used for agricultural~~  
27 ~~production is located may bring a suit to enforce this section.~~

**Amendment - 1st Reading-white - Requested by: Kenneth Bogner - (S) Agriculture, Livestock and Irrigation**

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0203.001.002

1           ~~(2)~~(4) As used in this section, the following definitions apply:

2           (a) "Agricultural production" has the meaning provided in 82-10-502.

3           (b) "Critical infrastructure" has the meaning provided in 82-1-601.

4           (c) "Foreign adversary" means any foreign government or foreign nongovernment person

5 determined by the secretary of commerce to have engaged in a long-term pattern or serious instances of

6 conduct significantly adverse to the national security of the United States or the security and safety of the

7 people of the United States for the purposes of sections (3)(a) and (3)(b) of Executive Order No. 13873 of May

8 15, 2019, or a corporation, however constituted, domiciled or headquartered in a nation determined to be a

9 foreign adversary, or a corporation over which a foreign adversary has a controlling interest.

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11           NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

12 integral part of Title 35, and the provisions of Title 35 apply to [section 1].

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