

1 SENATE BILL NO. 203

2 INTRODUCED BY K. BOGNER

3
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; AND PROVIDING EFFECTIVE DATES."

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, ~~or~~
19 real property or a residence that has a direct line of sight to any part of a military installation FROM AN ENTITY
20 PROVIDED FOR IN THIS TITLE; OR

21 (B) ENTER INTO A CONTRACT WITH AN ENTITY PROVIDED FOR IN THIS TITLE THAT RESULTS IN THE FOREIGN
22 ADVERSARY'S CONTROL OF AGRICULTURAL PRODUCTION LAND OR CRITICAL INFRASTRUCTURE IN THIS STATE.

23 (2) A FOREIGN ADVERSARY THAT VIOLATES THIS SECTION SHALL DIVEST FROM ITS INTEREST IN CRITICAL
24 INFRASTRUCTURE OR LAND USED FOR AGRICULTURAL PRODUCTION WITHIN 1 YEAR, AFTER WHICH TIME THE PROPERTY
25 MAY BE SOLD AT PUBLIC AUCTION BY THE COUNTY SHERIFF OF ANY COUNTY WHERE THE CRITICAL INFRASTRUCTURE OR
26 LAND USED FOR AGRICULTURAL PRODUCTION IS LOCATED.

27 (3) THE ATTORNEY GENERAL OR COUNTY WHERE THE CRITICAL INFRASTRUCTURE OR LAND USED FOR
28 AGRICULTURAL PRODUCTION IS LOCATED MAY BRING A SUIT TO ENFORCE THIS SECTION.

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

2 (a) "Agricultural production":

3 (i) _____ has the meaning provided in 82-10-502; and

4 (ii) _____ includes homesteads with one or more acres of improvements.

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

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

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

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

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

10 15, 2019, or a corporation, however constituted, domiciled OR HEADQUARTERED in a nation determined to be a

11 foreign adversary, OR A CORPORATION OVER WHICH A FOREIGN ADVERSARY HAS A CONTROLLING INTEREST.

12

13 NEW SECTION. Section 2. Delegation to negotiate for authority. (1) Prior to the 68th legislature of
14 the state of Montana adjourning sine die, or within 10 days of passage and approval of [this act], the speaker of
15 the house and the president of the senate shall form a delegation to negotiate with the federal government for
16 authority to implement [section 1].

17 (2) The delegation must include the sponsor of [this act], a member of the governor's staff, a
18 member of the attorney general's staff, and at least one legislator with experience in negotiation with the federal
19 government.

20 (3) The delegation shall travel during the biennium beginning July 1, 2023, to Washington, D.C.,
21 and seek to engage in negotiations with the United States department of state, the United States department of
22 commerce, or the United States congress.

23

24 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
25 integral part of Title 35, and the provisions of Title 35 apply to [section 1].

26

27 NEW SECTION. Section 4. Effective date -- contingency. (1) Except as provided in subsection (2),
28 [this act] is effective on passage and approval.

Amendment - 2nd Reading-yellow - Requested by: Brad Molnar - (S) Committee of Whole

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0203.002.001

1 (2) [Section 1] is effective on the date that the speaker of the house and the president of the
2 senate certify to the code commissioner that the delegation provided for in [section 2] has successfully
3 negotiated with the federal government for authority to implement [section 1]. The speaker of the house and the
4 president of the senate shall submit certification within 30 days of the occurrence of the contingency.

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- END -

AMENDED