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SENATE BILL NO. 203

INTRODUCED BY K. BOGNER

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

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

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

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

(b) ~~enter into a contract with a foreign adversary that results in the foreign adversary's control of agricultural production land or critical infrastructure in this state.~~ A FOREIGN ADVERSARY MAY NOT:

(A) BUY, LEASE, OR RENT CRITICAL INFRASTRUCTURE ~~OR~~, LAND USED FOR AGRICULTURAL PRODUCTION, ~~or real property or a residence that has a direct line of sight to any part of a military installation~~ FROM AN ENTITY PROVIDED FOR IN THIS TITLE; OR

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

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

(3) THE ATTORNEY GENERAL OR COUNTY WHERE THE CRITICAL INFRASTRUCTURE OR LAND USED FOR 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.

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

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

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