

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,  
19 OR REAL PROPERTY OR A RESIDENCE THAT HAS A DIRECT LINE OF SIGHT TO ANY PART OF A MILITARY INSTALLATION FROM  
20 AN ENTITY 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

**Amendment - 1st Reading/2nd House-blue - Requested by: Ross Fitzgerald - (H) Business and Labor**

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

SB0203.003.001

1 AGRICULTURAL PRODUCTION IS LOCATED MAY BRING A SUIT TO ENFORCE THIS SECTION.

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

3 (a) "Agricultural production":

4 (i) \_\_\_\_\_ has the meaning provided in 82-10-502; AND

5 (ii) \_\_\_\_\_ INCLUDES HOMESTEADS WITH ONE OR MORE ACRES OF IMPROVEMENTS.

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

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

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

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

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

11 15, 2019, or a corporation, however constituted, domiciled OR HEADQUARTERED in a nation determined to be a

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

13 (5) This section does not apply to land that is leased for agricultural research and development  
14 and experimental purposes, including testing, developing, or producing all crop production inputs for sale or  
15 resale to farmers, including but not limited to seeds, plants, pesticides, soil amendments, biologicals, and  
16 fertilizers.

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18 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an  
19 integral part of Title 35, and the provisions of Title 35 apply to [section 1].

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