

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SENATE BILL NO. 256

INTRODUCED BY C. GLIMM, B. USHER, M. NOLAND

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING OWNERSHIP OF MONTANA LAND BY A FOREIGN ADVERSARY GOVERNMENT; PROHIBITING A FOREIGN ADVERSARY GOVERNMENT ~~AND CITIZENS OF THAT FOREIGN GOVERNMENT~~ FROM ACQUIRING, LEASING, OR HOLDING INTEREST IN MONTANA ~~LAND~~ REAL PROPERTY; AUTHORIZING THE BOARD OF LAND COMMISSIONERS TO ACQUIRE CERTAIN LAND IN VIOLATION OF THE ACT; PROVIDING EXCEPTIONS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 70-30-102, 77-1-101, AND 77-1-202, MCA."

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

NEW SECTION. Section 1. Foreign ownership of land REAL PROPERTY -- foreign adversary government. (1) ~~(A)~~ After December 31, 2023, a foreign adversary government may not purchase, acquire, lease, or hold any interest in ~~land~~ REAL PROPERTY in the state.

~~(a)(B)~~ Land REAL PROPERTY in the state that is held by a foreign adversary government prior to December 31, 2023, must be transferred to comply with this section. ~~The transfer may be to a private entity.~~ For ~~land~~ REAL PROPERTY that does not comply with this subsection ~~(4)(a)~~ (1)(B) after December 31, 2023, the state, through the board of land commissioners, is authorized to exercise its power of eminent domain under Title 70, chapter 30. ~~Land~~ REAL PROPERTY acquired by the state in eminent domain proceedings is classified as "state land" under 77-1-101 and may be disposed of through sales conducted by the board of land commissioners under the procedures for the disposition of state land under Title 77.

~~(b)(C)~~ This section does not apply to a federally recognized Indian tribe or its government units and enterprises.

~~(c)(D)~~ A transfer of an interest in ~~land~~ REAL PROPERTY in violation of this section is ~~void~~ VOIDABLE.

~~(d)(E)~~ This section may not be applied in a manner inconsistent with any provision of any treaty between the United States and another country.

(2) For the purposes of this section, the following definitions apply:

1 (a) (i) "Foreign adversary government" means a foreign government, ~~or a~~ foreign nongovernment  
 2 person, ~~including citizens of the foreign government, or a~~ NONGOVERNMENT PERSON AS DETERMINED BY THE  
 3 FEDERAL SECRETARY OF COMMERCE THAT HAS engaged in a long-term pattern or serious instances of conduct  
 4 significantly adverse to the national security of the United States or security and safety of United States persons  
 5 as defined in 47 U.S.C. 1607(c)(2) and 15 CFR 7.4(a)(4) ~~to include,~~ INCLUDING BUT NOT LIMITED TO the following  
 6 governments and political leaders:

- 7 (i)(A) the People's Republic of China, including the Hong Kong Special Administrative Region;
- 8 (ii)(B) the Republic of Cuba;
- 9 (iii)(C) the Islamic Republic of Iran;
- 10 (iv)(D) the Democratic People's Republic of Korea;
- 11 (v)(E) the Russian Federation; and
- 12 (vi)(F) Venezuelan politician Nicolás Maduro OR THE MADURO REGIME.

13 ~~(ii) THE TERM INCLUDES AN INDIVIDUAL WHO IS A CITIZEN OF A FOREIGN ADVERSARY GOVERNMENT.~~

14 ~~(iii)(ii) THE TERM INCLUDES AN ENTITY:~~

15 ~~(A) THAT IS DIRECTLY OR INDIRECTLY OWNED OR CONTROLLED BY A FOREIGN ADVERSARY GOVERNMENT;~~

16 ~~(B) FOR WHICH A MAJORITY OF THE OWNERSHIP INTEREST IS DIRECTLY OR INDIRECTLY OWNED OR~~  
 17 ~~CONTROLLED BY AN INDIVIDUAL WHO IS A CITIZEN OF A FOREIGN ADVERSARY GOVERNMENT;~~

18 ~~(C) FOR WHICH A MAJORITY OF THE OWNERSHIP INTEREST IS DIRECTLY OR INDIRECTLY OWNED OR~~

19 ~~CONTROLLED BY AN ENTITY DESCRIBED IN SUBSECTION ~~(2)(A)(iii)(A) OR (2)(A)(iii)(B)~~ (2)(a)(ii)(A) or (2)(a)(ii)(b); OR~~

20 ~~(D) THAT IS ORGANIZED UNDER THE LAWS OF A FOREIGN ADVERSARY GOVERNMENT.~~

21 (b) "Interest" means any estate, remainder, ~~or~~ reversion, LEASEHOLD INTEREST, OR MINERAL  
 22 INTEREST, or ANY portion of the estate, remainder, ~~or~~ reversion, LEASEHOLD INTEREST, OR MINERAL INTEREST, or  
 23 an option pursuant to which one party has a right to ~~cause~~ ACQUIRE legal or equitable title to Montana land REAL  
 24 PROPERTY. ~~The term includes a percentage ownership interest in an entity if the foreign adversary government~~  
 25 ~~actually directs the business and affairs of the entity without the requirement or consent of any other party.~~

26 (c) "REAL PROPERTY" HAS THE MEANING PROVIDED IN 70-1-106.

27

28 **Section 2.** Section 70-30-102, MCA, is amended to read: