

1 SENATE BILL NO. 256
2 INTRODUCED BY C. GLIMM, B. USHER, M. NOLAND

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING OWNERSHIP OF MONTANA LAND BY A
5 FOREIGN ADVERSARY GOVERNMENT; PROHIBITING A FOREIGN ADVERSARY GOVERNMENT AND
6 CITIZENS OF THAT FOREIGN GOVERNMENT FROM ACQUIRING, LEASING, OR HOLDING INTEREST IN
7 MONTANA ~~LAND~~ REAL PROPERTY; AUTHORIZING THE BOARD OF LAND COMMISSIONERS TO
8 ACQUIRE CERTAIN LAND IN VIOLATION OF THE ACT; PROVIDING EXCEPTIONS; PROVIDING
9 DEFINITIONS; ~~AND~~ AMENDING SECTIONS 70-30-102, 77-1-101, AND 77-1-202, MCA; AND PROVIDING
10 EFFECTIVE DATES."

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

13
14 NEW SECTION. Section 1. Foreign ownership of land REAL PROPERTY -- foreign adversary

15 government. (1) (A) After December 31, 2023, a foreign adversary government may not purchase, acquire,
16 lease, or hold any interest in ~~land~~ REAL PROPERTY in the state.

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

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

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

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

1 **NEW SECTION. Section 2. Delegation to negotiate for authority.** (1) Prior to the 68th legislature of
2 the state of Montana adjourning sine die, or by October 1, 2023, the speaker of the house and the president of
3 the senate shall form a delegation to negotiate with the federal government for authority to implement [section
4 1].

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

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

11
12 **Section 3.** Section 70-30-102, MCA, is amended to read:

13 **"70-30-102. Public uses enumerated.** Subject to the provisions of this chapter, the right of eminent
14 domain may be exercised for the following public uses:

- 15 (1) all public uses authorized by the government of the United States;
- 16 (2) public buildings and grounds for the use of the state and all other public uses authorized by the
17 legislature of the state;
- 18 (3) public buildings and grounds for the use of any county, city, town, or school district;
- 19 (4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the
20 inhabitants of any county, city, or town;
- 21 (5) projects to raise the banks of streams, remove obstructions from streambanks, and widen,
22 deepen, or straighten stream channels;
- 23 (6) water and water supply systems as provided in Title 7, chapter 13, part 44;
- 24 (7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and
25 facilities for the benefit of a county, city, or town or the inhabitants of a county, city, or town;
- 26 (8) acquisition of road-building material as provided in 7-14-2123;
- 27 (9) stock lanes as provided in 7-14-2621;
- 28 (10) parking areas as provided in 7-14-4501 and 7-14-4622;

