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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; 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 -- foreign adversary government.** (1) After

December 31, 2023, a foreign adversary government may not purchase, acquire, lease, or hold any interest in land in the state.

(a) Land 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 that does not comply with this subsection (1)(a) 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 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) This section does not apply to a federally recognized Indian tribe or its government units and enterprises.

(c) A transfer of an interest in land in violation of this section is void.

(d) 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:

(a) "Foreign adversary government" means a foreign government or foreign nongovernment

1 person, ~~including citizens of the foreign government~~, engaged in a long-term pattern or serious instances of  
2 conduct significantly adverse to the national security of the United States or security and safety of United States  
3 persons as defined in 47 U.S.C. 1607(c)(2) and 15 CFR 7.4(a)(4) to include the following governments and  
4 political leaders:

5 (i) the People's Republic of China, including the Hong Kong Special Administrative Region;

6 (ii) the Republic of Cuba;

7 (iii) the Islamic Republic of Iran;

8 (iv) the Democratic People's Republic of Korea;

9 (v) the Russian Federation; and

10 (vi) Venezuelan politician Nicolás Maduro.

11 (b) "Interest" means any estate, remainder, or reversion, or portion of the estate, remainder, or  
12 reversion, or an option pursuant to which one party has a right to cause legal or equitable title to Montana land.

13 The term includes a percentage ownership interest in an entity if the foreign adversary government actually  
14 directs the business and affairs of the entity without the requirement or consent of any other party.

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

17 **"70-30-102. Public uses enumerated.** Subject to the provisions of this chapter, the right of eminent  
18 domain may be exercised for the following public uses:

19 (1) all public uses authorized by the government of the United States;

20 (2) public buildings and grounds for the use of the state and all other public uses authorized by the  
21 legislature of the state;

22 (3) public buildings and grounds for the use of any county, city, town, or school district;

23 (4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the  
24 inhabitants of any county, city, or town;

25 (5) projects to raise the banks of streams, remove obstructions from streambanks, and widen,  
26 deepen, or straighten stream channels;

27 (6) water and water supply systems as provided in Title 7, chapter 13, part 44;

28 (7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and