

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.

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

(a) "Agricultural production" has the meaning provided in 82-10-502.

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

(c) "Foreign adversary" means any foreign government or foreign nongovernment person determined by the secretary of commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of the people of the United States for the purposes of sections (3)(a) and (3)(b) of Executive Order No. 13873 of May 15, 2019, or a corporation, however constituted, domiciled in a nation determined to be a foreign adversary.

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

