

HOUSE BILL 101

IN THE HOUSE

January 10, 1979	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 15, 1979	Committee recommend bill, do not pass.
February 16, 1979	Report adopted. Objection.
February 17, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed. Third reading passed.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 15, 1979	On motion, bill be taken from Committee on Agriculture, Livestock and Irrigation, as amended, and referred to second reading. Motion adopted.
March 17, 1979	Motion, pass consideration.
March 19, 1979	Second reading, indefinitely postponed.

IN THE HOUSE

March 20, 1979	Returned from the Senate, indefinitely postponed.
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1 *HOUSE* BILL NO. *101*  
2 INTRODUCED BY *Vincent Bondarone*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT NONRESIDENT  
5 ALIENS FROM ACQUIRING CERTAIN AGRICULTURAL LANDS AND TO  
6 REQUIRE PUBLIC SALE OF LAND HELD IN VIOLATION OF THIS ACT  
7 FOR MORE THAN 2 YEARS."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Definitions. As used in [this act], the  
11 following definitions apply:

12 (1) "Agricultural land" means land meeting the  
13 qualifications imposed in 15-7-202(1)(a).

14 (2) "Director" means the director of the department of  
15 agriculture.

16 (3) "Foreign business" means any business entity  
17 including but not limited to corporations, partnerships, and  
18 associations, in which a controlling interest is owned by  
19 aliens.

20 (4) "Nonresident alien" means any person who is not a  
21 citizen of the United States and who is not a resident of  
22 the United States or of some state, territory, trusteeship,  
23 or protectorate of the United States.

24 (5) "Residence" means a person's principal residence  
25 where he lives for any extended period of time.

1 Section 2. Nonresident alien ownership of agricultural  
2 land prohibited -- exceptions.

3 (1) No nonresident alien or foreign business may  
4 acquire by grant, purchase, devise, or descent agricultural  
5 land in this state.

6 (2) No person may hold agricultural land as an agent,  
7 trustee, or other fiduciary for a nonresident alien or  
8 foreign business.

9 (3) Any nonresident alien or foreign business that  
10 obtains a lease on agricultural land for a term of 10 years  
11 or longer or a lease renewable at his option for terms that  
12 total 10 years has acquired agricultural land within the  
13 meaning of this section.

14 (4) This section does not apply to nonresident aliens  
15 and foreign businesses owning or leasing agricultural land  
16 in this state before July 1, 1979.

17 (5) Any alien making his residence in the United  
18 States may acquire and hold agricultural land on the same  
19 terms as an American citizen during the period of his  
20 residency.

21 Section 3. Administration -- penalty for continued  
22 violation. (1) Upon receiving any report of foreign land  
23 ownership in the state from the U.S. secretary of  
24 agriculture under the provisions of 7 U.S.C. 3505, the  
25 director shall report any suspected violation of [section 2]

INTRODUCED BILL  
*HB 101*

1 to the state attorney general.

2 (2) The attorney general shall bring suit in district  
3 court against any person violating [section 2].

4 (3) The attorney general shall file notice of the suit  
5 with the county clerk and recorder of each county in which  
6 any portion of the agricultural land alleged to be illegally  
7 held is located.

8 (4) If the court finds that the land has been acquired  
9 in violation of [section 2], it shall:

10 (a) order the owner to divest himself of the land  
11 within 2 years;

12 (b) file notice of the order with the clerk and  
13 recorder of each county in which the land is located; and

14 (c) order the sheriff of each county in which the land  
15 is located to sell the land at a public sale, according to  
16 the procedure established in Title 25, chapter 13, part 8,  
17 if the owner has not divested himself of the land within 2  
18 years after the date of the judgment.

19 Section 4. Severability. If a part of this act is  
20 invalid, all valid parts that are severable from the invalid  
21 part remain in effect. If a part of this act is invalid in  
22 one or more of its applications, the part remains in effect  
23 in all valid applications that are severable from the  
24 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 129-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 19 79, there is hereby submitted a Fiscal Note for HB 101 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

To prohibit nonresident aliens from acquiring certain agricultural lands; to require public sale of land.

FISCAL IMPACT:

Unable to predict.

*Carolyn Daering for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/31/79

SECOND READING

MISSING

1 HOUSE BILL NO. 101  
2 INTRODUCED BY Vincent Bondano & Huachuca

3  
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THIRD READING

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-End-

SENATE STANDING COMMITTEE REPORT  
(Agriculture, Livestock & Irrigation)

That House Bill No. 101 be amended as follows:

I. Page 2.

Following: line 13

Strike: lines 14 through 16 in their entirety

Insert: "(4) This section does not apply to any ownership or leasehold of agricultural land by non-resident aliens or foreign businesses acquired prior to July 1, 1979; to leases granting the right to explore for and produce minerals from the land; to mineral or royalty interests; to easements and tracts of land acquired in connection with the extraction, refining, processing or transportation of minerals; or to any lands located within the boundaries of any incorporated city, town or village."