

SENATE BILL NO. 2351

Introduced by

Senators Wanzek, Miller, O'Connell

Representatives Headland, D. Johnson, Trottier

1 A BILL for an Act to create and enact section 10-06.1-12.1 of the North Dakota Century Code,
2 relating to the ownership or leasing of farm and ranch land by corporations.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Section 10-06.1-12.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **10-06.1-12.1. Ownership or leasing of land by corporations - Exceptions.**

7 ~~— Notwithstanding any other law, prohibitions on the ownership or leasing of land used for~~
8 ~~farming or ranching by a corporation or a limited liability company and prohibitions on~~
9 ~~corporations or limited liability companies engaging in the business of farming or ranching do~~
10 ~~not apply to:~~

11 ~~— 1. Domestic corporations and limited liability companies owning and operating a dairy,~~
12 ~~provided the land owned or leased for that purpose does not exceed six hundred and~~
13 ~~forty acres; or~~

14 ~~— 2. Domestic corporations and limited liability companies owning and operating a facility~~
15 ~~for the production of swine, provided the land owned or leased for that purpose does~~
16 ~~not exceed six hundred and forty acres.~~

17 1. This chapter does not apply to the ownership or leasing of land used for the operation
18 of a dairy farm by a domestic corporation or a limited liability company and does not
19 prohibit the operation of a dairy farm by a domestic corporation or a limited liability
20 company, provided:

21 a. The land owned or leased for the authorized purpose does not exceed six
22 hundred forty acres [258.99 hectares];

23 b. The dairy farm is operational within three years from the date the land is
24 acquired; and

- 1 c. The dairy farm is permitted as an animal feeding operation or as a concentrated
2 animal feeding operation by the state department of health and consists of at
3 least fifty cows.
- 4 2. This chapter does not apply to the ownership or leasing of land used for the operation
5 of a swine production facility by a domestic corporation or a limited liability company
6 and does not prohibit the operation of a swine production facility by a domestic
7 corporation or a limited liability company, provided:
- 8 a. The land owned or leased for the authorized purpose does not exceed six
9 hundred forty acres [258.99 hectares];
- 10 b. The swine production facility is operational within three years from the date the
11 land is acquired; and
- 12 c. The swine production facility is permitted as an animal feeding operation or as a
13 concentrated animal feeding operation by the state department of health and
14 consists of at least five hundred swine.
- 15 3. The agriculture commissioner shall by rule develop reporting and monitoring
16 requirements to ensure compliance with this section.
- 17 4. a. If the agriculture commissioner determines that a domestic corporation or a
18 limited liability company is not operating within the exceptions provided by this
19 section, the commissioner shall notify the secretary of state and the attorney
20 general.
- 21 b. A domestic corporation or a limited liability company that is not operating within
22 the exceptions provided by this section is subject to the enforcement provisions
23 of this chapter.