

Sixty-fourth
Legislative Assembly
of North Dakota

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