

**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.