

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 463

Short Title: NC Farmland and Military Protection Act. (Public)

Sponsors: Representatives Bell, Balkcom, Zenger, and Moore (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 27, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE ACQUISITION OF AGRICULTURAL AND OTHER LANDS
3 CRITICAL TO THE SAFETY AND SECURITY OF THE STATE BY CERTAIN
4 FOREIGN GOVERNMENTS DESIGNATED AS ADVERSARIAL BY THE UNITED
5 STATES DEPARTMENT OF COMMERCE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 64 of the General Statutes is amended by adding a new Article
8 to read:

9 "Article 3.

10 "Prohibit Adversarial Foreign Government Acquisition of Certain Lands.

11 **"§ 64-50. Title.**

12 This act shall be known and be cited as the North Carolina Farmland and Military Protection
13 Act.

14 **"§ 64-51. Purpose.**

15 The General Assembly finds that it is in the public interest for the State to guard its
16 agricultural land from the potential of adversarial foreign government control in order to ensure
17 that the State's farmers are able to produce a safe, abundant, and affordable supply of food and
18 fiber for the benefit of the people of this State and the United States and to protect our vital
19 resources.

20 **"§ 64-52. Definitions.**

21 As used in this Article, the following definitions apply:

- 22 (1) Adversarial foreign government. – A state-controlled enterprise or the
23 government of a foreign nation that has received a designation under 15 C.F.R.
24 § 7.4 from a determination by the United States Secretary of Commerce that
25 the entity has engaged in a long-term pattern or serious instances of conduct
26 significantly adverse to the national security of the United States or security
27 and safety of United States persons.
- 28 (2) Agricultural land. – Any land situated in this State that is used for agricultural
29 production purposes as defined in G.S. 106-581.1(1) through (3).
- 30 (3) Controlling interest. – Possession of more than fifty percent (50%) of the
31 ownership interest in an entity. The term also includes possession of fifty
32 percent (50%) or less of the ownership interest in an entity if an owner directs
33 the business and affairs of the entity without the requirement or consent of any
34 other party.



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- 1 (4) Interest. – Any estate, remainder, or reversion, or any portion of the estate,
- 2 remainder, or reversion, or an option pursuant to which one party has a right
- 3 to cause the transfer of legal or equitable title to agricultural land.
- 4 (5) State-controlled enterprise. – A business enterprise, however denominated, in
- 5 which a foreign government has a controlling interest.

6 "**§ 64-53. Adversarial foreign government acquisition of agricultural land prohibited.**

7 (a) Notwithstanding any provision of law to the contrary, no adversarial foreign
8 government shall purchase, acquire, lease, or hold any interest in the following:

- 9 (1) Agricultural land.
- 10 (2) Land situated within a 25-mile radius of a military base, military installation,
- 11 or military airport.

12 (b) Any transfer of an interest in land in violation of this section shall be void."

13 **SECTION 2.** If any section or provision of this act is declared unconstitutional or
14 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
15 the part so declared to be unconstitutional or invalid.

16 **SECTION 3.** This act becomes effective on January 1, 2024, and applies only to
17 interests in land acquired on and after that date.