

§ 64-62. (Effective April 1, 2027) Definitions.

As used in this Article, the following definitions apply:

- (1) Adversarial foreign government. – A state-controlled enterprise or the government of a country or group listed in International Traffic in Arms Regulation 22 C.F.R. § 126.1(d).
- (2) Agricultural land. – Any land situated in this State that is used for agricultural production purposes as defined in G.S. 106-581.1(1) through (4). The term does not include land situated in this State that is leased for agricultural research and development purposes or other activities for the purpose of producing inputs or products for farmers or other end users, provided that the acreage leased by the lessee does not exceed 250 acres in the aggregate.
- (3) De minimis direct interest. – Any ownership of land resulting from:
 - a. Ownership of registered equities in a publicly traded company owning the land and if the ownership interest in the company is either of the following:
 1. Less than ten percent (10%) of any class of registered equities. Ownership of registered equities is determined by processes established under federal law.
 2. A noncontrolling interest in an entity controlled by a company that is both registered with the United States Securities and Exchange Commission as an investment adviser under the Investment Advisers Act of 1940, as amended, and is not a foreign entity.
 - b. Any passive ownership interest of a prohibited foreign party in an entity, provided that the prohibited foreign party does not possess, by virtue of that ownership interest or otherwise, the power to direct or cause the direction of the management or policies of the entity with respect to the interest in real property.
- (4) Foreign government. – Any government other than: (i) the federal government, (ii) the government of a state, (iii) a political subdivision of a state, or (iv) federally or state recognized tribal governments.
- (5) Interest. – Any estate, remainder, or reversion, or any portion of the estate, remainder, or reversion, or an option pursuant to which one party has a right to cause the transfer of legal or equitable title to land described in G.S. 64-63(a), including, without limitation, a lease of land described in G.S. 64-63(a): (i) for a term of one year or longer or (ii) renewable by option for terms which, if the options were all exercised, would total one year.
- (6) Military installation. – Fort Bragg, Pope Army Airfield, Marine Corps Base Camp Lejeune, New River Marine Corps Air Station, Cherry Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, the United States Coast Guard Air Station at Elizabeth City, Naval Support Activity Northwest, Air Route Surveillance Radar (ARSR-4) at Fort Fisher, North Carolina National Guard facilities, and Seymour Johnson Air Force Base, in its own right and as the responsible entity for the Dare County Bombing Range, and any military training facility located within the State that is subject to the installations' oversight and control. Military installation does not include churches, schools, offices, or residential facilities outside the defined boundaries of the above named facilities, and does not include temporary military operations areas. The North Carolina Real Estate Commission, in coordination with the Department of Military and Veterans Affairs, will

- develop, publish, and maintain a map with the bases and lines drawn for the applicable mileage from the military boundaries for public use.
- (7) Party. – Any corporation, company, association, firm, partnership, society, joint-stock company, trust, estate, or any other legal entity.
- (8) Prohibited foreign party. – Any of the following:
- a. An adversarial foreign government or a foreign government formed within an adversarial foreign government.
 - b. An entity or trust, other than a government, that is created or organized under the laws of a foreign government within an adversarial foreign government.
 - c. An entity or trust, other than a government, that meets all of the following criteria:
 1. Is created or organized under the laws of any state, or any foreign government.
 2. A significant interest or substantial control is directly or indirectly held or is capable of being exercised by one or more of the following:
 - I. A foreign government referred to in sub-subdivision a. of this subdivision.
 - II. A party referred to in sub-subdivision b. of this subdivision.
 - III. A combination of the parties or governments referred to in this sub-sub-subdivision.
 - d. An agent, trustee, or other fiduciary of an entity enumerated in this subdivision.
 - e. This definition does not apply to an entity that meets any of the following criteria:
 1. The entity has received a determination from the Committee of Foreign Investment in the United States (CFIUS) that there are no unresolved national security concerns with respect to the entity in connection to a matter submitted to CFIUS and which CFIUS concluded all action pursuant to section 721 of the Defense Production Act of 1950, as amended.
 2. The entity has a national security agreement with CFIUS and maintains the validity of such national security agreement.
 3. A United States domiciled subsidiary of an entity that meets the criteria of sub-sub-subdivision 1. or 2. of this sub-subdivision.
- (9) Significant interest or substantial control. – One of the following:
- a. An interest of thirty-three percent (33%) or more held by one or more of the following:
 1. A single government referred to in sub-subdivision a. of subdivision (8) of this section.
 2. A party referred to in sub-subdivision b. of subdivision (8) of this section.
 3. A party referred to in sub-subdivision c. of subdivision (8) of this section.
 - b. An interest of thirty-three percent (33%) or more held whenever the parties or governments referred to in subdivision (8) of this section are acting in concert with respect to the interest even though no single

party or government holds an interest of thirty-three percent (33%) or more.

- c. An interest of fifty percent (50%) or more, in the aggregate, held by parties or governments referred to in subdivision (8) of this section even though the parties or governments may not be acting in concert. (2026-54, s. 1.)