



AGRICULTURE AND NATURAL RESOURCES COMMITTEE

Tuesday, November 28, 2023
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Paul J. Thomas, Chairman, called the meeting to order at 10:00 a.m.

Members present: Representatives Paul J. Thomas, Mike Beltz, Mike Brandenburg, Hamida Dakane, Scott Dyk*, Dori Hauck, Jeff A. Hoverson, Dwight Kiefert, David Monson, SuAnn Olson, Mitch Ostlie, Bill Tveit; Senators Cole Conley*, Greg Kessel, Randy D. Lemm, Larry Luick, Janne Myrdal, Terry M. Wanzek, Mark F. Weber, Kent Weston

Members absent: None

Others present: See [Appendix A](#)

**Attended remotely*

Chairman Thomas noted a technical error in the meeting minutes from October 3, 2023. A reference to the phrase "over 2 million acres of wetland easements in the state" should have stated "over 2 million acres of grassland easements in the state."

It was moved by Senator Myrdal, seconded by Representative Monson, and carried on a voice vote that the minutes of the October 3, 2023, meeting be approved as amended.

TOWNSHIP PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM STUDY

Mr. Matt Gardner, Executive Director, North Dakota League of Cities, Mr. Al Grasser, City Engineer, City of Grand Forks, Ms. Bev Collings, Building and Zoning Administrator, City of Grand Forks, Mr. Ryan Brooks, City Planner, City of Grand Forks, and Mr. Brandon Boespflug, Building Inspections Director and Chief Building Official, City of Grand Forks, provided testimony ([Appendix B](#)) regarding a city's role in tracking and updating land use authority for National Flood Insurance Program (NFIP) purposes. In response to questions from committee members, they noted:

- The North Dakota League of Cities is willing to serve as a resource for the committee in its study of tracking and updating land use authority for NFIP purposes.
- The community rating system is a criteria-based incentive program recognizing safe floodplain management practices that exceed the minimum requirements of the NFIP.
- The NFIP policyholders residing in the city of Grand Forks receive up to a 25 percent annual discount on insurance premiums because of the Federal Emergency Management Agency's (FEMA) community rating system and the city's responsible floodplain management practices.
- If a federal law or regulation relating to the NFIP changes, state laws and local ordinances also must change to comply with federal law.
- It is a time-consuming and expensive process to update a FEMA floodplain map.
- The floodplain map for the Red River Valley, which the Army Corps of Engineers began creating in 2001, was published in December 2010.
- FEMA plans to create an updated map of the Red River Valley upon the completion of the Fargo-Moorhead Area Diversion Project due to changes in the hydrology of the Red River.

- Self-displacement of water cannot be conducted without receiving a permit from the appropriate floodplain management agency.
- Joining the NFIP may be a significant undertaking for a prospective community depending on the resources available to the community.

Mr. Aaron Birst, Executive Director, North Dakota Association of Counties, provided testimony ([Appendix C](#)) regarding a county's role in tracking and updating land use authority for NFIP purposes. In response to questions from committee members, he noted:

- Counties are authorized to adopt floodplain management ordinances under North Dakota Century Code Chapter 11-33 if a township relinquishes its authority to zone.
- The North Dakota Association of Counties is not advocating to obtain floodplain management authority from the townships.

Mr. Larry Syverson, Executive Director, North Dakota Township Officers Association, provided testimony ([Appendix D](#)) regarding a township's role in tracking and updating land use authority for NFIP purposes. In response to questions from committee members, he noted:

- The North Dakota Township Officers Association and the Department of Water Resources are actively working with townships to raise awareness about the NFIP.
- Township officers need further education, resources, and expertise relating to the administration of the NFIP.
- The North Dakota Township Officers Association strives to maintain a current database of contact information for the state's township officers. Most of this information is provided by the county auditors.

Chairman Thomas invited Mr. Aaron Carranza, Director, Regulatory Division, Department of Water Resources, to answer questions from committee members regarding the state's role in tracking and updating land use authority for NFIP purposes. He noted:

- North Dakota has one NFIP coordinator position within the Department of Water Resources.
- The role of the NFIP coordinator is to help communities join and comply with the NFIP.
- If additional communities join the NFIP, additional NFIP coordinators may be necessary to administer the program successfully at a state level.
- The Department of Water Resources coordinates with the Department of Emergency Services and local emergency managers to bridge communication gaps relating to the NFIP.

Public Comments and Committee Discussion

Chairman Thomas noted the committee has received ample information from interested parties on the NFIP study, and legislation may not be necessary to fix any issues regarding the NFIP in North Dakota. He also noted the study will not be addressed on future agendas unless a committee member wishes or an interested party provides additional information.

Committee members noted:

- This issue may be best addressed internally between organizations representing counties and townships.
- The testimony clearly established the Department of Water Resources as the proper contact for townships with NFIP issues and questions.
- It may be beneficial to invite an organization representing real estate agents to provide testimony on the NFIP study.
- It may be helpful for townships and counties to have access to training seminars to raise awareness about the NFIP.
- It is important to know the identities of the duly elected township officers in a civil township for purposes of providing technical assistance with the NFIP.
- It is incumbent on the townships and counties to follow through with joining and complying with the NFIP.
- The Department of Water Resources and other state agencies have done well in assisting townships and counties navigating the NFIP. It should be the role of the organizations representing townships and counties, rather than the Legislative Assembly, to train their members.

OWNERSHIP OF PROPERTY AND ASSETS BY FOREIGN ADVERSARIES IN NORTH DAKOTA STUDY

Ms. Andrea Pfennig, Director of Government Affairs, Greater North Dakota Chamber, and Mr. Nick Hacker, Legislative Chair, North Dakota Land Title Association, provided testimony (Appendices [E](#) and [F](#)) regarding the role of the Greater North Dakota Chamber in monitoring foreign adversaries conducting business in North Dakota. In response to questions from committee members, they noted:

- Self-attestation forms and methods may not be an effective solution for monitoring foreign adversaries in North Dakota. However, a state-procured form may be effective.
- The Office of Foreign Assets Control sanctions list is governed by a board and is insulated from political pressures by the President of the United States.
- The President of the United States is heavily involved in issuing the final decisions of the Committee on Foreign Investment in the United States.
- A title company uses several state and federal databases to ensure parties to the transaction are complying with applicable state and federal laws before a title company closes a real estate transaction.
- Ownership changes in a business are not subject to or completed by a title company.

Ms. Jackie Huber, Brigadier General, Deputy Adjutant General, North Dakota National Guard, and Mr. Darin Hanson, Director, Homeland Security Division, Department of Emergency Services, provided testimony ([Appendix G](#)) regarding the role of the North Dakota National Guard in monitoring foreign adversaries in North Dakota. In response to questions from committee members, they noted:

- The powers granted to the North Dakota National Guard under state law mirror those granted under federal law. Any changes in authority afforded to the North Dakota National Guard under state law must comply with federal law.
- North Dakota's Homeland Security Director faces challenges in monitoring foreign adversaries, including limitations in accessing classified information and accessing current and comprehensive databases.
- The North Dakota State and Local Intelligence Center (NDSLIC), which consists of staff members from the Department of Emergency Services, Bureau of Criminal Investigation, Highway Patrol, North Dakota National Guard, Information Technology Department, and United States Department of Homeland Security, serves as the state's fusion center. The primary focus of NDSLIC is to prevent terrorist acts in North Dakota.
- The legal authority of NDSLIC is derived from Executive Order 2014-06. The state has a limited capacity to monitor foreign adversaries without the proper federal partnerships.
- An effective solution for monitoring foreign adversaries in this state could consist of a transaction flagging mechanism that shares information with the appropriate federal agency.

Public Comments and Committee Discussion

Mr. Ryan Taylor, Director of Public Policy, Ducks Unlimited, provided testimony about grassland and wetland easements. He noted approximately 603,450 acres of grassland easements and 1,024,200 acres of wetland easements exist in North Dakota.

Mr. Pete Hanebutt, Director of Public Policy, North Dakota Farm Bureau, provided testimony relating to foreign land ownership in North Dakota. He noted:

- It is the position of the North Dakota Farm Bureau that ownership of land in North Dakota and the United States should be restricted to United States citizens.
- The North Dakota Farm Bureau also promotes an individual's freedom to sell their property to whomever they are inclined, with the exception of entities or agents of nations on the State Department's foreign adversary list.
- Prohibiting a foreign-owned business from conducting agricultural research on North Dakota farmland may hinder agricultural growth and production in this state.

Mr. Matt Perdue, Government Relations Director, North Dakota Farmers Union, provided testimony relating to the ownership of farmland by foreign nationals. He noted:

- Chapter 47-10.1 governs foreign ownership of farmland in North Dakota, which contains a robust reporting mechanism.

- The Agricultural Foreign Investment Disclosure Act is a federal act that publishes foreign ownership of agricultural land in the United States.
- A person that violates the Agricultural Foreign Investment Disclosure Act is subject to federal fines and penalties.

A committee member noted the importance of NDSLIC and discussed the operation of the state fusion center in monitoring foreign adversaries in North Dakota.

STAFF DIRECTIVES

A committee member requested the Legislative Council staff to prepare a bill draft strengthening self-reporting practices by foreign adversaries in North Dakota.

No further business appearing, Chairman Thomas adjourned the meeting at 2:02 p.m.

Dustin A. Richard
Counsel

ATTACH:7