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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1356

Introduced by

Representatives Satrom, Brandenburg, Grueneich, Kiefert, S. Olson, Ostlie, Thomas, Weisz

Senators Conley, Lemm, Wanzek

A BILL for an Act to create and enact a new section to chapter 47-10.1 of the North Dakota Century Code, relating to foreign investment in North Dakota; and to amend and reenact subsection 1 of section 47-10.1-02 of the North Dakota Century Code, relating to the restriction on acquisition of agricultural lands by aliens.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 47-10.1-02 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual who is not a citizen of the United States, a citizen of Canada, or a permanent resident alien of the United States may not acquire directly or indirectly any interest in agricultural land unless:
   a. The individual is an alien entitled to enter the United States under the provisions of a treaty of commerce and navigation between the United States and the foreign state of which the individual is a national, solely to develop and direct the operations of an enterprise in which the individual has invested or to direct the operations of an enterprise in which the individual is actively in the process of investing a substantial amount of capital;
   b. The individual resides in this state for at least ten months out of every year;
   c. The individual actively participates in the operation of the agricultural land;
   d. The agricultural landholding does not exceed six hundred forty acres [258.99 hectares]; ~~and~~
   e. The agricultural landholding includes a dairy operation; and
   f. The state agricultural foreign investment review board approves of the acquisition of an interest in agricultural land.

SECTION 2. A new section to chapter 47-10.1 of the North Dakota Century Code is created and enacted as follows:

State agricultural foreign investment review board - Members - Powers - Duties.

1. The state agricultural foreign investment review board consists of:
   a. The agriculture commissioner;
   b. The governor's general counsel;
   c. The securities commissioner;
   d. One member of the legislative assembly, selected by the chairman of the legislative management; and
   e. A national or state security or foreign policy expert appointed by the governor.
2. The term for the governor's appointee is two years. The governor's appointee is prohibited from serving more than two consecutive terms.
3. The state agricultural foreign investment review board shall establish policies to determine if a proposed acquisition of an interest in agricultural lands under section 47-10.1-02 is appropriate and in the best interest of the state in regard to state security and the agriculture industry in the state.
4. An individual seeking to acquire an interest in agricultural land under section 47-10.1-02 shall submit an application to the state agricultural foreign investment review board.
5. Upon review of an application and other materials relevant to the proposed acquisition, the state agricultural foreign investment review board shall issue a written opinion to the applicant stating whether the applicant is permitted to acquire an interest in agricultural land under section 47-10.1-02.
6. The agriculture commissioner may adopt rules pursuant to chapter 28-32 to administer this section.