



**House Agriculture Committee  
Testimony in Opposition to SB 2371  
March 16, 2023**

Chairman Thomas & Members of the House Agriculture Committee,

My name is Lisa Feldner. I'm testifying in opposition to SB 2371 on behalf of Enel North America. Enel North America is an energy company based in Andover, Massachusetts with an Italian minority interest. The company operates in 14 states and has had a presence in North Dakota since 2017. It has 2 operating wind farms near Tioga and 2 projects under development.

Section 3 of the bill is problematic because it states that foreign ownership of real property is prohibited unless the entity

- A. is a duly registered business and has maintained a status of good standing with the secretary of state for seven years or longer.
- B. has been approved by the committee for foreign direct investment in the United States, and
- C. maintains an active national security agreement with the federal government.

Companies generally register **projects** (not the corporate holding entity) with the secretary of state. If this provision were adopted, and Enel created a new project in ND, we would register the project with the SOS; but, that project, by definition, would not

have seven years of history as being in good standing in ND. This would discriminate against new projects. Also, Enel as a company would not meet the 7-year registration history even if this were specific to the Company and not the project.

Enel has not been approved by the Committee for Foreign Direct Investment in the US (CFDIUS) for any of its investments in the U.S. As a standard of practice, CFDIUS investigates terrible actors. Having an investigation would trigger concern, not confidence, in the investor and the company.

We are trying to understand what a “national security agreement” is with the federal government. This is not something that we are familiar with, and it is unlikely to be common or understood by other developers and businesses in North Dakota as well.

Our suggested amendments to Section 3:

Letter a), remove “seven years or longer”, and replace with “Is a duly registered business and has maintained a status of good standing with the secretary of state”.

Remove points b) and c), and confirm that this bill is forward-looking and NOT retroactive.

We ask for a Do Not Pass recommendation on SB 2371.

Thank you.

*Lisa Feldner*

[lisa@olsoneffertz.com](mailto:lisa@olsoneffertz.com)

701-214-3709