

SENATE BILL NO. 2371

Introduced by

Senators Paulson, Larsen, Wobbema

Representatives Fisher, Hoverson, Louser

1 A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to
2 chapter 40-05 of the North Dakota Century Code, relating to the power of counties and
3 municipalities to prohibit local development by a foreign adversary; to amend and reenact
4 section 47-01-09 of the North Dakota Century Code, relating to the prohibition on ownership of
5 real property by a foreign adversary; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 11-11 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Development by a foreign adversary - Prohibition.**

10 A board of county commissioners, including a board in a home rule county, may not
11 procure, authorize, or approve a development agreement, building plan, or proposal relating to
12 county development with an individual or government identified as a foreign adversary under
13 15 CFR 7.4(a). ~~Any ordinance previously adopted by a county which is contrary to this section is~~
14 void.

15 **SECTION 2.** A new section to chapter 40-05 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Development by a foreign adversary - Prohibition.**

18 A board of city commissioners or city council, including a board or council in a home rule
19 city, may not procure, authorize, or approve a development agreement, building plan, or
20 proposal relating to city development with an individual or government identified as a foreign
21 adversary under 15 CFR 7.4(a). ~~Any ordinance previously adopted by a city which is contrary to~~
22 this section is void.

23 **SECTION 3. AMENDMENT.** Section 47-01-09 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **47-01-09. Public or private ownership - All property subject to - Foreign ownership**
2 **prohibited.**

3 1. All property in this state has an owner, whether that owner is the United States or the
4 state, and the property public, or the owner an individual, and the property private. The
5 state also may hold property as a private proprietor.

6 2. Notwithstanding any other provision of law, the following individuals, governments, or
7 entities may not purchase, hold, or otherwise acquire title to real property in this state:

8 a. A foreign government listed as a foreign adversary.

9 b. A foreign business entity that is:

10 (1) Headquartered in a country that is a foreign adversary;

11 (2) Directly or indirectly held or controlled by a foreign adversary;

12 (3) Owned by the majority of stock or other ownership interests of which is held
13 or controlled by individuals who are citizens of a foreign adversary; or

14 (4) A company owned by, or the majority of stock or other ownership interest of
15 which is held or controlled by, a company or entity described in paragraph 3.

16 c. An individual who is a citizen of a country that is a foreign adversary, **unless that**
17 **individual is a permanent resident of the United States.**

18 3. This section does not apply to an entity possessing an interest in real property under
19 subsection 2 if the entity:

20 a. Is a duly registered business and has maintained a status of good standing with
21 the secretary of state for seven years or longer before the effective date of this
22 Act;

23 b. Has been approved by the committee for foreign direct investment in the United
24 States to conduct business in this state; and

25 c. Maintains an active national security agreement with the federal government.

26 4. For purposes of this subsection, "foreign adversary" means an individual or a
27 government identified as a foreign adversary in 15 CFR 7.4(a).

28 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.