

**Proposed Amendments to SB 2371**  
North Dakota Land Title Association  
Nick Hacker, Legislative Chair  
(701) 751-4984 or [nick@thetitleteam.com](mailto:nick@thetitleteam.com)

Section 3 Add a new subsection:

- a. Any foreign government or foreign business entity that violates this section shall divest itself of the real property within thirty-six months.
- b. If the foreign government or foreign business entity fails to divest itself of the real property within the required time of the attorney general reasonably believes the foreign government or foreign business entity failed to divest ownership of all real property under this sections, the attorney general may issue subpoenas to compel witnesses to appear or subpoena duces tecum to compel witnesses to appear and produce relevant books, records, documents, data, or other objects.
- c. Upon receiving testimony and records, if the attorney general concludes the foreign government or foreign business entity failed to divest ownership or real property under this section, the attorney general shall commence an action in the district court of the county in which the majority of the real property is situated. Once the action is commenced, the attorney general shall file a lis pendens, pursuant to section 28-05-07, with the county recorder in each county where the real property subject to the action is situated. If the court finds divestment of the real property under this section is proper, the district court shall order judgement consistent with its findings. As part of the order, the court shall cancel the lis pendens pursuant to section 28-05-08.
- d. Pursuant to an order for divestment, the foreign government or foreign business entity shall divest of all real property within six months from the date of the final entry of judgement, if no appeal has been taken from the judgement within the time provided by law. A foreign government or foreign business entity that fails to comply with the court's order is subject to a civil penalty not to exceed twenty-five thousand dollars.
- e. Any real property not divested within the divestment period prescribed must be sold at a public sale in the manner prescribed by chapter 32-19 through an action brought by the attorney general. No title to real property or encumbrance thereon shall be invalid by any person having an interest, therein, at any time under this section.
- f. Other than the Attorney General, no individual, person, or entity not subject to this section shall be required to:
  - a. determine whether another individual, person, or entity is subject to this section; or
  - b. inquire if another individual, person, or entity is subject this section.