

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1441

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB1441
1/22/2025

A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to specie legal tender, the taxation of specie legal tender, and central bank digital currencies; to amend and reenact subsection 17 of section 13-09.1-01, and section 41-01-09 of the North Dakota Century Code, relating to the definition of central bank digital currency and the definition of money.

3:30 p.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Christy, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Gold and silver legal tender
- Federal rules and regulations
- Physical asset
- Protecting assets from inflation
- Individual or persons protection

3:21 a.m. Representative Nathan Toman, District 34, Mandan, ND, introduced and testified.

3:27 p.m. Patrick R. Hanson, District 47, Bismarck, ND, testified in favor and submitted testimony #30761.

3:34 p.m. Lise Kruse, Commissioner, ND Department of Financial Institutions, testified in opposition and submitted testimony #30595.

3:48 p.m. Rick Clayburgh, President/CEO, ND Bankers Association, testified in opposition and submitted testimony #30821.

3:50 p.m. Matt Peyerl, ND Tax Department, testified as neutral.

3:51 p.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk



MEMORANDUM

DATE: January 22, 2025

TO: House Industry, Business and Labor Committee

FROM: Lise Kruse, Commissioner

SUBJECT: Testimony in Opposition of House Bill No. 1441

Chairman Warrey and members of the House Industry, Business and Labor Committee, thank you for the opportunity to testify in opposition of House Bill No. 1441.

Our department oversees banks, credit unions, trust companies, and other nonbank financial corporations such as money transmitters and lenders. The department is in opposition to this bill due to what I assume are unintended consequences.

In Section 1 of the Bill, there is a new addition to what is considered legal tender in the state of North Dakota. It would add gold and silver to be legal tender. Legal tender in federal law (31 U.S.C § 5103) is defined as money that is legally recognized as valid form of payment for debts, taxes,

and other dues. It includes all U.S. coins and currency, including Federal Reserve notes. Local jurisdictions such as states can set their own definition for what is considered legal tender, and the proposal is to include gold or silver. Legal tender does not require businesses to accept it for purchases of goods. A business can establish their own policies about whether to accept what is considered legal tender. That is why businesses can now accept Bitcoin if they so choose, or gold, or any other commodity. It does not address the ability of bartering, which is what happens when a business is willing to accept a commodity in exchange for their products.

Other states that have included gold as legal tender have included exemptions or otherwise made it clear that the state does not force anyone or any business to accept legal tender. Since legal tender must be accepted for debt repayments, it appears that this Bill requires banks and credit unions to accept gold as payment, which is problematic for the industry. Banks and credit unions are required to have fair value expressed in dollars on their balance sheet. Since any commodity can fluctuate in value, even on the same day, it will be a challenge for banks and credit unions to determine value. Since these instruments are likely not issued by the U.S. government, but a private party, and sold through third party vendors, the ability to validate the authenticity is difficult. This is also a risk for the customer. A customer

may spend \$5,000 to buy gold, but find when they spend it, it will not be valued the same. And again, to know that it is authentic, that the gold content is appropriate is difficult to ascertain for a person unfamiliar with precious metals.

Section 2 of the Bill amends our money transmitter law's definition of money to include what is legal tender. Also note that this definition is identical to what is in chapter 41 and Section 3 of the Bill. This definition change would require the department to regulate any transmission of gold and silver. I do not believe that the issuers of these instruments or any of our precious metal and coin dealers in the state would want that. Our department would advise against this, since it would take tremendous amounts of resources. With the difficulty in validating the authenticity of these instruments that are created by a third party - to determine if a specific instrument has the amount of gold as advertised - would take special expertise.

Finally, when it comes to Central Bank Digital Currency, I would advise to also take that out of our section of the Bill. There is no such thing as a Central Bank Digital Currency in the United States today, and any authorization of such would have to come from Congress. Although it is not in the United States, many of our citizens transact and send money outside

of our country with jurisdictions which may have, or may adopt, a Central Bank Digital Currency. Those transmissions should still be regulated, and the customer should be protected, which they lose if this is exempted from the statute.

Mr. Chairman, thank you for the opportunity to provide this testimony. I would be happy to answer any questions the Committee may have.

Thank you Chairman Warrey and Members of the Industry, Business and Labor Committee for your time, service and efforts you put into serving in the legislature and for giving me the ability to testify on this bill today. My name is Patrick Hanson, I'm from Bismarck and am a citizen that desires the welfare of the society that I live in. I would like to testify in favor of HB 1441.

The two objectives of this bill are very important to North Dakotans, and I believe it is important and even urgent that every state implements these goals.

One of the goals of this bill is refusing to recognize Central Bank Digital Currency or CBDC as legal tender in North Dakota. This is a good thing because CBDC, being a government created cryptocurrency will give way too much power to whichever government decides to create it. A CBDC is sourced directly from and programmed by the very government that chooses to create it, making it susceptible to being manipulated by anyone who would want to control the system of money that many people use. This is obviously a bad idea. Can you imagine what it would be like if a government programmed your money so that you can only spend in a way that government approves? Or a system where if you spend your money or behave in a way that is not acceptable to the government, they can fine you or close your digital wallet or bank account that your CBDC is stored in? CBDC brings about the potential and I would say inevitable implementation of social credit scores, and empowers central authorities to dictate how you live by controlling the digital grid which that money supply exists on. It's a lot like playing monopoly with a cheating banker who controls the money system. Is that something we really want? By excluding this from the definition of money, we can protect individuals, families and the whole state from this kind of tool that is ripe with opportunity to oppress and manipulate. The U.S. may not have officially adopted one yet, but this bill can be a preemptive measure that every state takes in refusing to affirm such a bad idea. A few such states already have with more considering it.

The second goal is the best solution states have to protect their money, not only from manipulation from others but also from losing purchasing power like the dollar has over time. The dollar has lost 98% of its purchasing power since 1971 when we got off of the gold standard. Gold and silver have never not been valuable and throughout time have proven to be the best way to store value and retain purchasing power. Section 10 of article 1 of the U.S. constitution says that the states have to recognize gold and silver as legal tender. This bill definitely fulfills that constitutional duty. There are lawmakers in other states that are looking into creating gold/silver backed debit card programs where you can store gold and silver in a depository and spend on debit card with it. Utah passed a study bill to look into that exact thing, and in Texas there is already a state bullion depository and a movement there and in other states to create a similar debit card program. I already use a gold backed debit card through a company called Glint. I've tried spending with gold, and yes, it really works. If North Dakota makes it legal tender, no one will be subject to property or capital gains tax, because it will not then be a mere instrument of exchange, but legally considered money. If we recognize gold and silver as legal tender it will allow North Dakotans to use those programs ourselves even if we didn't create our own state depository, so that the people of North Dakota can have a sound money option.

Money should offer you freedom, not be a chain around your neck. Gold and silver offer that ability to not have your money devalued by printing more of it, and also not be controlled by anyone else with power over it. As the old adage says, "power tends to corrupt, and absolute power corrupts absolutely". Do we want money to become our worst enemy? States have the urgent responsibility to protect their people, protect a sound monetary system and fulfill their constitutional duty by exercising sovereignty over their own lands and saying yes to gold and silver as legal tender and no to CBDC being considered money.

Do you want to give any government, foreign or domestic that kind of total control over your monetary system? I ask that you do please pass this bill. Thank you again so much for the opportunity to testify today, I am open to any questions that the Chair and Members have.

Rice Clayburg

HB 1441

Provided by the North Dakota Bankers Association
January 22, 2025

Page 1, Line 11

"US Central bank digital currency" means a digital currency, digital medium of exchange, or digital monetary unit of account issued by the United States federal reserve system. ~~a federal agency, a foreign government, a foreign central bank, a foreign reserve system, or any intergovernmental organization, which is made directly available to a consumer by such entity or processed or validated directly by such entity~~

Page 1, Line 22

Specie legal tender is legal tender in this state. No person shall be required to offer or accept specie legal tender for the payment of debts, deposit, or any other purpose, nor shall any person incur any liability for refusing to offer or accept such specie legal tender, except as specifically provided for by contract.

Page 2, Line 4

US central bank digital currency - Not legal tender

Page 2, Line 5

A US central bank digital currency is not legal tender

Page 3, Line 25

"US Central bank digital currency" means a digital currency, digital medium of exchange, or digital monetary unit of account issued by the United States federal reserve system. ~~a federal agency, a foreign government, a foreign central bank, a foreign reserve system, or any intergovernmental organization, which is made directly available to a consumer by such entity or processed or validated directly by such entity~~

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB1441
1/29/2025

A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to specie legal tender, the taxation of specie legal tender, and central bank digital currencies; to amend and reenact subsection 17 of section 13-09.1-01, and section 41-01-09 of the North Dakota Century Code, relating to the definition of central bank digital currency and the definition of money.

3:12 p.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Christy, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Bankers' amendment
- U.S. Central Bank currency

3:12 p.m. Rick Clayburgh, President/CEO, ND Bankers Association, submitted an amendment for consideration.

3:15 p.m. Representative Koppelman moved to amendment by adding "US" before central bank on page 1, lines 11 and line 22, page 2, line 4 and line 5 and page 3, line 25 (further amended on 2/4/25 when bill passed).

3:15 p.m. Representative D. Ruby seconded the motion.

Voice Vote

Motion passed.

3:16 p.m. Representative Koppelman moved a Do Pass as amended.

3:16 p.m. Representative Schauer seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	N
Representative Landon Bahl	N
Representative Collette Brown	N
Representative Josh Christy	Y
Representative Lisa Finley-DeVille	N
Representative Karen Grindberg	N
Representative Jorin Johnson	N

Representative Jim Kasper	N
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	N
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	N

Motion failed 5-9-0.

3:21 p.m. Representative Vollmer moved a Do Not Pass.

3:21 p.m. Representative Bahl seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	N
Representative Mitch Ostlie	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Josh Christy	N
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Dan Ruby	N
Representative Mike Schatz	N
Representative Austin Schauer	N
Representative Daniel R. Vollmer	Y

Motion failed 7-7-0.

3:27 p.m. Representative Koppelman moved a Do Pass as amended.

3:27 p.m. Representative Schauer seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	N
Representative Mitch Ostlie	N
Representative Landon Bahl	N
Representative Collette Brown	Y
Representative Josh Christy	Y
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	N
Representative Jorin Johnson	N
Representative Jim Kasper	N
Representative Ben Koppelman	Y
Representative Dan Ruby	Y

Representative Mike Schatz	Y
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	N

Motion failed 7-7-0

3:51 p.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

Bill further amended on 02/04/25.

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB1441
2/4/2025

A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to specie legal tender, the taxation of specie legal tender, and central bank digital currencies; to amend and reenact subsection 17 of section 13-09.1-01, and section 41-01-09 of the North Dakota Century Code, relating to the definition of central bank digital currency and the definition of money.

11:25 a.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Member Absence: Representative Christy

Discussion Topics:

- Validate amendment language
- Money transmission
- Definition of money
- Gold and Silver as legal tender
- Gold back

11:25 a.m. Lise Kruse, Commissioner, Department of Financial Institutions available for committee questions.

11:34 a.m. Representative Koppelman moved to adopt amendment LC #25.0987.01001, #38423.

11:34 a.m. Representative D. Ruby seconded the motion.

Voice Vote

Motion passed.

Representative Koppelman moved a Do Pass as amended.

Representative D. Ruy seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	N
Representative Landon Bahl	N
Representative Collette Brown	N

Representative Josh Christy	AB
Representative Lisa Finley-DeVille	N
Representative Karen Grindberg	N
Representative Jorin Johnson	N
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	Y
Representative Austin Schauer	AB
Representative Daniel R. Vollmer	Y

Motion failed 6-6-2.

11:36 a.m. Representative Vollmer moved Do Not Pass as amended.

11:45 a.m. Representative Grindberg seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	N
Representative Mitch Ostlie	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Josh Christy	AB
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Dan Ruby	N
Representative Mike Schatz	N
Representative Austin Schauer	AB
Representative Daniel R. Vollmer	Y

Motion passed 7-5-2.

11:38 a.m. Representative Vollmer will carry the bill.

11:38 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1441

Introduced by

Representatives Toman, Christy, Dockter, Hagert, Heilman, D. Johnston

Senators Boehm, Paulson

1 A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century
2 Code, relating to specie legal tender, the taxation of specie legal tender, and United States
3 central bank digital currencies; to amend and reenact ~~subsection 17 of section 13-09.1-01~~, and
4 section 41-01-09 of the North Dakota Century Code, relating to the definition of United States
5 central bank digital currency ~~and the definition of money~~.

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

7 ~~SECTION 1. A new chapter to title 51 of the North Dakota Century Code is created and~~
8 ~~enacted as follows:~~

9 ~~Definitions.~~

10 ~~For purposes of this chapter:~~

11 ~~1. "Central bank digital currency" means a digital currency, digital medium of exchange,~~
12 ~~or digital monetary unit of account issued by the United States federal reserve system,~~
13 ~~a federal agency, a foreign government, a foreign central bank, a foreign reserve~~
14 ~~system, or any intergovernmental organization, which is made directly available to a~~
15 ~~consumer by such entity or processed or validated directly by such entity.~~

16 ~~2. "Specie" means refined precious metal bullion that is coined, stamped, or imprinted~~
17 ~~with its weight and purity and valued primarily based on its metal content and not its~~
18 ~~shape or form.~~

19 ~~3. "Specie legal tender" means gold or silver specie issued by the United States or any~~
20 ~~other form of gold or silver specie.~~

RS
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1 ~~Specie legal tender.~~

2 ~~Specie legal tender is legal tender in this state.~~

3 ~~Specie legal tender - Taxation.~~

4 ~~The exchange, purchase, or sale of any type or form of specie legal tender may not give~~
5 ~~rise to any tax liability of any kind.~~

6 ~~Central bank digital currency - Not legal tender.~~

7 ~~A central bank digital currency is not legal tender.~~

8 ~~SECTION 2. AMENDMENT. Subsection 17 of section 13-09.1-01 of the North Dakota~~
9 ~~Century Code is amended and reenacted as follows:~~

10 ~~17. "Money" means a medium of exchange that is authorized or adopted by the~~
11 ~~United States or a foreign government or which is legal tender in this state. The term~~
12 ~~includes a monetary unit of account established by an intergovernmental organization~~
13 ~~or by agreement between two or more governments. The term does not include a~~
14 ~~central bank digital currency as defined in section 1 of this Act.~~

15 **SECTION 1. AMENDMENT.** Section 41-01-09 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **41-01-09. (1-201) General definitions.**

- 18 1. Unless the context otherwise requires, words or phrases defined in this section, or in
19 additional definitions contained in other chapters of this title which apply to particular
20 chapters or parts of chapters, have the meanings stated.
- 21 2. Subject to definitions contained in other chapters of this title which apply to particular
22 chapters or parts of chapters:
- 23 a. "Action", in the sense of a judicial proceeding, includes recoupment,
24 counterclaim, setoff, suit in equity, and any other proceeding in which rights are
25 determined.
- 26 b. "Aggrieved party" means a party entitled to pursue a remedy.
- 27 c. "Agreement", as distinguished from "contract", means the bargain of the parties
28 in fact, as found in their language or inferred from other circumstances, including
29 course of performance, course of dealing, or usage of trade as provided under
30 section 41-09-17.

- 1 d. "Bank" means a person engaged in the business of banking and includes a
2 savings bank, savings and loan association, credit union, and trust company.
- 3 e. "Bearer" means a person in control of a negotiable electronic document of title or
4 a person in possession of a negotiable instrument, negotiable tangible document
5 of title, or certificated security that is payable to bearer or indorsed in blank.
- 6 f. "Bill of lading" means a document of title evidencing the receipt of goods for
7 shipment issued by a person engaged in the business of directly or indirectly
8 transporting or forwarding goods. The term does not include a warehouse receipt.
- 9 g. "Branch" includes a separately incorporated foreign branch of a bank.
- 10 h. "Burden of establishing" a fact means the burden of persuading the trier of fact
11 that the existence of the fact is more probable than its nonexistence.
- 12 i. "Buyer in ordinary course of business" means a person that buys goods in good
13 faith, without knowledge that the sale violates the rights of another person in the
14 goods, and in the ordinary course from a person, other than a pawnbroker, in the
15 business of selling goods of that kind. A person buys goods in the ordinary
16 course if the sale to the person comports with the usual or customary practices in
17 the kind of business in which the seller is engaged or with the seller's own usual
18 or customary practices. A person that sells oil, gas, or other minerals at the
19 wellhead or minehead is a person in the business of selling goods of that kind. A
20 buyer in ordinary course of business may buy for cash, by exchange of other
21 property, or on secured or unsecured credit, and may acquire goods or
22 documents of title under a pre-existing contract for sale. Only a buyer that takes
23 possession of the goods or has a right to recover the goods from the seller under
24 chapter 41-02 may be a buyer in ordinary course of business. "Buyer in ordinary
25 course of business" does not include a person that acquires goods in a transfer in
26 bulk or as security for or in total or partial satisfaction of a money debt.
- 27 j. "Central bank digital currency" means a digital currency, digital medium of
28 exchange, or digital monetary unit of account issued by the United States federal
29 reserve system, a federal agency, a foreign government, a foreign central bank, a
30 foreign reserve system, or any intergovernmental organization, which is made

1 ~~directly available to a consumer by such entity or processed or validated directly~~
2 ~~by such entity.~~

3 ~~k.~~ "Conspicuous", with reference to a term, means so written, displayed, or
4 presented that, based on the totality of the circumstances, a reasonable person
5 against which it is to operate ought to have noticed it. Whether a term is
6 "conspicuous" or not is a decision for the court.

7 ~~k.l.~~ "Consumer" means an individual who enters into a transaction primarily for
8 personal, family, or household purposes.

9 ~~l.m.~~ "Contract", as distinguished from "agreement", means the total legal obligation
10 that results from the parties' agreement as determined by this title as
11 supplemented by any other applicable laws.

12 ~~m.n.~~ "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any
13 representative of creditors, including an assignee for the benefit of creditors, a
14 trustee in bankruptcy, a receiver in equity, and an executor or administrator of an
15 insolvent debtor's or assignor's estate.

16 ~~n.o.~~ "Defendant" includes a person in the position of defendant in a counterclaim,
17 cross-claim, or third-party claim.

18 ~~o.p.~~ "Delivery", with respect to an electronic document of title, means voluntary
19 transfer of control and, with respect to an instrument, a tangible document of title,
20 or an authoritative tangible copy of a record evidencing chattel paper, means
21 voluntary transfer of possession.

22 ~~p.q.~~ "Document of title" means a record that in the regular course of business or
23 financing is treated as adequately evidencing that the person in possession or
24 control of the record is entitled to receive, control, hold, and dispose of the record
25 and the goods the record covers and that purports to be issued by or addressed
26 to a bailee and to cover goods in the bailee's possession which are either
27 identified or are fungible portions of an identified mass. The term includes a bill of
28 lading, transport document, dock warrant, dock receipt, warehouse receipt, and
29 order for delivery of goods. An electronic document of title means a document of
30 title evidenced by a record consisting of information stored in an electronic

- 1 medium. A tangible document of title means a document of title evidenced by a
2 record consisting of information that is inscribed on a tangible medium.
- 3 q.f. "Electronic" means relating to technology having electrical, digital, magnetic,
4 wireless, optical, electromagnetic, or similar capabilities.
- 5 r.g. "Fault" means a default, breach, or wrongful act or omission.
- 6 s.t. "Fungible goods" means:
7 (1) Goods of which any unit, by nature or usage of trade, is the equivalent of
8 any other like unit; or
9 (2) Goods that by agreement are treated as equivalent.
- 10 t.u. "Genuine" means free of forgery or counterfeiting.
- 11 u.v. "Good faith", except as otherwise provided in chapter 41-05, means honesty in
12 fact and the observance of reasonable commercial standards of fair dealing.
- 13 v.w. "Holder" means:
14 (1) The person in possession of a negotiable instrument that is payable either
15 to bearer or to an identified person that is the person in possession;
16 (2) The person in possession of a document of title if the goods are deliverable
17 either to bearer or to the order of the person in possession; or
18 (3) The person in control, other than pursuant to subsection 7 of section
19 41-07-06, of a negotiable electronic document of title.
- 20 w.x. "Insolvency proceeding" includes an assignment for the benefit of creditors or
21 other proceeding intended to liquidate or rehabilitate the estate of the person
22 involved.
- 23 x.y. "Insolvent" means:
24 (1) Having generally ceased to pay debts in the ordinary course of business
25 other than as a result of bona fide dispute;
26 (2) Being unable to pay debts as they become due; or
27 (3) Being insolvent within the meaning of federal bankruptcy law.
- 28 y.z. "Money" means a medium of exchange that is currently authorized or adopted by
29 a domestic or foreign government, ~~which is legal tender in this state~~. The term
30 includes a monetary unit of account established by an intergovernmental
31 organization, or by agreement between two or more countries. The term does not

1 include an electronic record that is a medium of exchange recorded and
2 transferable in a system that existed and operated for the medium of exchange
3 before the medium of exchange was authorized or adopted by the government.

4 ~~The term does not include a central bank digital currency.~~

5 ~~z.aa.~~ "Organization" means a person other than an individual.

6 ~~aa.bb.~~ "Party", as distinguished from "third party", means a person that has engaged in
7 a transaction or made an agreement subject to this title.

8 ~~bb.ee.~~ "Person" means an individual, a corporation, a business trust, an estate, a trust,
9 a partnership, a limited liability company, an association, a joint venture, a
10 government, a governmental subdivision, an agency, or an instrumentality, or any
11 other legal or commercial entity. The term includes a protected series, however
12 denominated, of an entity if the protected series is established under law other
13 than this title which limits, or limits if conditions specified under the law are
14 satisfied, the ability of a creditor of the entity or of any other protected series of
15 the entity to satisfy a claim from assets of the protected series.

16 ~~cc.dd.~~ "Present value" means the amount as of a date certain of one or more sums
17 payable in the future, discounted to the date certain by use of either an interest
18 rate specified by the parties if that rate is not manifestly unreasonable at the time
19 the transaction is entered or, if an interest rate is not so specified, a commercially
20 reasonable rate that takes into account the facts and circumstances at the time
21 the transaction is entered.

22 ~~dd.ee.~~ "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge,
23 lien, security interest, issue or reissue, gift, or any other voluntary transaction
24 creating an interest in property.

25 ~~ee.ff.~~ "Purchaser" means a person that takes by purchase.

26 ~~ff.gg.~~ "Record" means information that is inscribed on a tangible medium or that is
27 stored in an electronic or other medium and is retrievable in perceivable form.

28 ~~gg.hh.~~ "Remedy" means any remedial right to which an aggrieved party is entitled with
29 or without resort to a tribunal.

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- 1 | ~~hh.ii.~~ "Representative" means a person empowered to act for another, including an
2 | agent, an officer of a corporation or association, and a trustee, executor, or
3 | administrator of an estate.
- 4 | ~~ii.ii.~~ "Right" includes remedy.
- 5 | ~~jj.kk.~~ "Security interest" means an interest in personal property or fixtures which
6 | secures payment or performance of an obligation. "Security interest" includes any
7 | interest of a consignor and a buyer of accounts, chattel paper, a payment
8 | intangible, or a promissory note in a transaction that is subject to chapter 41-09.
9 | "Security interest" does not include the special property interest of a buyer of
10 | goods on identification of those goods to a contract for sale under section
11 | 41-02-46, but a buyer may also acquire a "security interest" by complying with
12 | chapter 41-09. Except as otherwise provided in section 41-02-53, the right of a
13 | seller or lessor of goods under chapter 41-02 or 41-02.1 to retain or acquire
14 | possession of the goods is not a "security interest", but a seller or lessor may
15 | also acquire a "security interest" by complying with chapter 41-09. The retention
16 | or reservation of title by a seller of goods notwithstanding shipment or delivery to
17 | the buyer under section 41-02-46 is limited in effect to a reservation of a "security
18 | interest". Whether a transaction in the form of a lease creates a "security interest"
19 | is determined under section 41-01-11.
- 20 | ~~kk.ii.~~ "Send", in connection with a record or notification, means:
21 | (1) To deposit in the mail, deliver for transmission, or transmit by any other
22 | usual means of communication, with postage or cost of transmission
23 | provided for, addressed to any address reasonable under the
24 | circumstances; or
25 | (2) To cause the record or notification to be received within the time it would
26 | have been received if properly sent under paragraph 1.
- 27 | ~~ll.mm.~~ "Sign" means, with present intent to authenticate or adopt a record, to execute or
28 | adopt a tangible symbol, or attach to or logically associate with the record an
29 | electronic symbol, sound, or process. "Signed", "signing", and "signature" have
30 | corresponding meanings.

1 ~~mm.rr.~~ "State" means a state of the United States, the District of Columbia, Puerto Rico,
2 the United States Virgin Islands, or any territory or insular possession subject to
3 the jurisdiction of the United States.

4 ~~nn.oo.~~ "Surety" includes a guarantor or other secondary obligor.

5 ~~oo.pp.~~ "Term" means a portion of an agreement that relates to a particular matter.

6 ~~pp.rr.~~ "Unauthorized signature" means a signature made without actual, implied, or
7 apparent authority. The term includes a forgery.

8 ~~qq.~~ "United States central bank digital currency" means a digital currency, digital
9 medium of exchange, or digital monetary unit of account issued by the United
10 States federal reserve system.

11 rr. "Warehouse receipt" means a document of title issued by a person engaged in
12 the business of storing goods for hire.

13 ~~rr.ss.~~ "Writing" includes printing, typewriting, or any other intentional reduction to
14 tangible form. "Written" has a corresponding meaning.

15 **SECTION 2.** A new chapter to title 51 of the North Dakota Century Code is created and
16 enacted as follows:

17 **Definitions.**

18 For purposes of this chapter:

19 1. "Specie" means refined precious metal bullion that is coined, stamped, or imprinted
20 with its weight and purity and valued primarily based on its metal content and not its
21 shape or form.

22 2. "Specie legal tender" means gold or silver specie issued by the United States or any
23 other form of gold or silver specie.

24 3. "United States central bank digital currency" means a digital currency, digital medium
25 of exchange, or digital monetary unit of account issued by the United States federal
26 reserve system.

27 **Specie legal tender.**

28 Specie legal tender is legal tender in this state. A person may not be required to offer or
29 accept specie legal tender for the payment of debts, deposit, or any other purpose. A person
30 may not incur liability for refusing to offer or accept specie legal tender, except as specifically
31 provided for by contract.

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Specie legal tender - Taxation.

The exchange, purchase, or sale of any type or form of specie legal tender may not give rise to any tax liability of any kind.

United States central bank digital currency - Not legal tender.

A United States central bank digital currency is not legal tender.

**REPORT OF STANDING COMMITTEE
HB 1441**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **AMENDMENTS** ([25.0987.01001](#)) and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1441 was placed on the Sixth order on the calendar.

25.0987.01001
Title.02000

Adopted by the Industry, Business and
Labor Committee
February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1441

Introduced by

Representatives Toman, Christy, Dockter, Hagert, Heilman, D. Johnston

Senators Boehm, Paulson

1 A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century
2 Code, relating to specie legal tender, the taxation of specie legal tender, and United States
3 central bank digital currencies; to amend and reenact ~~subsection 17 of section 13-09.1-01, and~~
4 section 41-01-09 of the North Dakota Century Code, relating to the definition of United States
5 central bank digital currency ~~and the definition of money.~~

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

7 ~~SECTION 1. A new chapter to title 51 of the North Dakota Century Code is created and~~
8 ~~enacted as follows:~~

9 ~~Definitions:~~

10 ~~For purposes of this chapter:~~

11 ~~1. "Central bank digital currency" means a digital currency, digital medium of exchange,~~
12 ~~or digital monetary unit of account issued by the United States federal reserve system,~~
13 ~~a federal agency, a foreign government, a foreign central bank, a foreign reserve~~
14 ~~system, or any intergovernmental organization, which is made directly available to a~~
15 ~~consumer by such entity or processed or validated directly by such entity.~~

16 ~~2. "Specie" means refined precious metal bullion that is coined, stamped, or imprinted~~
17 ~~with its weight and purity and valued primarily based on its metal content and not its~~
18 ~~shape or form.~~

19 ~~3. "Specie legal tender" means gold or silver specie issued by the United States or any~~
20 ~~other form of gold or silver specie.~~

~~Specie legal tender.~~

~~Specie legal tender is legal tender in this state.~~

~~Specie legal tender – Taxation.~~

~~The exchange, purchase, or sale of any type or form of specie legal tender may not give rise to any tax liability of any kind.~~

~~Central bank digital currency – Not legal tender.~~

~~A central bank digital currency is not legal tender.~~

~~SECTION 2. AMENDMENT. Subsection 17 of section 13-09.1-01 of the North Dakota Century Code is amended and reenacted as follows:~~

~~17. "Money" means a medium of exchange that is authorized or adopted by the United States or a foreign government or which is legal tender in this state. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments. The term does not include a central bank digital currency as defined in section 1 of this Act.~~

SECTION 1. AMENDMENT. Section 41-01-09 of the North Dakota Century Code is amended and reenacted as follows:

41-01-09. (1-201) General definitions.

1. Unless the context otherwise requires, words or phrases defined in this section, or in additional definitions contained in other chapters of this title which apply to particular chapters or parts of chapters, have the meanings stated.
2. Subject to definitions contained in other chapters of this title which apply to particular chapters or parts of chapters:
 - a. "Action", in the sense of a judicial proceeding, includes recoupment, counterclaim, setoff, suit in equity, and any other proceeding in which rights are determined.
 - b. "Aggrieved party" means a party entitled to pursue a remedy.
 - c. "Agreement", as distinguished from "contract", means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided under section 41-09-17.

- 1 d. "Bank" means a person engaged in the business of banking and includes a
2 savings bank, savings and loan association, credit union, and trust company.
- 3 e. "Bearer" means a person in control of a negotiable electronic document of title or
4 a person in possession of a negotiable instrument, negotiable tangible document
5 of title, or certificated security that is payable to bearer or indorsed in blank.
- 6 f. "Bill of lading" means a document of title evidencing the receipt of goods for
7 shipment issued by a person engaged in the business of directly or indirectly
8 transporting or forwarding goods. The term does not include a warehouse receipt.
- 9 g. "Branch" includes a separately incorporated foreign branch of a bank.
- 10 h. "Burden of establishing" a fact means the burden of persuading the trier of fact
11 that the existence of the fact is more probable than its nonexistence.
- 12 i. "Buyer in ordinary course of business" means a person that buys goods in good
13 faith, without knowledge that the sale violates the rights of another person in the
14 goods, and in the ordinary course from a person, other than a pawnbroker, in the
15 business of selling goods of that kind. A person buys goods in the ordinary
16 course if the sale to the person comports with the usual or customary practices in
17 the kind of business in which the seller is engaged or with the seller's own usual
18 or customary practices. A person that sells oil, gas, or other minerals at the
19 wellhead or minehead is a person in the business of selling goods of that kind. A
20 buyer in ordinary course of business may buy for cash, by exchange of other
21 property, or on secured or unsecured credit, and may acquire goods or
22 documents of title under a pre-existing contract for sale. Only a buyer that takes
23 possession of the goods or has a right to recover the goods from the seller under
24 chapter 41-02 may be a buyer in ordinary course of business. "Buyer in ordinary
25 course of business" does not include a person that acquires goods in a transfer in
26 bulk or as security for or in total or partial satisfaction of a money debt.
- 27 j. ~~"Central bank digital currency" means a digital currency, digital medium of~~
28 ~~exchange, or digital monetary unit of account issued by the United States federal~~
29 ~~reserve system, a federal agency, a foreign government, a foreign central bank, a~~
30 ~~foreign reserve system, or any intergovernmental organization, which is made~~

~~directly available to a consumer by such entity or processed or validated directly
by such entity.~~

~~k.~~ "Conspicuous", with reference to a term, means so written, displayed, or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court.

~~k.1.~~ "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

~~l.m.~~ "Contract", as distinguished from "agreement", means the total legal obligation that results from the parties' agreement as determined by this title as supplemented by any other applicable laws.

~~m.n.~~ "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

~~n.o.~~ "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

~~o.p.~~ "Delivery", with respect to an electronic document of title, means voluntary transfer of control and, with respect to an instrument, a tangible document of title, or an authoritative tangible copy of a record evidencing chattel paper, means voluntary transfer of possession.

~~p.q.~~ "Document of title" means a record that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic

1 medium. A tangible document of title means a document of title evidenced by a
2 record consisting of information that is inscribed on a tangible medium.

3 ~~q.f.~~ "Electronic" means relating to technology having electrical, digital, magnetic,
4 wireless, optical, electromagnetic, or similar capabilities.

5 ~~r.s.~~ "Fault" means a default, breach, or wrongful act or omission.

6 ~~s.t.~~ "Fungible goods" means:

7 (1) Goods of which any unit, by nature or usage of trade, is the equivalent of
8 any other like unit; or

9 (2) Goods that by agreement are treated as equivalent.

10 ~~t.t.~~ "Genuine" means free of forgery or counterfeiting.

11 ~~u.y.~~ "Good faith", except as otherwise provided in chapter 41-05, means honesty in
12 fact and the observance of reasonable commercial standards of fair dealing.

13 ~~v.w.~~ "Holder" means:

14 (1) The person in possession of a negotiable instrument that is payable either
15 to bearer or to an identified person that is the person in possession;

16 (2) The person in possession of a document of title if the goods are deliverable
17 either to bearer or to the order of the person in possession; or

18 (3) The person in control, other than pursuant to subsection 7 of section
19 41-07-06, of a negotiable electronic document of title.

20 ~~w.x.~~ "Insolvency proceeding" includes an assignment for the benefit of creditors or
21 other proceeding intended to liquidate or rehabilitate the estate of the person
22 involved.

23 ~~x.y.~~ "Insolvent" means:

24 (1) Having generally ceased to pay debts in the ordinary course of business
25 other than as a result of bona fide dispute;

26 (2) Being unable to pay debts as they become due; or

27 (3) Being insolvent within the meaning of federal bankruptcy law.

28 ~~y.z.~~ "Money" means a medium of exchange that is currently authorized or adopted by
29 a domestic or foreign government, ~~which is legal tender in this state~~. The term
30 includes a monetary unit of account established by an intergovernmental
31 organization, or by agreement between two or more countries. The term does not

1 include an electronic record that is a medium of exchange recorded and
2 transferable in a system that existed and operated for the medium of exchange
3 before the medium of exchange was authorized or adopted by the government.

4 ~~The term does not include a central bank digital currency.~~

5 ~~z.aa.~~ "Organization" means a person other than an individual.

6 ~~aa.bb.~~ "Party", as distinguished from "third party", means a person that has engaged in
7 a transaction or made an agreement subject to this title.

8 ~~bb.ee.~~ "Person" means an individual, a corporation, a business trust, an estate, a trust,
9 a partnership, a limited liability company, an association, a joint venture, a
10 government, a governmental subdivision, an agency, or an instrumentality, or any
11 other legal or commercial entity. The term includes a protected series, however
12 denominated, of an entity if the protected series is established under law other
13 than this title which limits, or limits if conditions specified under the law are
14 satisfied, the ability of a creditor of the entity or of any other protected series of
15 the entity to satisfy a claim from assets of the protected series.

16 ~~cc.dd.~~ "Present value" means the amount as of a date certain of one or more sums
17 payable in the future, discounted to the date certain by use of either an interest
18 rate specified by the parties if that rate is not manifestly unreasonable at the time
19 the transaction is entered or, if an interest rate is not so specified, a commercially
20 reasonable rate that takes into account the facts and circumstances at the time
21 the transaction is entered.


22 ~~dd.ee.~~ "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge,
23 lien, security interest, issue or reissue, gift, or any other voluntary transaction
24 creating an interest in property.

25 ~~ee.ff.~~ "Purchaser" means a person that takes by purchase.

26 ~~ff.gg.~~ "Record" means information that is inscribed on a tangible medium or that is
27 stored in an electronic or other medium and is retrievable in perceivable form.

28 ~~gg.hh.~~ "Remedy" means any remedial right to which an aggrieved party is entitled with
29 or without resort to a tribunal.

hh.ii. "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

- ii.  "Right" includes remedy.

jj. kk. "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to chapter 41-09. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under section 41-02-46, but a buyer may also acquire a "security interest" by complying with chapter 41-09. Except as otherwise provided in section 41-02-53, the right of a seller or lessor of goods under chapter 41-02 or 41-02.1 to retain or acquire possession of the goods is not a "security interest", but a seller or lessor may also acquire a "security interest" by complying with chapter 41-09. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under section 41-02-46 is limited in effect to a reservation of a "security interest". Whether a transaction in the form of a lease creates a "security interest" is determined under section 41-01-11.

kk.4. "Send", in connection with a record or notification, means:

- (1) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or
- (2) To cause the record or notification to be received within the time it would have been received if properly sent under paragraph 1.

II. mm: "Sign" means, with present intent to authenticate or adopt a record, to execute or adopt a tangible symbol, or attach to or logically associate with the record an electronic symbol, sound, or process. "Signed", "signing", and "signature" have corresponding meanings.

~~mm. nn.~~ "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~nn. oo.~~ "Surety" includes a guarantor or other secondary obligor.

~~oo. pp.~~ "Term" means a portion of an agreement that relates to a particular matter.

~~pp. qq.~~ "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

~~qq. rr.~~ "United States central bank digital currency" means a digital currency, digital medium of exchange, or digital monetary unit of account issued by the United States federal reserve system.

~~rr. ss.~~ "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

~~ss. tt.~~ "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

SECTION 2. A new chapter to title 51 of the North Dakota Century Code is created and enacted as follows:

Definitions.

For purposes of this chapter:

1. "Specie" means refined precious metal bullion that is coined, stamped, or imprinted with its weight and purity and valued primarily based on its metal content and not its shape or form.

2. "Specie legal tender" means gold or silver specie issued by the United States or any other form of gold or silver specie.

3. "United States central bank digital currency" means a digital currency, digital medium of exchange, or digital monetary unit of account issued by the United States federal reserve system.

Specie legal tender.

Specie legal tender is legal tender in this state. A person may not be required to offer or accept specie legal tender for the payment of debts, deposit, or any other purpose. A person may not incur liability for refusing to offer or accept specie legal tender, except as specifically provided for by contract.

1 **Specie legal tender - Taxation.**

2 The exchange, purchase, or sale of any type or form of specie legal tender may not give
3 rise to any tax liability of any kind.

4 **United States central bank digital currency - Not legal tender.**

5 A United States central bank digital currency is not legal tender.

2025 SENATE FINANCE AND TAXATION

HB 1441

2025 SENATE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Fort Totten Room, State Capitol

HB 1441
3/5/2025

Relating to specie legal tender, the taxation of specie legal tender, and United States central bank digital currencies, and to the definition of United States central bank digital currency.

8:59 a.m. Chairman Weber called the meeting to order.

Members present: Chairman Weber, Vice Chairman Rummel, Senator Marcellais, Senator Patten, Senator Powers, Senator Walen

Discussion Topics:

- Other states' implementations of gold as legal tender
- Gold transaction process
- Regulation and logistics of gold transactions

8:59 a.m. Representative Toman, District 34, introduced HB 1441 and testified in favor.

9:04 a.m. Representative Olson, District 8, testified in favor.

9:18 a.m. JP Cortez, Executive Director, Sound Money Defense League, testified in favor and submitted testimony #38721.

9:22 a.m. Rick Claybaugh, President, ND Bankers Association, testified neutral.

9:30 a.m. Lise Kruse, Commissioner, ND Department of Financial Institutions, testified neutral and submitted testimony #38690.

9:36 a.m. Chairman Weber closed the hearing.

Chance Anderson, Committee Clerk



MEMORANDUM

DATE: March 5, 2025

TO: Senate Finance and Taxation Committee

FROM: Lise Kruse, Commissioner

SUBJECT: Neutral Testimony on House Bill No. 1441

Chairman Weber and members of the Senate Finance and Taxation Committee, thank you for the opportunity to testify on House Bill No. 1441.

Our department oversees banks, credit unions, trust companies, and other nonbank financial corporations such as money transmitters and lenders. The department is neutral on this Bill. We were initially in opposition due to unintended consequences that were addressed in the amended version presented to you today. I would like to take this opportunity to address on the record what this Bill does and what it does not do.

In Section 2 of the Bill, there is a new addition to what is considered legal tender in the state of North Dakota. It would add gold and silver to be legal tender. Legal tender in federal law (31 U.S.C § 5103) is defined as

money that is legally recognized as valid form of payment for debts, taxes, and other dues. It includes all U.S. coins and currency, including Federal Reserve notes. Local jurisdictions such as states can set their own definition for what is considered legal tender, and the proposal is to include gold or silver. Legal tender does not require businesses to accept it for purchases of goods. A business can establish their own policies about whether to accept what is considered legal tender. That is why businesses can now accept Bitcoin if they so choose, or gold, or any other commodity. It does not address the ability of bartering, which is what happens when a business is willing to accept a commodity in exchange for their products.

The Bill has been amended to be consistent with other states that have included gold as legal tender. It includes exemptions and makes it clear that the state does not force anyone or any business to accept legal tender. Although legal tender by definition is what must be accepted for debt repayments, the exemption in this Bill is not requiring banks and credit unions to accept gold, which would be problematic for the industry. Banks and credit unions are required to have fair value expressed in dollars on their balance sheet. Since any commodity can fluctuate in value, even on the same day, it would be a challenge for banks and credit unions to determine value. Since these instruments are likely not issued by the U.S. government, but a private

party, and sold through third party vendors, the ability to validate the authenticity is difficult. This is also a risk for the customer. A customer may spend \$5,000 to buy gold, but find when they spend it, it will not be valued the same. And again, to know that it is authentic, that the gold content is appropriate is difficult to ascertain for a person unfamiliar with precious metals.

In conclusion, since this Bill is not requiring our banks and credit union industry to accept gold or silver, our department is neutral.

Mr. Chairman, thank you for the opportunity to provide this testimony. I would be happy to answer any questions the Committee may have.



Support HB 1441 – Specie Legal Tender in North Dakota

Constitutional Recognition: Gold and silver are explicitly recognized as money in Article 1, Section 10 of the United States Constitution. This constitutional acknowledgment distinguishes the monetary metals from other currency (such as the Federal Reserve note dollar).

Legal tender status is largely symbolic and simply affirms that gold and silver can be considered legal tender when it's voluntarily agreed upon by both parties.

This concept is consistent with the U.S. Constitution. In fact, Article 1 Section 10 reads: *“No state shall...coin Money; emit Bills of Credit; [or] make any Thing but gold and silver Coin a Tender in Payment of Debts...”*

Inherent Stability: For thousands of years, gold and silver have traditionally been viewed as stores of value and hedges against inflation. Since America severed the currency's last link to gold in 1971, the deficit and debt have skyrocketed, inflation has crushed the middle and lower class, and geopolitical monetary instability has grown.

Sound Money: Advocates for this bill argue that exempting gold and silver from state income taxes aligns with principles of financial freedom and individual autonomy. Given their constitutional status and historical use as money, exempting these precious metals from the tax system reflects a commitment to preserving citizens' rights to choose alternative forms of money and savings.

Encouraging Individual Investment: By passing House Bill 1441, the state can encourage sound money practices and highlight the importance of diversifying one's financial portfolio. This approach promotes financial literacy and investment strategies among the public.

Sound Money is a Nationwide Trend: By passing this bill, North Dakota would join several other states in passing this type of legislation. Five states have reaffirmed gold and silver as legal tender, with dozens more already ending taxes on the metals.

The primary tax liability currently facing savers in gold face in North Dakota is the state capital gains tax. The body has already approved ending that tax with HB 1379.

Inflation harms the poorest among us. Inflation is a regressive tax. The hardest hit are wage earners, savers, and pensioners on fixed incomes – as well as those who own few or no tangible assets.

CBDCs are a danger to North Dakotan's privacy, and increases the risk of policies federal overreach into our individual bank accounts with policies such as negative interest rates and savings being taxed.

2025 SENATE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Fort Totten Room, State Capitol

HB 1441 PM
3/5/2025

Relating to specie legal tender, the taxation of specie legal tender, and United States central bank digital currencies, and to the definition of United States central bank digital currency.

3:16 p.m. Chairman Weber opened the hearing.

Members present: Chairman Weber, Vice Chairman Rummel, Senator Marcellais, Senator Patten, Senator Powers, Senator Walen

Discussion Topics:

- Regulatory oversights for gold transactions

3:16 p.m. Senator Walen moved a Do Pass.

3:16 p.m. Senator Powers seconded the motion.

Senators	Vote
Senator Mark F. Weber	N
Senator Dean Rummel	N
Senator Richard Marcellais	N
Senator Dale Patten	N
Senator Michelle Powers	Y
Senator Chuck Walen	Y

Motion failed 2-4-0.

3:21 p.m. Senator Patten moved a Do Not Pass.

3:21 p.m. Vice Chairman Rummel seconded the motion.

Senators	Vote
Senator Mark F. Weber	Y
Senator Dean Rummel	Y
Senator Richard Marcellais	Y
Senator Dale Patten	Y
Senator Michelle Powers	N
Senator Chuck Walen	N

Motion passed 4-2-0.

Vice Chairman Rummel will carry the bill.

Senate Finance and Taxation Committee

HB 1441

March 5, 2025

Page 2

3:22 p.m. Chairman Weber closed the hearing.

Chance Anderson, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1441 ([25.0987.02000](#))**

Finance and Taxation Committee (Sen. Weber, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1441 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.