

2025 HOUSE AGRICULTURE

HB 1555

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1555
2/7/2025

A BILL for an Act to amend and reenact section 47-10.1-05 of the North Dakota Century Code, relating to required filings for foreign persons investing in agricultural lands; to repeal section 47-10.1-05 of the North Dakota Century Code, relating to required filings for foreign persons investing in agricultural lands; and to provide a contingent effective date.

8:28 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Schreiber-Beck, Tveit, Vollmer

Member Absent: Representative Rios

Discussion Topics:

- Attestation to form
- Penalty 25% of property
- Federal filing, also North Dakota
- Dual citizenship

8:28 a.m. Representative Jeff Hoverson, District 3, Minot, ND, introduced, testified and submitted testimony #36184.

Additional written testimony:

Cale Dunwoody, Fargo Moorhead West Fargo (FMWF), submitted testimony in opposition #36056.

Doug L. Pearson, Bismarck, ND, submitted testimony in favor #36117.

Samual A. Wagner, Ag and Food Field Organizer, Dakota Resource Council, submitted testimony in favor #36098.

8:52 a.m. Chairman Beltz closed the meeting.

Diane Lillis, Committee Clerk



Letter of Opposition – HB 1555

Friday, February 7, 2025

Chairman Beltz and members of the House Agriculture Committee,

For the record, my name is Cale Dunwoody, and I have the distinct pleasure of serving as the Vice President of Public Policy for the Fargo Moorhead West Fargo Chamber of Commerce (FMWF Chamber). On behalf of our over 1,700 members, I respectfully offer testimony in opposition of House Bill 1555.

At the FMWF Chamber, our mission is to protect and promote business, inspire individuals, cultivate communities, and influence action. While we deeply respect and support efforts to safeguard national security, we believe this bill, as currently written, would hinder North Dakota's business climate, economic growth, and international partnerships. Specifically, our concerns center on the inadvertent financial and regulatory burdens this bill may place on businesses operating in good faith, as well as the possibility of deterring valuable economic development across the state.

As the committee considers this legislation, we encourage a judicious analysis of its impacts and urge pragmatic modifications that protect national security interests and minimize the negative effects on the business community, thereby safeguarding legitimate economic development opportunities. For these reasons we urge the committee to give this bill a DO NOT PASS.

Thank you for your attention to this matter and your commitment to North Dakota's business environment.

Sincerely,

Cale Dunwoody
Vice President of Public Policy
Fargo Moorhead West Fargo Chamber of Commerce

Testimony HB1555

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1902 E Divide Ave
Bismarck ND 58501
Testimony in Support for HB1555

To the House Agriculture Committee,

Mr Chairman,

We at the Dakota Resource Council have been fighting against foreign interests, multinational corporate interests and outside trusts owning farmland in North Dakota. We would definitely encourage any transparency bills that make sure that the general public understands how much foreign land is being owned in our state at any given time. However looking at this bill there are some issues of clarification that may need to be addressed

Under this bill it would mean any foreigner, it might be a little broad to be consistent with other laws written in the previous session and currently on the books.

Under Current North Dakota law we had a package of bills written in the 2023 session that defined foreigners as being from countries that are hostile to the United States. Cuba, North Korea, Iran, Russia, China, Venezuela. We would think that in this case you might want to look at subdividing land in reports to determine which people from other countries hold the land. Canadian holdings of land that are allowed under the current law in North Dakota likely pose the least amount of threat, but keeping an eye on land owned by multinational corporate interests from other nations may be more pressing, and finally if there are ties to hostile countries owning land in our state, these would be most important to monitor.

In our opinion our biggest concern is when outside interests have control of our mineral rights and water rights. We've seen incidents in Arizona and California where companies such as Nestle come in to purchase land and water rights and then being given full access to water during times of droughts because they are contractually obligated to do so at the expense of the people living there. We do not want to give access to our natural resources to people that do not have our best interests at heart.

We believe that understanding who owns our land in North Dakota will be a good step in a transparent government for our state.

Thank you for your consideration and we urge a DO PASS

House Agriculture Committee

I am in support of HB1555, ND is a sovereign state and we must look out for the safety of the people that live here. If foreign people who are usually connected to foreign countries are investing in our state we must know who they are and what their intentions are. A Lot of countries and foreign people don't share our values. HB1555 will provide this. I would ask for a DO Pass on this bill.

Thankyou Doug Pearson

25.1257.01001
Title.

Prepared by the Legislative Council
staff for Representative Hoverson
February 6, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1555

Introduced by

Representative Hoverson

1 A BILL for an Act to create and enact a new section to chapter 54-09 of the North Dakota
2 Century Code, relating to statements of ownership filed with the secretary of state; to amend
3 and reenact section 47-10.1-05 of the North Dakota Century Code, relating to required filings for
4 foreign persons investing in agricultural lands; to repeal section 47-10.1-05 of the North Dakota
5 Century Code, relating to required filings for foreign persons investing in agricultural lands; and
6 to provide a contingent effective date.

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

8 **SECTION 1. AMENDMENT.** Section 47-10.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **47-10.1-05. Reports - Annual report to the legislative management - Penalty.**

11 ~~The commissioner shall monitor for compliance with this chapter all reports transmitted to~~
12 ~~the commissioner pursuant to~~

- 13 1. A foreign person required to make a report to the United States department of
14 agriculture under the Agricultural Foreign Investment Disclosure Act of 1978 [Pub. L.
15 95-460; 92 Stat. 1263; 7 U.S.C. 3501 et seq.] shall file a copy of the report with the
16 agriculture commissioner within the time required under title 7, Code of Federal
17 Regulations, part 781.3. The commissioner shall make the reports available to the
18 public.
- 19 2. The commissioner shall provide an annual report to the legislative management by
20 September first of each year. The report must include the number of filings submitted

1 to the commissioner and the number of acres in each county owned by a foreign
2 person required to report under subsection 1.

3 3. If a person fails to file a copy of the report required under subsection 1, the attorney
4 general shall impose a civil penalty of up to twenty-five percent of the fair market
5 value, as determined on the date the penalty was imposed, of the person's ownership
6 interest in the agricultural land in this state. The attorney general shall commence an
7 action to collect the civil penalty in the district court of the county in which the majority
8 of the real property is situated or in Burleigh County.

9 **SECTION 2.** A new section to chapter 54-09 of the North Dakota Century Code is created
10 and enacted as follows:

11 **Statement of ownership - Secretary of state to forward certain filings - Penalty.**

12 1. An organization required to file an organization registration statement with the
13 secretary of state also shall file a statement with the secretary of state certifying
14 whether the organization is a foreign organization of concern. An organization required
15 to file a statement under this section shall file the statement simultaneously with the
16 articles of incorporation, articles of organization, certificate of authority, or other
17 organization registration document required by the secretary of state.

18 2. The secretary of state shall review each filing upon receipt. If the secretary of state
19 discovers any filing in which the statement of ownership was falsified and the filing
20 violates section 47-01-09 or chapter 47-10.1, the secretary of state shall forward the
21 filing to the attorney general.

22 3. If the attorney general determines a violation occurred, the attorney general shall
23 prosecute the action in the district court of the county in which the registered agent of
24 the organization is located or in Burleigh County.

25 4. An organization that willfully violates this section is guilty of a class B misdemeanor.

26 5. As used in this section:

27 a. "Foreign country of concern" means a regime or a government identified as a
28 foreign adversary under title 15, Code of Federal Regulations, part 791.4(a) or a
29 person identified on the office of foreign assets control sanctions list.

30 b. "Foreign organization of concern" means an organization domiciled or formed
31 within a foreign country of concern.

- 1 **SECTION 3. REPEAL.** Section 47-10.1-05 of the North Dakota Century Code is repealed.
- 2 **SECTION 4. CONTINGENT EFFECTIVE DATE.** Section 23 of this Act becomes effective
- 3 on the date the legislative council receives certification from the agriculture commissioner that
- 4 the Agricultural Foreign Investment Disclosure Act of 1978 [Pub. L. 95-460; 92 Stat, 1263; 7
- 5 U.S.C. 3501 et seq.] has been repealed.

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee Room JW327C, State Capitol

HB 1555
2/13/2025

A BILL for an Act to amend and reenact section 47-10.1-05 of the North Dakota Century Code, relating to required filings for foreign persons investing in agricultural lands; to repeal section 47-10.1-05 of the North Dakota Century Code, relating to required filings for foreign persons investing in agricultural lands; and to provide a contingent effective date.

2:30 p.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Schreiber-Beck, Tveit, Vollmer

Members Absent: Representative Dobervich, Hoverson, Rios

Discussion Topics:

- FSA form 153
- Significate duplicitous penalty
- FPAC
- Recommended changes

2:30 p.m. J. P. "Dutch" Bialke, General Council, ND Department of Agriculture, testified as neutral.

3:06 p.m. Mike Monroe, Director of Business Services, ND Secretary of State, testified as neutral.

3:10 p.m. Allyson Hicks, Assistant Attorney General, Office of the ND Attorney General testified as neutral.

3:13 p.m. Representative Olson moved Adopt Amendment LC #25.1257.01001, #37685 and further amended by deleting sections 1, 2 and 3 changing shall to may.

3:13 p.m. Representative Tveit seconded the motion.

Voice vote.

Motion passed.

3:24 p.m. Representative Olson moved Do Pass as amended.

3:24 p.m. Representative Nehring seconded the motion.

Representatives	Vote
Representative Mike Beltz	Y
Representative Dori Hauck	Y
Representative Karen A. Anderson	Y
Representative Gretchen Dobervich	AB
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	AB
Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	AB
Representative Cynthia Schreiber-Beck	N
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 10-1-3.

3:25 p.m. Representative Olson will carry the bill.

3:25 p.m. Chairman Beltz closed the meeting.

Diane Lillis, Committee Clerk

February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

NAT 2/13

HOUSE BILL NO. 1555

1 of 3

Introduced by

Representative Hoverson

1 A BILL for an Act to amend and reenact section 47-10.1-05 of the North Dakota Century Code,
2 relating to required filings for foreign persons investing in agricultural lands; to repeal section
3 47-10.1-05 of the North Dakota Century Code, relating to required filings for foreign persons
4 investing in agricultural lands; and to provide a contingent effective date for an Act to create and
5 enact a new section to chapter 54-09 of the North Dakota Century Code, relating to statements
6 of ownership filed with the secretary of state; and to provide a penalty.

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

8 ~~SECTION 1. AMENDMENT.~~ Section 47-10.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 ~~47-10.1-05. Reports Annual report to the legislative management Penalty.~~

11 ~~The commissioner shall monitor for compliance with this chapter all reports transmitted to~~
12 ~~the commissioner pursuant to~~

13 ~~1. A foreign person required to make a report to the United States department of~~
14 ~~agriculture under the Agricultural Foreign Investment Disclosure Act of 1978 [Pub. L.~~
15 ~~95-460; 92 Stat. 1263; 7 U.S.C. 3501 et seq.] shall file a copy of the report with the~~
16 ~~agriculture commissioner within the time required under title 7, Code of Federal~~
17 ~~Regulations, part 781.3. The commissioner shall make the reports available to the~~
18 ~~public.~~

19 ~~2. The commissioner shall provide an annual report to the legislative management by~~
20 ~~September first of each year. The report must include the number of filings submitted~~

1 to the commissioner and the number of acres in each county owned by a foreign
2 person required to report under subsection 1.
3 ~~3. If a person fails to file a copy of the report required under subsection 1, the attorney~~
4 ~~general shall impose a civil penalty of up to twenty five percent of the fair market~~
5 ~~value, as determined on the date the penalty was imposed, of the person's ownership~~
6 ~~interest in the agricultural land in this state. The attorney general shall commence an~~
7 ~~action to collect the civil penalty in the district court of the county in which the majority~~
8 ~~of the real property is situated or in Burleigh County.~~

9 ~~SECTION 2. REPEAL. Section 47-10.1-05 of the North Dakota Century Code is repealed.~~

10 ~~SECTION 3. CONTINGENT EFFECTIVE DATE. Section 2 of this Act becomes effective on~~
11 ~~the date the legislative council receives certification from the agriculture commissioner that the~~
12 ~~Agricultural Foreign Investment Disclosure Act of 1978 [Pub. L. 95-460; 92 Stat, 1263; 7 U.S.C.~~
13 ~~3501 et seq.] has been repealed.~~

14 **SECTION 1.** A new section to chapter 54-09 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Statement of ownership - Secretary of state to forward certain filings - Penalty.**

- 17 1. An organization that is required to register with the secretary of state also shall file a
18 statement with the secretary of state certifying whether the organization is a foreign
19 organization of concern. An organization required to file a statement under this section
20 shall file the statement simultaneously with the articles of incorporation, articles of
21 organization, certificate of authority, or other organization registration document
22 required by the secretary of state.
23 2. If the secretary of state discovers any filing in which the statement of ownership was
24 falsified and the filing violates section 47-01-09 or chapter 47-10.1, the secretary of
25 state shall forward the filing to the attorney general.
26 3. If the attorney general determines a violation occurred, the attorney general may
27 prosecute the action in the district court of the county in which the registered agent of
28 the organization is located or in Burleigh County.
29 4. An organization that willfully violates this section is guilty of a class B misdemeanor.
30 5. As used in this section:

- 1 a. "Foreign country of concern" means a regime or a government identified as a
- 2 foreign adversary under title 15, Code of Federal Regulations, part 791.4(a) or a
- 3 person identified on the office of foreign assets control sanctions list.
- 4 b. "Foreign organization of concern" means an organization domiciled or formed
- 5 within a foreign country of concern.

**REPORT OF STANDING COMMITTEE
HB 1555**

Agriculture Committee (Rep. Beltz, Chairman) recommends **AMENDMENTS** ([25.1257.01002](#)) and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT OR EXCUSED AND NOT VOTING). HB 1555 was placed on the Sixth order on the calendar.

25.1257.01001
Title.

Prepared by the Legislative Council
staff for Representative Hoverson
February 6, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1555

Introduced by

Representative Hoverson

1 A BILL for an Act to create and enact a new section to chapter 54-09 of the North Dakota
2 Century Code, relating to statements of ownership filed with the secretary of state; to amend
3 and reenact section 47-10.1-05 of the North Dakota Century Code, relating to required filings for
4 foreign persons investing in agricultural lands; to repeal section 47-10.1-05 of the North Dakota
5 Century Code, relating to required filings for foreign persons investing in agricultural lands; and
6 to provide a contingent effective date.

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

8 **SECTION 1. AMENDMENT.** Section 47-10.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **47-10.1-05. Reports - Annual report to the legislative management - Penalty.**

11 ~~The commissioner shall monitor for compliance with this chapter all reports transmitted to~~
12 ~~the commissioner pursuant to~~

13 1. A foreign person required to make a report to the United States department of
14 agriculture under the Agricultural Foreign Investment Disclosure Act of 1978 [Pub. L.
15 95-460; 92 Stat. 1263; 7 U.S.C. 3501 et seq.] shall file a copy of the report with the
16 agriculture commissioner within the time required under title 7, Code of Federal
17 Regulations, part 781.3. The commissioner shall make the reports available to the
18 public.

19 2. The commissioner shall provide an annual report to the legislative management by
20 September first of each year. The report must include the number of filings submitted

1 to the commissioner and the number of acres in each county owned by a foreign
2 person required to report under subsection 1.

3 3. If a person fails to file a copy of the report required under subsection 1, the attorney
4 general shall impose a civil penalty of up to twenty-five percent of the fair market
5 value, as determined on the date the penalty was imposed, of the person's ownership
6 interest in the agricultural land in this state. The attorney general shall commence an
7 action to collect the civil penalty in the district court of the county in which the majority
8 of the real property is situated or in Burleigh County.

9 **SECTION 2.** A new section to chapter 54-09 of the North Dakota Century Code is created
10 and enacted as follows:

11 **Statement of ownership - Secretary of state to forward certain filings - Penalty.**

12 1. An organization required to file an organization registration statement with the
13 secretary of state also shall file a statement with the secretary of state certifying
14 whether the organization is a foreign organization of concern. An organization required
15 to file a statement under this section shall file the statement simultaneously with the
16 articles of incorporation, articles of organization, certificate of authority, or other
17 organization registration document required by the secretary of state.

18 2. The secretary of state shall review each filing upon receipt. If the secretary of state
19 discovers any filing in which the statement of ownership was falsified and the filing
20 violates section 47-01-09 or chapter 47-10.1, the secretary of state shall forward the
21 filing to the attorney general.

22 3. If the attorney general determines a violation occurred, the attorney general shall
23 prosecute the action in the district court of the county in which the registered agent of
24 the organization is located or in Burleigh County.

25 4. An organization that willfully violates this section is guilty of a class B misdemeanor.

26 5. As used in this section:

27 a. "Foreign country of concern" means a regime or a government identified as a
28 foreign adversary under title 15, Code of Federal Regulations, part 791.4(a) or a
29 person identified on the office of foreign assets control sanctions list.

30 b. "Foreign organization of concern" means an organization domiciled or formed
31 within a foreign country of concern.

- 1 **SECTION 3. REPEAL.** Section 47-10.1-05 of the North Dakota Century Code is repealed.
- 2 **SECTION 4. CONTINGENT EFFECTIVE DATE.** Section 23 of this Act becomes effective
- 3 on the date the legislative council receives certification from the agriculture commissioner that
- 4 the Agricultural Foreign Investment Disclosure Act of 1978 [Pub. L. 95-460; 92 Stat, 1263; 7
- 5 U.S.C. 3501 et seq.] has been repealed.

2025 SENATE STATE AND LOCAL GOVERNMENT

HB 1555

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1555
3/20/2025

Relating to statements of ownership filed with the secretary of state; and to provide a penalty.
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10:45 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Lee and Walen.

Members Absent: Senator Braunberger

Discussion Topics:

- Hog house request

10:45 a.m. Representative Hoverson, District #3, introduced the bill and submitted testimony #43265.

10:54 a.m. Representative Olson, District #8, stated that there is no reason for HB 1555 to go forward.

10:56 a.m. Allyson Hicks, Assistant Attorney General/General Counsel Division, testified neutral and submitted testimony #43267.

11:01 a.m. Sandra McMerty, Deputy Secretary of State, testified neutral.

Additional written testimony:

Julie Hess, citizen, submitted testimony in favor #41879.

11:02 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Senate state and local government committee- Please strongly support HB1555 to protect us from foreign outside interests. I think we should have learned our lesson when the Chinese bought farmland around our Grand Forks air force base. We need to make sure that any outside of ND companies or even companies in ND are not related to foreign countries. They need to be thoroughly vetted. We need to not only protect our citizens here but our land, water, and mineral resources.

We need to protect our sovereign state of ND, from outside countries or companies that do not have our best interests in mind. Please throw your full support behind HB1555. Thank you.

25.1352.01000

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2361

Introduced by

Senators Castaneda, Paulson, Enget

Representatives Frelich, S. Olson, Rohr

1 A BILL for an Act to amend and reenact sections 11-11-70, 40-05-26, and 47-01-09 of the North
2 Dakota Century Code, relating to ownership of land and development projects by a foreign
3 adversary; and to provide for a legislative management report.

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

5 **SECTION 1. AMENDMENT.** Section 11-11-70 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-11-70. Development by a foreign adversary - Prohibition. (Expired effective**
8 **July 31, ~~2025~~2027)**

- 9 1. A board of county commissioners, including a board in a home rule county, may not
10 procure, authorize, or approve a development agreement, building plan, or proposal
11 relating to county development with an individual or government identified as a foreign
12 adversary under 15 CFR 7.4(a) title 15, Code of Federal Regulations, part 791.4(a) or
13 a person identified on the office of foreign assets control sanctions list.
- 14 2. This section does not apply to a foreign adversary defined under subsection 1
15 possessing an interest in real property if the foreign adversary:
- 16 a. Is a duly registered business and has maintained a status of good standing with
17 the secretary of state for seven years or longer before August 1, 2023;
- 18 b. Has been approved by the committee on foreign investment in the United States;
19 and
- 20 c. Maintains an active national security agreement with the federal government.

21 **SECTION 2. AMENDMENT.** Section 40-05-26 of the North Dakota Century Code is
22 amended and reenacted as follows:

**40-05-26. Development by a foreign adversary - Prohibition. (Expired effective
July 31, 20252027)**

1. A board of city commissioners or city council, including a board or council in a home rule city, may not procure, authorize, or approve a development agreement, building plan, or proposal relating to city development with an individual or government identified as a foreign adversary under 15 CFR 7.4(a) title 15, Code of Federal Regulations, part 791.4(a) or a person identified on the office of foreign assets control sanctions list.
2. This section does not apply to a foreign adversary as defined in subsection 1 possessing an interest in real property if the foreign adversary:
 - a. Is a duly registered business and has maintained a status of good standing with the secretary of state for seven years or longer before August 1, 2023;
 - b. Has been approved by the committee on foreign investment in the United States; and
 - c. Maintains an active national security agreement with the federal government.

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

47-01-09. Public or private ownership - All property subject to - Foreign ownership prohibited. (Effective through July 31, 20252027)

1. All property in this state has an owner, whether that owner is the United States or the state, and the property public, or the owner an individual, and the property private. The state also may hold property as a private proprietor.
2. Notwithstanding any other provision of law, the following governments or entities may not purchase or otherwise acquire title to real property in this state after July 31, 2023:
 - a. A foreign adversary.
 - b. A foreign business entity with a principal executive office located in a country that is identified as a foreign adversary.
 - c. A foreign business entity in which a foreign adversary owns:
 - (1) More than fifty percent of the total controlling interests or total ownership interests, as defined under section 10-19.1-01, in the foreign business

1 entity, unless the foreign business entity was operating lawfully in the United
2 States on August 1, 2023; or

3 (2) Fifty percent or less of the total controlling interests or total ownership
4 interests, as defined under section 10-19.1-01, in the foreign business
5 entity, if the foreign adversary directs the business operations and affairs of
6 the foreign business entity without the requirement of consent of any
7 nonforeign adversary, unless the foreign business entity was operating
8 lawfully in the United States on August 1, 2023.

9 3. When requested by a city council or commission, county commission, or title agent or
10 company, the attorney general shall complete a civil review, to the extent allowable by
11 law, relating to the qualifications of any foreign adversary business entity acquiring real
12 property under subdivision c of subsection 2.

13 4. This section does not apply to an entity possessing an interest in real property under
14 subsection 2 if the entity:

- 15 a. Is a duly registered business and has maintained a status of good standing with
16 the secretary of state for seven years or longer before August 1, 2023;
17 b. Has been approved by the committee on foreign investment in the United States;
18 and
19 c. Maintains an active national security agreement with the federal government.

20 5. A foreign government or foreign business entity subject to and in violation of this
21 section shall divest itself of all real property in this state within thirty-six months after
22 August 1, 2023.

23 6. If a foreign government or foreign business entity subject to this section fails to divest
24 itself of all real property in this state within the period specified under subsection 4, the
25 state's attorney of the county in which the majority of the real property is situated may
26 issue subpoenas to compel witnesses to appear to provide testimony or produce
27 records.

28 7. Upon receiving testimony and records, if the state's attorney concludes a foreign
29 government or foreign business entity, in violation of this section, has failed to divest
30 ownership of real property as required under this section, the state's attorney shall
31 commence an action in the district court of the county in which the majority of the real

- 1 property is situated. Once the action is commenced, the state's attorney shall file a
2 notice pursuant to section 28-05-07 with the recorder of each county where the real
3 property subject to the action is situated. If the court finds divestment of real property
4 under this section is proper, the district court shall enter an order consistent with its
5 findings. As part of the order, the court shall cancel the notice pursuant to section
6 28-05-08.
- 7 8. Pursuant to an order for divestment, a foreign government or foreign business entity
8 subject to an order shall divest all real property within six months from the date of the
9 final entry of judgment. A foreign government or foreign business entity that fails to
10 comply with the court's order is subject to a civil penalty not to exceed twenty-five
11 thousand dollars.
- 12 9. Any real property not divested within the period prescribed by law may be sold at a
13 public sale in the manner provided under chapter 32-19 through an action brought by
14 the state's attorney. A title to real property or encumbrance on the real property may
15 not be deemed invalid by an order of divestiture under this section.
- 16 10. A person that is not subject to this section may not be required to:
17 a. Determine whether another person is subject to this section; or
18 b. Inquire if another person is subject to this section.
- 19 11. For purposes of this section, "foreign adversary" means an individual or a government
20 identified as a foreign adversary in 45 CFR 7.4(a) title 15, Code of Federal
21 Regulations, part 791.4(a) or a person identified on the office of foreign assets control
22 sanctions list.

23 **Public or private ownership - All property subject to. (Effective after July 31,**
24 **~~2025~~2027)**

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

28 **~~SECTION 4. DEPARTMENT OF EMERGENCY SERVICES - FOREIGN ADVERSARY~~**
29 **~~THREAT ASSESSMENT - REPORT - ONE-TIME FUNDING - LEGISLATIVE MANAGEMENT~~**
30 **~~REPORT.~~**

- 31 1. The department of emergency services shall:



Drew H. Wrigley
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(701) 328-2210

SENATE STATE AND LOCAL
GOVERNMENT COMMITTEE
MARCH 20, 2025

TESTIMONY OF ALLYSON M. HICKS
OFFICE OF ATTORNEY GENERAL
ENGROSSED HB 1555

Chairman Roers, members of the Committee.

I am Allyson Hicks, Assistant Attorney General, General Counsel Division, and I appear on behalf of the Attorney General in a neutral capacity in regard to Engrossed House Bill 1555, however, I do request that the committee adopt the attached proposed amendment to make this bill compliant with current law and practice should it pass.

Turning to the proposed amendment, page 1, line 15, the amendment strikes the clause that requires the Secretary of State to refer a filing to the Attorney General related to N.D.C.C. § 47-01-09 or N.D.C.C. ch. 47-10.1. Currently, violations of N.D.C.C. § 47-01-09 are prosecuted by local state's attorneys, not the Attorney General, so referring the filing to the Attorney General would be inappropriate. Additionally, N.D.C.C. ch. 47-10.1 is administered by the Department of Agriculture and pursuant to the requirements of that chapter, any alleged violations are determined by the Commissioner and referred from his office with the appropriate materials and information. Due to the noncompliance with other laws, the Attorney General requests that this clause be removed.

On page 1, lines 18-19, accepted practice generally dictates that when an individual is alleged to have violate state law, that individual is prosecuted by the Attorney General in Burleigh County District Court to reduce costs and burden to the state in prosecuting the case as that is the

location of the Capitol complex. For that reason, the Attorney General requests that the overstricken language be removed.

Again, the Attorney General does not take a position on the policy or content of the bill, however, requests amendments to bring this law into compliance with current statutory schematics and practice should it pass.

I would stand for any questions.

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENT TO
ENGROSSED HOUSE BILL NO. 1555

Introduced by

Representative Hoverson

1 A BILL for an Act to create and enact a new section to chapter 54-09 of the North Dakota
2 Century Code, relating to statements of ownership filed with the secretary of state; and to provide
3 a penalty.

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

5 **SECTION 1.** A new section to chapter 54-09 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Statement of ownership - Secretary of state to forward certain filings - Penalty.**

- 8 1. An organization that is required to register with the secretary of state also shall file a
9 statement with the secretary of state certifying whether the organization is a foreign
10 organization of concern. An organization required to file a statement under this
11 section shall file the statement simultaneously with the articles of incorporation,
12 articles of organization, certification of authority, or other organization registration
13 document required by the secretary of state.
- 14 2. If the secretary of state discovers any filing in which the statement of ownership was
15 falsified ~~and the filing violates section 47-01-09 or chapter 47-10.1,~~ the secretary of
16 state shall forward the filing to the attorney general.
- 17 3. If the attorney general determines a violation occurred, the attorney general may
18 prosecute the action in the district court of ~~the county in which the registered agent of~~
19 ~~the organization is located or in~~ Burleigh County.
- 20 4. An organization that willfully violates this section is guilty of a class B misdemeanor.
- 21 5. As used in this section:

- 1 a. "Foreign country of concern" means a regime or a government identified as a
2 foreign adversary under title 15, Code of Federal Regulations, part 791, 4(a)
3 or a person identified on the office of foreign assets control sanctions list.
4 b. "Foreign organization of concern" means an organization domiciled or formed
5 within a foreign country of concern.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1555
4/3/2025

Relating to statements of ownership filed with the secretary of state; and to provide a penalty.

3:46 p.m. Vice Chairman Castaneda called the hearing to order.

Members Present: Vice Chair Castaneda; Senators: Barta, Lee and Walen.

Members Absent: Chair Roers

Discussion Topics:

- Committee Action

3:47 p.m. Senator Walen moved Do Not Pass

3:47 p.m. Senator Lee seconded the motion.

Senators	Vote
Senator Kristin Roers	AB
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 5-0-1

Senator Castaneda will carry the bill.

3:49 p.m. Vice Chairman Castaneda closed the hearing.

Susan Helbling, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1555 ([25.1257.02000](#))**

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1555 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.