

2023 HOUSE AGRICULTURE

HB 1356

2023 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1356
2/3/2023

Relating to the restriction on acquisition of agricultural lands by aliens.

Chairman Thomas called the meeting to order 9:45 AM

Members present: Chairman Thomas, Vice Chairman Beltz, Representatives Christy, Finley-DeVille, Fisher, Headland, Henderson, Olson, Prichard, Schreiber-Beck, Tveit, VanWinkle. Member absent: Representative Kiefert

Discussion Topics:

- Review board creation
- Future projects
- Landowner member
- Lay person member

In favor:

Representative Bernie Satrom, District 12, Primary sponsor, (no written testimony)
Doug Goehring, Commissioner, ND Department of Agriculture, #19344
Matt Perdue, ND Farmers Union, #19011
Samuel Wagner, Ag & Food Field Organizer, Dakota Resource Council, #18912

Opposed:

Michael Coachman, Larimore, ND (no written testimony)
Travis Zabloutney, Minot, ND, Farmer (no written testimony)

Additional written testimony:

Mark Jorritsma, ND Family Alliance Legislative Action, #18942
Frank Tomac, President of IBAND, #18947
Vicki Grafing, Fourth generation ND farmer, #18967, 18968
Miki Thompson, Resident of Dickinson, #18977

Chairman Thomas adjourned the meeting 10:09 AM

Diane Lillis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1356
2/16/2023

Relating to the restriction on acquisition of agricultural lands by aliens.

Chairman Thomas called the meeting to order 10:33 AM

Members present: Chairman Thomas, Vice Chairman Beltz, Representatives Christy, Finley-DeVille, Fisher, Headland, Henderson, Olson, Keifert, Prichard, Schreiber-Beck, Tveit, VanWinkle.

Discussion Topics:

- Committee action

Representative Headland moved a Do Not Pass.
Representative VanWinkle seconded.

Roll call vote:

Representatives	Vote
Representative Paul J. Thomas	Y
Representative Mike Beltz	Y
Representative Josh Christy	Y
Representative Lisa Finley-DeVille	Y
Representative Jay Fisher	Y
Representative Craig Headland	Y
Representative Donna Henderson	Y
Representative Dwight Kiefert	Y
Representative SuAnn Olson	Y
Representative Brandon Prichard	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y

Motion passed 13-0-0

Representative Keifert will carry the bill.

Chairman Thomas adjourned the meeting 10:37 AM

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1356: Agriculture Committee (Rep. Thomas, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1356

Testimony HB1356

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1720 Burnt Boat Dr. Ste 104
Bismarck ND 58503
Testimony in Support for HB1356

To the Honorable Chairman and the members of the Committee, we submit these remarks on behalf of DRC.

Mr. Chairman,

We at DRC favor local control and support keeping foreign ownership out of agriculture in North Dakota. HB1356 is a great idea to have more oversight on land acquisitions in the future, and quite frankly, we've not exercised the best discretion with our economic development. We have to look no farther than the Fufeng incident to see what can happen when we don't do our homework. A board that can provide insight and oversight to these projects is a positive step.

We recommend a DO PASS. Thank you for your time and consideration.



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of House Bill 1356

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
February 3, 2023

Dear Chairman Thomas and members of the House Agriculture Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1356 and respectfully request that you render a “DO PASS” on this bill.

Our organization wholeheartedly supports the protection and rights of North Dakotans to avoid possible threats to our freedoms and sovereignty. One recent potential threat to this has been associated with the acquisition of property by a foreign entity near a key military installation in our state. Frankly, we are very concerned that this was allowed to happen, and if there is a way to “undo” it and/or prevent future similar problems, we stand behind it.

This bill would create a state agricultural foreign investment review board composed of a variety of individuals, each representing a different viewpoint and areas of government interest. We find this to be a balanced approach to addressing the problem. Further, it lays out a specific procedure whereby an individual can submit a request to the review board for an opinion on a proposed land acquisition – a feature clarifying the implementation of the bill. We would like to suggest possibly adding a timeframe into the language within which the review board must render their opinion, and perhaps specifying an appeal process as well.

House Bill 1356 seeks to protect North Dakotans and their interests from those who might want to harm us. While the bill might need some additional fine tuning, we believe it is a solid start in accomplishing these goals. For these reasons, North Dakota Family Alliance Legislative Action supports House Bill 1356 and respectfully requests that you render a “DO PASS” on this bill.

Sincerely,

Mark Jorritsma
Executive Director

Chairman Thomas and members of the House Ag Committee,

IBAND is in favor of HB1356.

It is iBAND's policy to not allow any foreign entity to own land in North Dakota.
This bill will help restrict that.

IBAND would like to see a 'do pass' recommendation by the House Ag Committee.

Thank You

Frank Tomac
President of IBAND

Dear Committee Members

As a fourth generation North Dakotan, raised in a small town 13 miles from my grandparents farm they established for themselves in 1929 and raised their 11 children, I understand the importance of protecting our rich ND farm land. My grandfather loved his farm. He taught me the love of nature. I remember as a little girl in the 70's, my grandfather used to talk about how the communists would one day come for ND farm land. I used to laugh because "there were no communists in America". That's what I believed then, I wish I were as carefree today to believe that to be true. There are many on the world stage that want our rich ND farm land. It is up to US to protect that. Please render a DO PASS on this bill and keep our state safe from foreign bad players.

Thank you,

Dear Committee Members

As a fourth generation North Dakotan, raised in a small town 13 miles from my grandparents farm they established for themselves in 1929 and raised their 11 children, I understand the importance of protecting our rich ND farm land. My grandfather loved his farm. He taught me the love of nature. I remember as a little girl in the 70's, my grandfather used to talk about how the communists would one day come for ND farm land. I used to laugh because "there were no communists in America". That's what I believed then, I wish I were as carefree today to believe that to be true. There are many on the world stage that want our rich ND farm land. It is up to US to protect that. Please render a DO PASS on this bill and keep our state safe from foreign bad players.

Thank you,

Mr. Chairman and representatives on the House Agriculture Committee,

My name is Miki Thompson. I am a resident of Dickinson. I urge you to vote Do Pass on HB 1503. Protecting North Dakota from foreign interests and interference should be one of our number one priorities. We have been blessed with productive land and industry in our state. Those blessings belong to those who are citizens of this country. Thank you for your time.



Contact:
Matt Perdue, Lobbyist
mperdue@ndfu.org | 701.641.3303

**Testimony of
Matt Perdue
North Dakota Farmers Union
Before the
House Agriculture Committee
February 3, 2023**

Chairman Thomas and members of the committee,

Thank you for the opportunity to testify on House Bill No. 1356. My name is Matt Perdue, and I am testifying on behalf of North Dakota Farmers Union's (NDFU) members.

NDFU supports HB 1356, which would establish a new "Agricultural Foreign Investment Review Board" to review proposed acquisitions of agricultural land in North Dakota. The bill would require approval from the board before agricultural land can legally be acquired by an alien individual.

For the reasons stated in NDFU's testimony regarding HB 1135, NDFU supports HB 1356. We believe this bill could strengthen enforcement of our current alien ownership laws. However, we want to highlight a couple opportunities for improvement in the bill.

HB 1356 would require review of land acquisitions by individuals. However, the bill does not address land acquisitions by entities. Under North Dakota law, an "individual" is a natural person. We believe the Agricultural Foreign Investment Review Board should also have authority to review acquisitions of agricultural land by any entity.

The legislation also lacks clarity on what factors the board will use to determine if a land acquisition is in the best interest of state security and the agriculture industry. If the intent of the bill is to strengthen restrictions on foreign ownership, those additional factors should be made clear. The bill could be strengthened by including specific factors to consider under Section 2, paragraphs 3 and 4. Some potential considerations include:

1. Whether the individual or entity has ties to foreign adversaries;
2. Whether the individual or entity intends to engage in agricultural production; and
3. The national and regional market share of the entity.

Finally, we encourage the committee to clarify reporting requirements under the law. Currently, NDCC 47-10.1-04 requires the attorney general to initiate an enforcement action based on whether the attorney general has "reason to believe that any person is violating" the law. It is our understanding the Agricultural Foreign Investment Review Board would strengthen that process by reviewing all acquisitions of agricultural land by aliens. However, it is not clear how the board will become aware of land acquisitions by aliens. We recommend clarifying that the county recorder shall alert the board each time land is acquired by an alien individual or an entity in which one or more alien individuals hold an interest.

We look forward to working with the committee to improve HB 1356. Thank you for your consideration. I will stand for any questions.

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.agdepartment.com

**Testimony of Doug Goehring
Agriculture Commissioner
House Agriculture Committee
327C
February 3, 2023**

Chairman Thomas and members of the House Agriculture Committee, I am Agriculture Commissioner Doug Goehring. I am here today in support of HB 1356, which will create a state agricultural foreign investment review board.

I believe the a board would be beneficial and can have the ability to gather information and vet projects. Then provide unbiased information back to the public. Instead of conjecture, fear, and conspiracies leading the public discussion, the board could provide honest information and still allow viable projects to be developed in the state. Supporting agribusiness is supporting agriculture, economic security and food security.

Chairman Thomas and committee members, thank you for your time. I urge a do pass on HB 1356. I would be happy to answer any questions you may have.