



## Legislative Update March 17, 2023

### **SECTION 1: GENERAL**

I reported in detail last week the opposition activities related to SB 2217. This bill was introduced by the retailer and grocer associations and seeks to prohibit charging interchange fees on the tax component of a credit or debit card transaction. It narrowly passed in the Senate after coming out of Committee without recommendation. The hearing in the House Finance and Taxation Committee was quite successful for the opposition coalition. The Committee met again Wednesday afternoon to address the bill. A hoghouse amendment was proposed by Representative Dockter to turn the bill into a study by Legislative Management. This is a common tactic to salvage something from a bill. After several gyrations, the bill was further amended to make it a “shall consider studying” meaning Legislative Management determines whether or not they undertake the study. The amendment passed, but the amended bill received an 8-5 “do not pass” recommendation from the Committee.

So, the amended bill now reads, *“During the 2023-24 interim, the legislative management shall consider studying interchange fees charged on electronic payment transactions and the effect on merchants or sellers of applying interchange fees on electronic payment transactions to state and local taxes imposed at the point of sale. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.”*

ICBND and the rest of the opposition coalition maintains its opposition to the amended bill seeing no value or reason to study. We will be requesting a “no” vote from all House members.

The credit union’s field of membership expansion bill (SB 2266) will be heard the week of March 27 and we are again turning our focus to it. Related to our credit union opposition is DFI’s Senate Bill 2092 that among other things allows for the voluntary liquidation of a credit union by its board and members. Based on suggestions from the banking lobby, Representative Jim Kasper offered an amendment to this bill for Legislative Management to consider studying the comparative taxation between federal and state banks and credit unions in North Dakota. If accepted for study, it would *“include a review of federal and state law regarding the taxation of banks and credit unions, including a review of the exemptions under section 501(c)(14)(a) of the federal Internal Revenue Code and section 122 of the federal Credit Union Act. The Legislative Management shall report its findings and recommendations, together with any legislation required to implement recommendations, to the 69th Legislative Assembly.”* The amended bill received a 13-0 “do pass” recommendation from the Committee and passed 93-0 on the House floor Monday. While our primary goal is to defeat the credit union field of membership expansion bill, the threat of the study attached to SB 2092 has the credit unions seething. They were caught sleeping a bit on SB 2092.

Finally, SB 2263 also passed on a 93-0 House vote Monday. This is ICBND’s bill that seeks to align North Dakota Century Code with the Real Estate Settlement Procedures Act (RESPA) as it relates to the handling of escrow account surplus following the annual computational review.

And finally, the Senate narrowly passed the definition of milk Monday as being obtained from any healthy hooved mammal including yaks, camels, water buffaloes, llamas and alpacas. Sorry, almonds!

## **SECTION 2: BILL UPDATES FROM ICBND “PRIORITY” TRACKING LIST**

**HB 1068** – is DFI’s bill to bring non-depository mortgage lenders under the purview of the Department of Financial Institutions. The policy aspects of the bill have been widely accepted. However, the appropriations aspect of the bill have been debated. Commissioner Kruse had asked for two full time equivalent employees (FTE) to provide the oversight which would be paid for by those non-depository mortgage lending companies. The House approved one. On the Senate side, the Senate Appropriations-Government Operations Division reinstated the second FTE was reinstated in the DFI budget with a 4-0 “do pass” recommendation and now awaits action by the full Appropriations Committee and then the Senate chamber. The Appropriation related to this bill will likely end up in Conference Committee.

**HB 1107** – this bill was brought forth by the Appraiser Board and relates to regulation of appraisers. Our primary concern with this bill was to make sure that it exempts the Bank of North Dakota (BND) and its evaluation and appraisal review business from oversight of the Appraiser Board. Through amendments brought by ICBND, we achieved that in the House. It was then heard in the Senate Workforce Development Committee a couple weeks ago to a full crowd. The Appraiser Board testified in support of the bill but continues to express concerns with the BND exemption. The North Dakota Appraiser Association (NDAA) offered amendments that would allow appraisers to do evaluations. Lise Kruse from the DFI offered another amendment that would prohibit extension of the Appraiser Board’s oversight to evaluations. I testified on the bill supporting the amendments offered by NDAA and DFI. HB 1107 was the subject of Committee work this morning in the Senate Workforce Development Committee. After much discussion, the Committee amended the bill so that ICBND’s original amendment carving out BND reads “review of appraisals” rather than “appraisal review”. BND, ICBND and the DFI are fine with that change. The Committee did not accept the appraiser’s proposed amendment which would allow appraisers to do evaluations. The amended bill received a 6-0 “do pass” recommendation this morning.

**HB 1135** – is one of three problematic bills (HB 1135, HB 1503 and SB 2371) prohibiting foreign ownership. More specifically, it prohibits ownership of agricultural property by foreign adversaries. The biggest problem with these bills is potential unintended consequences especially as they relate to lienholders. A coalition including the ND Land Title Association, ICBND, NDBA, the ND Realtors Association and others have communicated our issues to the bill drafters and the Committee chairs for all three bills and have shared with them the proposed amendments we plan to offer. The bill was heard in the Senate Energy and Natural Resources Committee this morning, but the Committee did not act on the bill and will take it up again late next week in Committee work.

**HB 1429** – is the surviving “catch all” anti-ESG bill that unanimously passed the House in February. The first three sections of this bill; (1) prohibits investments with ESG as the end goal, (2) prohibits insurability decisions being made on ESG factors, and (3) provides for the scrutinization of proxy voting services. The fourth part of the bill includes a prescriptive Legislative Management Study during the interim. It was heard in the Senate Industry and Business Committee Wednesday. ICBND has taken a neutral position on this bill after it was amended in the House. We continue to monitor it very closely however.

**HB 1503** – is the second of the three problematic bills prohibiting foreign ownership. More specifically, it prohibits ownership of real property and commercial assets by foreign adversaries and also calls for a comprehensive Legislative Management Study. The bill was heard in the Senate Energy and Natural Resources Committee this morning. The Committee recommended a “do not pass” on the bill by a 5-0 vote. It is anticipated that the three foreign ownership bills will be combined into one bill.

**SB 2371** – is the last of the problematic bills prohibiting foreign ownership. This one is focused on the power of counties and municipalities to prohibit local development by a foreign adversary. It was heard in the House Ag Committee yesterday. Amendments were offered by Nick Hacker representing the North Dakota Land Title Association and supported by the aforementioned coalition including ICBND. If these amendments are accepted, we would take a neutral position on this bill. The Committee did not act on the bill Thursday.

**SECTION 3: BILL HEARINGS NEXT WEEK**

<b>Date and Time</b>	<b>Bill Number</b>	<b>Short Title</b>	<b>Committee</b>
03/20/2023 02:30 PM	<a href="#"><u>SB 2210</u></a>	Relating to individual retirement and employee benefit trusts.	House Industry, Business and Labor
03/23/2023 10:30 AM	<a href="#"><u>HB 1503</u></a>	Relating to ownership of real property and commercial assets by foreign adversaries; to provide for a legislative management study; and to provide an expiration date.	Senate Agriculture and Veterans Affairs
03/24/2023 09:00 AM	<a href="#"><u>HB 1371</u></a>	Relating to authorized livestock farm corporation requirements, initial and annual reporting requirements for authorized livestock farm corporations, and authorized livestock farm limited liability companies; to amend and reenact sections 10-06.1-01, 10-06.1-02, and 10-06.1-04, subsection 2 of section 10-06.1-12, and sections 10-06.1-13, 10-06.1-14, 10-06.1-17, 10-06.1-21, 10-06.1-22, 10-06.1-26, and 10-06.1-27 of the North Dakota Century Code, relating to agricultural definitions, ownership exceptions for beekeeping, agriculture support services, cattle backgrounding and feedlot operations, raising or producing of livestock by persons that have limited landholdings, and required reporting for corporate farming; and to provide a penalty.	Senate Agriculture and Veterans Affairs

Legislator contact information can be found at <http://www.legis.nd.gov/contact-my-legislators> and you can check on any legislative activities through the Legislative Council's web page at [www.legis.nd.gov](http://www.legis.nd.gov).

Thank you for your participation in the legislative process. Please call, email, or text me with any questions or concerns. If you'd like to be taken off this distribution list or if there are others in your organization that should be on the distribution list for the legislative updates, please let me know.

Sincerely,



Barry D. Haugen  
[barryh@icbnd.com](mailto:barryh@icbnd.com)  
cell: 701.955.4308  
office: 701.258.7121



## ICBND BILL TRACKING LIST

Bill	Status	Title
HB 1008	House: PASSED Senate: INTRODUCED 02/15 S Introduced, first reading, referred Appropriations Committee 03/09 S Committee Hearing - 02:30 PM	A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions; and to provide an exemption.
HB 1014	House: PASSED Senate: INTRODUCED 03/09 S Committee Hearing - 02:00 PM 03/10 S Committee Hearing - 08:30 AM	Relating to a Bank of North Dakota retention incentive program; to amend and reenact sections 6-09.7-05 and 54-17.7-01, subsections 3 and 4 of section 54-17.7-04, and section 54-63.1-01 of the North Dakota Century Code and section 8 of chapter 42 of the 2021 Session Laws, relating to fuel production facility loan guarantee reserve funding, the powers of the North Dakota pipeline authority, definitions for the clean sustainable energy authority, and a transfer of Bank of North Dakota profits to the general fund; to provide a contingent appropriation; to provide for a transfer; to provide an exemption; to provide for a report; and to declare an emergency.
HB 1058	House: PASSED Senate: PASSED Governor: SIGNED 03/14 H Sent to Governor 03/16 H Signed by Governor 03/15	Relating to small claims.
HB 1068	House: PASSED Senate: INTRODUCED 03/03 S Rereferred to Appropriations 03/15 S Committee Hearing - 10:30 AM	Relating to residential mortgage loan servicers; to provide a penalty; and to provide an appropriation.
HB 1080	House: PASSED Senate: PASSED Governor: SIGNED 03/14 H Sent to Governor 03/16 H Signed by Governor 03/15	Relating to allowing electronic proof of motor vehicle registration.
HB 1082	House: PASSED Senate: PASSED 03/15 H Signed by Speaker 03/15 H Sent to Governor	Relating to the adoption of the Uniform Commercial Code amendments (2022)
HB 1083	House: PASSED Senate: PASSED 03/14 H Signed by Speaker 03/15 H Sent to Governor	Relating to the adoption of the Revised Uniform Law on Notarial Acts (2021).
HB 1095	House: PASSED Senate: INTRODUCED	Relating to the inclusion of comprehensive medication management services in health benefit plans.

	02/20 S Introduced, first reading, referred Human Services Committee 03/07 S Committee Hearing - 09:00 AM	
HB 1106	House: DEFEATED 01/31 H Reported back, do not pass, placed on calendar 13 0 1 02/01 H Second reading, failed to pass, yeas 6 nays 87	Relating to appraisal management companies.
HB 1107	House: PASSED Senate: INTRODUCED 02/10 S Introduced, first reading, referred Workforce Development Committee 03/03 S Committee Hearing - 11:00 AM	Relating to the regulation of real estate appraisers; and to provide a penalty.
HB 1108	House: PASSED Senate: PASSED 03/15 S Second reading, passed, yeas 35 nays 12 03/16 H Returned to House	Relating to international climate control regulations.
HB 1118	House: PASSED Senate: INTRODUCED 03/03 S Introduced, first reading, referred Finance and Taxation Committee 03/13 S Committee Hearing - 10:15 AM	Relating to an individual income tax credit; to amend and reenact sections 57-38-30.3 and 57-38-75 of the North Dakota Century Code, relating to the imposition of a flat income tax rate of one and ninety-nine hundredths percent for individuals, estates, and trusts and rounding rules; to repeal section 57-38-01.28 of the North Dakota Century Code, relating to the marriage penalty credit; and to provide an effective date.
HB 1135	House: PASSED Senate: INTRODUCED 03/03 S Introduced, first reading, referred Energy and Natural Resources Committee 03/17 S Committee Hearing - 11:00 AM	Relating to exceptions to the acquisition of agricultural land by foreign governments.
HB 1146	House: DEFEATED 02/07 H Reported back, do not pass, placed on calendar 8 4 2 02/09 H Second reading, failed to pass, yeas 39 nays 54	Relating to public employee fertility health benefits; to amend and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health plans; to provide for a report; to provide for application; to provide an expiration date; and to declare an emergency.
HB 1199	House: PASSED Senate: PASSED Governor: SIGNED 02/03 H Signed by Governor 02/02 02/07 Filed with Secretary Of State 02/02	AN ACT to provide an appropriation to the department of career and technical education for the statewide area and career center initiative grant program; to authorize a Bank of North Dakota line of credit; to provide an exemption; to provide for a transfer; and to declare an emergency.
HB 1215	House: PASSED Senate: PASSED 03/14 H Signed by Speaker 03/15 H Sent to Governor	Relating to the filing of business incentive reports; and to repeal chapter 54-60.1 of the North Dakota Century Code, relating to business incentives, agreements, and reports administered by the department of commerce.
HB 1225	House: PASSED Senate: INTRODUCED 02/15 S Introduced, first reading, referred Finance and Taxation Committee 03/07 S Committee Hearing - 10:15 AM	A BILL for an Act to provide an appropriation to the tax commissioner for the development of an online portal for electronically accessible statewide property information and property tax information.

HB 1227	House: PASSED Senate: PASSED 03/14 H Signed by Speaker 03/15 H Sent to Governor	Relating to a cost-benefit analysis for a measure or policy affecting the legacy fund.
HB 1267	House: PASSED Senate: INTRODUCED 01/25 S Received from House 02/10 S Introduced, first reading, referred Finance and Taxation Committee	Relating to the disposition of proceeds from tax lien foreclosures.
HB 1278	House: PASSED Senate: INTRODUCED 03/03 S Introduced, first reading, referred Industry and Business Committee 03/15 S Committee Hearing - 11:00 AM	Relating to the powers and duties of the state investment board, restrictions on perpetual contracts, required reports, and the prohibition on social investments; and to provide for a legislative management study.
HB 1283	House: DEFEATED 02/17 H Laid over one legislative day 02/20 H Second reading, failed to pass, yeas 8 nays 85	Relating to fair access to financial products and services; and to provide a penalty.
HB 1291	House: PASSED Senate: PASSED 03/14 H Signed by Speaker 03/15 H Sent to Governor	Relating to execution of a judgment.
HB 1323	House: PASSED Senate: INTRODUCED 02/13 S Introduced, first reading, referred Industry and Business Committee 03/13 S Committee Hearing - 09:45 AM	Relating to a claimant's right to maintain a construction lien for furnishing materials and improvements.
HB 1345	House: PASSED Senate: INTRODUCED 03/03 S Introduced, first reading, referred Agriculture and Veterans Affairs Committee 03/16 S Committee Hearing - 09:45 AM	Relating to state purchasing contracts.
HB 1347	House: DEFEATED 01/31 H Reported back, do not pass, placed on calendar 12 1 1 02/01 H Second reading, failed to pass, yeas 3 nays 90	Relating to the state treasurer and financial institutions engaged in boycotts of energy companies; and to amend and reenact section 6-01-02 of the North Dakota Century Code, relating to definitions.
HB 1371	House: PASSED Senate: INTRODUCED 03/03 S Introduced, first reading, referred Agriculture and Veterans Affairs Committee 03/24 S Committee Hearing - 09:00 AM	Relating to agricultural definitions, ownership exceptions for beekeeping, agriculture support services, cattle backgrounding and feedlot operations, raising or producing of livestock by persons that have limited landholdings, and required reporting for corporate farming; and to provide a penalty.
HB 1374	House: DEFEATED 02/02 H Request return from committee 02/06 H Second reading, failed to pass, yeas 14 nays 79	Relating to competition between the government and private industry; and to require a report to legislative management.
HB 1392	House: PASSED Senate: INTRODUCED 02/10 S Introduced, first reading, referred	Relating to the authority to deposit money into institution accounts at the Bank of North Dakota.

	Education Committee 03/15 S Committee Hearing - 11:00 AM	
HB 1393	House: PASSED Senate: INTRODUCED 02/16 S Introduced, first reading, referred Agriculture and Veterans Affairs Committee 03/17 S Committee Hearing - 09:30 AM	Relating to grain and seed warehouses, grain buyers, insolvent grain warehousemen, uniform accounting for public elevators and warehouses, and credit-sale contracts indemnity; to provide a penalty; and to provide a continuing appropriation.
HB 1420	House: DEFEATED 02/01 H Reported back, do not pass, placed on calendar 10 3 1 02/02 H Second reading, failed to pass, yeas 20 nays 73	Relating to a small business diversity revolving loan fund; to provide a continuing appropriation; to provide an appropriation; and to provide a transfer.
HB 1429	House: PASSED Senate: INTRODUCED 03/03 S Introduced, first reading, referred Industry and Business Committee 03/15 S Committee Hearing - 10:30 AM	Relating to unfair discrimination in the business of insurance and the investment and management of public funds; to amend and reenact section 21-10-08.1 of the North Dakota Century Code, relating to the prohibition on social investments; and to provide for a legislative management study.
HB 1460	House: DEFEATED 02/01 H Reported back, do not pass, placed on calendar 7 5 2 02/02 H Second reading, failed to pass, yeas 16 nays 77	Relating to a paid family medical leave program and an income tax credit for contributions paid into the paid family medical leave fund on behalf of eligible employees; to provide an appropriation; to provide for a transfer; and to provide an effective date.
HB 1469	House: DEFEATED 02/17 H Laid over one legislative day 02/20 H Second reading, failed to pass, yeas 6 nays 87	Relating to the investment and management of public funds.
HB 1487	House: PASSED Senate: INTRODUCED 02/17 S Received from House 02/20 S Introduced, first reading, referred Judiciary Committee	Relating to financial entities use of merchant codes to track firearm and ammunition-related purchases; to provide a penalty; and to provide a continuing appropriation.
HB 1503	House: PASSED Senate: INTRODUCED 03/17 S Committee Hearing - 10:30 AM 03/23 S Committee Hearing - 10:30 AM	Relating to ownership of real property and commercial assets by foreign adversaries; to provide for a legislative management study; and to provide an expiration date.
HB 1505	House: DEFEATED 02/13 H Laid over one legislative day 02/14 H Second reading, failed to pass, yeas 31 nays 60	Relating to a prohibition on requiring a vaccination; and to provide a penalty.
HB 1507	House: DEFEATED 02/01 H Reported back, do not pass, placed on calendar 10 3 1 02/03 H Second reading, failed to pass, yeas 13 nays 80	Relating to the state minimum wage.
HB 1527	House: DEFEATED 02/07 H Reported back, do not pass, placed on calendar 13 0 1 02/09 H Second reading, failed to pass, yeas 5 nays 88	A BILL for an Act to create and enact chapter 34-16 of the North Dakota Century Code, related to illegal aliens and private employment; and to provide a penalty.



SB 2090	Senate: PASSED House: PASSED Governor: SIGNED 03/14 S Sent to Governor 03/15 S Signed by Governor 03/13	Relating to residential mortgage lenders; to amend and reenact sections 13-04.1-01, 13-04.1-02.1, 13-04.1-03, 13-04.1-08, 13-04.1-08.1, 13-04.1-09, 13-04.1-09.3, 13-04.1-10, 13-04.1-13, 13-04.1-14, and 13-04.1-17 of the North Dakota Century Code, relating to money brokers; to repeal section 13-04.1-16 of the North Dakota Century Code, relating to call reports; to provide a penalty; and to provide for application.
SB 2092	Senate: INTRODUCED House: PASSED 03/13 H Second reading, passed as amended, yeas 93 nays 0 03/14 S Returned to Senate (12)	Relating to voluntary liquidation of credit unions; to amend and reenact section 6-01-04.1 of the North Dakota Century Code, relating to the removal of officers, directors, and employees of financial corporations or institutions; to repeal chapter 6-06.1 of the North Dakota Century Code, relating to voluntary liquidation of credit unions; and to provide for a legislative management study.
SB 2111	Senate: PASSED House: PASSED Governor: SIGNED 03/14 S Sent to Governor 03/15 S Signed by Governor 03/13	Relating to certificate of title to be allowed in electronic form.
SB 2118	Senate: PASSED House: INTRODUCED 02/22 H Introduced, first reading, (emergency), referred Energy and Natural Resources Committee 03/16 H Committee Hearing - 09:00 AM	Relating to abandoned motor vehicles; and to declare an emergency.
SB 2119	Senate: PASSED House: PASSED Governor: SIGNED 03/14 S Sent to Governor 03/16 S Signed by Governor 03/15	Relating to money transmitters; to amend and reenact subsection 1 of section 6-01-01.1 of the North Dakota Century Code, relating to money transmitters; to repeal chapter 13-09 of the North Dakota Century Code, relating to money transmitters; and to provide a penalty.
SB 2136	Senate: PASSED House: INTRODUCED 02/17 H Introduced, first reading, referred Finance and Taxation Committee 03/15 H Committee Hearing - 10:00 AM	Relating to the homestead tax credit; to provide an appropriation; and to provide an effective date.
SB 2140	Senate: PASSED House: INTRODUCED 02/17 H Introduced, first reading, (emergency), referred Human Services Committee 03/07 H Committee Hearing - 02:30 PM	Relating to public employee insulin drug and supplies benefits; to amend and reenact subsection 2 of section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health plans; to provide for a report; to provide for application; to provide an expiration date; and to declare an emergency.
SB 2160	Senate: DEFEATED 02/16 S Amendment adopted, placed on calendar 02/16 S Second reading, failed to pass, yeas 4 nays 43	Relating to public employee telehealth benefits; to provide for a report; to provide for application; to provide an expiration date; and to declare an emergency.
SB 2172	Senate: PASSED House: INTRODUCED 02/15 H Introduced, first reading, referred	Relating to the interstate insurance product regulation compact.



	Industry, Business and Labor Committee 03/14 H Committee Hearing - 08:00 AM	
SB 2198	Senate: PASSED House: INTRODUCED 02/13 H Received from Senate 02/17 H Introduced, first reading, referred Industry, Business and Labor Committee	Relating to state employee family medical leave.
SB 2210	Senate: PASSED House: INTRODUCED 02/17 H Introduced, first reading, referred Industry, Business and Labor Committee 03/20 H Committee Hearing - 02:30 PM	Relating to individual retirement and employee benefit trusts.
SB 2217	Senate: PASSED House: INTRODUCED 03/15 H Reported back amended, do not pass, placed on calendar 8 5 1 03/16 H Amendment adopted, placed on calendar	Relating to the calculation of interchange fees for electronic payment transactions; and to provide a penalty.
SB 2263	Senate: INTRODUCED House: PASSED 03/13 H Second reading, passed as amended, yeas 93 nays 0 03/14 S Returned to Senate (12)	Relating to escrow accounts.
SB 2266	Senate: PASSED House: INTRODUCED 02/10 H Received from Senate 02/17 H Introduced, first reading, referred Industry, Business and Labor Committee	Relating to credit union membership.
SB 2296	Senate: PASSED House: INTRODUCED 03/06 H Rereferred to Government and Veterans Affairs 03/16 H Committee Hearing - 09:00 AM	Relating to limiting judicial deference to governmental entities; and to provide for a legislative management study.
SB 2300	Senate: DEFEATED 02/17 S Reported back, do not pass, placed on calendar 4 0 1 02/20 S Second reading, failed to pass, yeas 0 nays 47	Relating to notice to owner and law enforcement of abandoned vehicles.
SB 2320	Senate: PASSED House: PASSED Governor: SIGNED 03/14 S Sent to Governor 03/15 S Signed by Governor 03/13	Relating to fees chargeable by abstracters.
SB 2330	Senate: PASSED House: INTRODUCED 02/17 H Introduced, first reading, referred Finance and Taxation Committee 03/14 H Committee Hearing - 10:00 AM	Relating to the legacy and budget stabilization fund advisory board and legacy fund definitions; and to repeal section 6-09-49.1 of the North Dakota Century Code, relating to the legacy infrastructure loan fund.
SB 2333	Senate: DEFEATED 02/16 S Reported back, do pass, place on calendar 9 7 0	Relating to annually reconvened sessions of the legislative assembly.

	02/17 S Second reading, failed to pass, yeas 21 nays 26	
SB 2371	Senate: PASSED House: INTRODUCED 02/21 H Introduced, first reading, (emergency), referred Agriculture Committee 03/16 H Committee Hearing - 10:00 AM	Relating to the power of counties and municipalities to prohibit local development by a foreign adversary; to amend and reenact section 47-01-09 of the North Dakota Century Code, relating to the prohibition on ownership of real property by a foreign adversary; and to declare an emergency.