

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 916

By: Bergstrom

4
5 AS INTRODUCED

6 An Act relating to property; defining terms;
7 prohibiting control of real property by certain
8 persons or entities in this state; providing
9 exceptions; providing for waiver of certain
10 requirements under certain circumstances; requiring
11 divestment of certain interests by certain persons or
12 entities; providing for acquisition of real property
13 under certain circumstances of devise or descent;
14 requiring registration of certain property by certain
15 date; establishing registration process; providing
16 penalty; requiring submission of affidavit;
17 specifying terms for failure to obtain affidavit;
18 directing rule promulgation; requiring forfeiture of
19 certain real property following certain violation;
20 providing for initiation of civil action in certain
21 district court; providing for certain petitions;
22 providing for sale of certain property or interests
23 subject to certain requirements; directing proceeds
24 of certain sale; providing for seizure of real
25 property under certain circumstances; providing for
26 codification; and providing an effective date.

17
18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 128 of Title 60, unless there is
21 created a duplication in numbering, reads as follows:

22 As used in this section:

23 1. "AFIDA" means the Agricultural Foreign Investment Disclosure
24 Act of 1978, 42 U.S.C., Part 3501 et seq;

1 2. "Agricultural land" means real property in this state used
2 or zoned in a manner that would permit the use of the property for
3 an agricultural operation;

4 3. "Agricultural operation" means any operation devoted to the
5 bona fide production of crops, animals, or fowl, including the
6 production of:

- 7 a. fruits and vegetables of any kind,
- 8 b. meat, dairy, and poultry products,
- 9 c. nuts, tobacco, nursery, and floral products, and
- 10 d. products from silvicultural activity;

11 4. "Foreign adversary nation" means any foreign nation which
12 has been designated as a foreign adversary by the United States
13 Secretary of Commerce on the basis that its government has engaged
14 in a long-term pattern or serious instances of conduct significantly
15 adverse to the national security of the United States or security
16 and safety of the United States, as set forth in 15 C.F.R., Part 7.4
17 or such successor regulation, declaration, or statute;

18 5. "Military installation" means any facility owned or operated
19 by the United States Armed Forces that shelters military equipment
20 and personnel and facilitates training and operations for such
21 organizations as well as any outpost, facility, armory, or like
22 facility of the Oklahoma National Guard;

23 6. "Nonresident alien" means an individual who is not:

- 24 a. a citizen of the United States of America, or

1 b. a person lawfully admitted into the United States for
2 permanent residence pursuant to the federal
3 Immigration and Nationality Act. A person shall be
4 deemed lawfully admitted for permanent residence
5 regardless of whether the individual's lawful
6 permanent resident status is conditional; and

7 7. "Residential property" means property intended to be used as
8 a dwelling, as such term is defined in the federal Fair Housing Act.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 129 of Title 60, unless there is
11 created a duplication in numbering, reads as follows:

12 A. The following persons or entities shall not directly or
13 indirectly own, have a controlling interest in, acquire by purchase,
14 grant, devise, or descent any interest, or hold by lease, contract,
15 or usufruct, except a de minimus indirect interest, in agricultural
16 land in this state or in any real property in this state within five
17 (5) miles of a military installation:

18 1. A foreign adversary nation;

19 2. Any government official or agent of a foreign adversary
20 nation;

21 3. A partnership, an association, a corporation, an
22 organization, or any other combination of persons organized under
23 the laws of this state or having its principal place of business in
24 a foreign adversary nation, or a subsidiary of such entity;

1 4. Any person who is domiciled in a foreign adversary nation
2 and who is determined to be a nonresident alien; and

3 5. Any person, entity, or collection of persons or entities
4 described in paragraphs 1 through 4 of this subsection having a
5 controlling interest in a partnership, association, corporation,
6 organization, trust, or any other legal entity or subsidiary formed
7 for the purpose of owning real property in this state.

8 B. 1. Any person or entity in violation of the provisions of
9 subsection A of this section shall, within two (2) years following
10 the effective date of this act, fully divest from any holding or
11 interest in such property.

12 2. Notwithstanding the prohibitions of subsection A of this
13 section, a person or entity may acquire real property in this state
14 on or after the effective date of this act, by devise or descent,
15 through the enforcement of security interests, or through the
16 collection of debts, provided that the person or entity sells,
17 transfers, or otherwise divests itself of such real property within
18 two (2) years after acquiring such interest in the real property.

19 C. A person or entity is deemed to have a de minimus indirect
20 interest if any ownership is the result of the person's or entity's
21 ownership of registered equities in a publicly traded company owning
22 the land and if the person's or entity's ownership interest in the
23 company is either:

1 1. Less than five percent (5%) of any class of registered
2 equities or less than five percent (5%) in the aggregate in multiple
3 classes of registered equities; or

4 2. A noncontrolling interest in an entity controlled by a
5 company that is both registered with the United States Securities
6 and Exchange Commission as an investment adviser under the
7 Investment Advisors Act of 1940, as amended, and is not a foreign
8 entity.

9 D. Nothing in Subsection A of this section shall prohibit the
10 lease, purchase, or other acquisition of an interest in residential
11 property by a natural person.

12 E. Nothing in this section shall prohibit a corporation,
13 partnership, limited partnership, trustee, or other business entity
14 leasing land from its owner and using such land for agricultural
15 research and development or experimental purposes, including
16 testing, developing, or producing crop production inputs, including,
17 but not limited to, seeds, plants, pesticides, soil amendments,
18 biologicals, and fertilizers, for sale or resale to farmers.

19 F. Nothing in this section shall prohibit the free purchase,
20 sale, lease, or possession of real property in this state for
21 diplomatic purposes covered by the Vienna Convention on Diplomatic
22 Relations or by any individual who is:

23 1. A citizen of the United States;

24 2. A legal permanent resident of the United States;

1 3. An individual who has been granted asylum or other protected
2 status by the United States government; or

3 4. The spouse of a person listed in paragraphs 1 through 3 of
4 this subsection.

5 G. In consultation with the Oklahoma Department of Commerce,
6 the Governor may waive any purchase, acquisition, or holding of real
7 estate that might otherwise constitute a violation of this section
8 upon a finding by the Governor that the positive short-term and
9 long-term benefits of the purchase, acquisition, or holding to the
10 economy and people of this state outweighs the threat imposed by the
11 purchase, acquisition, or holding.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 130 of Title 60, unless there is
14 created a duplication in numbering, reads as follows:

15 A. A person or entity subject to the prohibitions in subsection
16 A of Section 2 of this act who owns, holds, leases, or controls a
17 prohibited interest in real property in this state as of the
18 effective date of this act shall register such property interest
19 with the Office of the Attorney General. The Office shall establish
20 a form for such registration which, at a minimum, shall include:

21 1. The name of the owner of the real property, as well as the
22 name or names of all entities having any lease, usufruct,
23 contractual, or other possessory interest authorizing use or
24 occupation of the property; and

1 2. The address of the real property, the property appraiser's
2 parcel identification number, and the property's legal description.

3 B. 1. The Office shall establish deadlines for registration
4 under subsection A of this section, with such deadlines being not
5 later than ninety (90) days after the effective date of this act.

6 2. A person or entity that fails to timely file a registration
7 with the Office shall be subject to a civil penalty of One Thousand
8 Dollars (\$1,000.00) for each day that the registration is late.

9 Such penalty may be enforced by the district attorney of the county
10 in which the property is located or by the Attorney General.

11 C. 1. At the time of purchase or of acquisition by means of
12 contract, lease, or other instrument, an entity or person acquiring
13 an interest in real property in this state shall provide an
14 affidavit signed under penalty of perjury attesting that the
15 acquisition is not prohibited by Section 2 of this act. A person or
16 entity required to make a report to the United States Department of
17 Agriculture under the AFIDA shall also file a copy of such report
18 with the Office of the Attorney General.

19 2. The failure to obtain or maintain the affidavit shall not:

20 a. affect the title or insurability of the title for the
21 real property, or

22 b. subject the closing agent to civil or criminal
23 liability, unless the closing agent has actual

1 knowledge that the transaction will result in a
2 violation of this section.

3 D. The Office of the Attorney General shall promulgate rules to
4 effectuate the provisions of this section.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 130 of Title 60, unless there is
7 created a duplication in numbering, reads as follows:

8 A. If any real property is owned, held, leased, or acquired in
9 violation of this act, or if divestment of any interest does not
10 occur in the time period specified in subsection B of Section 2 of
11 this act, the real property shall be forfeited to the state.

12 B. The Attorney General and the district attorney of the county
13 in which the property is located shall have jurisdiction and may
14 initiate a civil action in the district court of the county in which
15 the property is located for the forfeiture of the real property or
16 any interest therein.

17 C. Upon filing such action, the district court shall record a
18 lis pendens in accordance with the laws of this state. The
19 defendant may at any time petition to modify or discharge lis
20 pendens based upon a finding that there is no probable cause to
21 believe that the real property or any portion thereof is owned or
22 held in violation of this act.

23 D. If the court finds that the real property, or any portion
24 thereof, is owned or held in violation of this section, the court

1 shall enter a final judgment of forfeiture vesting title to the real
2 property in this state, subject only to the rights and interests of
3 bona fide lienholders, and such final judgment relates back to the
4 date of the lis pendens.

5 E. The state, acting through the Attorney General or the
6 district attorney of the county in which the forfeited property is
7 located, may sell the property or the interest in the real property
8 subject to a final judgment of forfeiture. Any proceeds from the
9 sale shall first be paid to any lienholders of the property
10 interest, followed by the payment of any outstanding fines assessed
11 pursuant to this section, after which the Office of the Attorney
12 General shall be reimbursed for all costs related to the forfeiture
13 civil action and any costs related to the sale of the property
14 interest. Any remaining proceeds shall be paid to the holder of the
15 forfeited property interest.

16 F. At any time during the forfeiture proceeding, the Attorney
17 General or district attorney may seek an ex parte order of seizure
18 of the real property upon showing that the defendant's control of
19 the real property constitutes a clear and present danger to the
20 state.

21 SECTION 5. This act shall become effective November 1, 2025.

22
23 60-1-1078 RD 1/19/2025 5:45:56 AM
24
25