

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1308

By: Humphrey

AS INTRODUCED

An Act relating to foreign ownership of property; defining terms; prohibiting real property ownership by certain parties; providing certain exemptions; requiring divestment of violating property; requiring Attorney General to bring suit for violation; providing for judicial foreclosure of property; providing certain documents to be recorded in the county records office; providing for felony punishment and fines; providing affirmative defense to prosecution; providing when title to real property is not invalid or subject to divestiture; prohibiting agricultural land ownership by certain parties; providing certain exemptions; requiring divestment of violating property; requiring the Office of Agricultural Intelligence upon discovery of a violation to report such violation to the Attorney General; allowing the Attorney General to issue certain subpoenas; authorizing the Attorney General to commence legal actions upon certain determinations; providing for judicial foreclosure of property; providing certain documents to be recorded in the office of the county clerk; providing when title to agricultural land is not invalid or subject to divestiture; providing for felony punishment and fines; providing affirmative defense to prosecution; requiring inclusion of certain affidavit with recording of a deed; directing Attorney General to promulgate certain affidavit forms; creating within the Oklahoma Department of Agriculture, Food, and Forestry the Office of Agricultural Intelligence; stating authorized duties; requiring the Office operate under the direction of the Secretary of the Oklahoma Department of Agriculture, Food, and Forestry; repealing 60 O.S. 2021, Sections 121, as last amended by Section 1, Chapter 373, O.S.L. 2024,

1 122, 123, and Sections 124, 125, 126 and 127, as
2 amended by Sections 2, 3, 4 and 5, Chapter 373,
3 O.S.L. 2024 (60 O.S. Supp. 2024, Sections 121, 124,
4 125, 126 and 127), which relate to alien ownership of
5 land; providing for codification; and providing an
6 effective date.

7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

11 As used in this act:

12 1. "Agricultural land" means any land which is outside the
13 corporate limits of a municipality and is:

- 14 a. used for forestry production including, without
15 limitation, land exceeding ten (10) acres in which ten
16 percent (10%) of the land is stocked by trees of any
17 size, including land that formerly had trees of any
18 size covering the land that will be naturally or
19 artificially regenerated, or
20 b. currently used for, or, if currently idle, land last
21 used within the past five (5) years, for farming,
22 ranching, or timber production, except land not
23 exceeding ten (10) acres in the aggregate, if the
24 annual gross receipts from the sale of the farm,

1 ranch, or timber products produced on the land do not
2 exceed One Thousand Dollars (\$1,000.00).

3 This does not include oil, gas, and all other minerals,
4 including coal, lignite, brine, and all minerals known and
5 recognized as commercial minerals underlying the land;

6 2. "Controlling interest" means an ownership interest of fifty
7 percent (50%) or more, in the aggregate;

8 3. "Foreign government" means any government other than the
9 federal government or any government of a state or a political
10 subdivision of a state;

11 4. "Interest in agricultural land" means all direct interest
12 acquired, transferred, or held in agricultural land, including
13 without limitation, a lease of agricultural land:

14 a. for a term of one (1) year or longer, or

15 b. renewable by option for terms which, if the options
16 were all exercised, would total one (1) year;

17 5. "Party" means any individual, corporation, company,
18 association, firm, partnership, society, joint-stock company, trust,
19 estate, or any other legal entity;

20 6. "Prohibited foreign party" means:

21 a. a citizen or resident of a country subject to
22 International Traffic in Arms Regulations, 22 C.F.R.,
23 Section 126.1,
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- 1 b. a foreign government formed within a country subject
2 to International Traffic in Arms Regulations, 22
3 C.F.R., Section 126.1,
- 4 c. a party other than an individual or a government, that
5 is created or organized under the laws of a foreign
6 government within a country subject to International
7 Traffic in Arms Regulations, 22 C.F.R., Section 126.1,
- 8 d. any party other than an individual or government:
9 (1) that is created or organized under the laws of
10 any state, and
11 (2) in which a significant interest or substantial
12 control is directly or indirectly held or is
13 capable of being exercised by:
14 (a) an individual referred to in subparagraph a
15 of this paragraph,
16 (b) a foreign government referred to in
17 subparagraph b of this paragraph,
18 (c) a party referred to in subparagraph c of
19 this paragraph, or
20 (d) a combination of the individuals, parties,
21 or governments referred to in this division,
- 22 e. an Entity of Particular Concern designated by the
23 United States Department of State, or
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1 f. an agent, trustee, or other fiduciary of a person or
2 entity enumerated in subparagraphs a through e of this
3 paragraph;

4 7. "Prohibited foreign-party-controlled business" means a
5 corporation, company, association, firm, partnership, society,
6 joint-stock company, trust, estate, or other legal entity whose
7 controlling interest is owned by a prohibited foreign party;

8 8. "Real property" means all land or property that is not
9 agricultural land;

10 9. "Residence" means the principal dwelling of a person place
11 where the person intends to remain permanently for an indefinite
12 period of time;

13 10. "Resident alien" means a person who:

14 a. is not a citizen of the United States, and

15 b. is a resident of a:

16 (1) state of the United States,

17 (2) territory of the United States,

18 (3) trusteeship of the United States, or

19 (4) protectorate of the United States;

20 11. "Significant interest" or "substantial control" means:

21 a. an interest of thirty-three percent (33%) or more held
22 by:

23 (1) a party referred to in subparagraph d of
24 paragraph 6 of this section,

- (2) an individual referred to in subparagraph a of paragraph 6 of this section,
- (3) a party referred to in subparagraph c of paragraph 6 of this section, or
- (4) a single government referred to in subparagraph b of paragraph 6 of this section;

- b. an interest of thirty-three percent (33%) or more held whenever the parties, individuals, or governments referred to in paragraph 6 of this section are acting in concert with respect to the interest even though no single individual, party, or government holds an interest of thirty-three percent (33%) or more, or
- c. an interest of fifty percent (50%) or more, in the aggregate, held by parties, individuals, or governments referred to in paragraph 6 of this section even though the individuals, parties, or foreign governments may not be acting in concert.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 128.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. 1. A prohibited foreign party or a prohibited foreign-party-controlled business shall not acquire by grant, purchase, devise, descent, or otherwise any interest in real property in this state.

1 2. A party may not hold real property as an agent, trustee, or
2 other fiduciary for a prohibited foreign party or prohibited
3 foreign-party-controlled business in violation of this section.

4 B. A prohibited foreign party or a prohibited foreign-party-
5 controlled business entity in violation of this section shall have
6 two (2) years to divest of the real property.

7 C. If a prohibited foreign party or a prohibited foreign-party-
8 controlled business entity does not divest the real property as
9 required by subsection B of this section, the Attorney General shall
10 commence an action in the district court within the jurisdiction of
11 the real property.

12 1. If the ownership of the real property is determined by the
13 district court to be in violation of this section, the court shall
14 order that the real property be sold through judicial foreclosure.

15 2. Proceeds of the sale shall be disbursed to lienholders, in
16 the order of priority, except for liens which, under the terms of
17 the sale, are to remain on the real property.

18 3. The Attorney General shall promptly record a copy of the
19 following in the office of the county clerk of the county where the
20 real property is located:

- 21 a. upon commencement, notice of the pendency of an action
22 brought under this subsection, and
- 23 b. the order for the sale of the real property under
24 paragraph 1 of this subsection.

1 D. A prohibited foreign party or a prohibited foreign-party-
2 controlled business entity shall, upon conviction, be guilty of a
3 felony punishable by imprisonment in the custody of the Department
4 of Corrections for a term not to exceed two (2) years, or a fine of
5 Fifteen Thousand Dollars (\$15,000.00), or by both such fine and
6 imprisonment.

7 E. It is an affirmative defense to prosecution under this
8 section that a prohibited foreign party or prohibited foreign-party-
9 controlled business entity is a resident alien of the State of
10 Oklahoma.

11 F. Title to real property is not invalid or subject to
12 divestiture due to a violation of this section by:

- 13 1. Any former owner; or
- 14 2. Another person holding or owning a former interest in the
15 real property.

16 G. Persons not subject to this section shall be required to
17 determine or inquire into whether another person is or may be
18 subject to this section.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 128.2 of Title 60, unless there
21 is created a duplication in numbering, reads as follows:

22 A. 1. Except as provided in Section 4 of this act, a
23 prohibited foreign party or a prohibited foreign-party-controlled
24 business entity shall not acquire by grant, purchase, devise,

1 descent, or otherwise any interest in agricultural land in this
2 state regardless of whether the prohibited foreign party or a
3 prohibited foreign-party-controlled business entity intends to use
4 the agricultural land for nonfarming purposes.

5 2. A party may not hold agricultural land as an agent, trustee,
6 or other fiduciary for a prohibited foreign party in violation of
7 this act.

8 B. A prohibited foreign party or a prohibited foreign-party-
9 controlled business entity that acquires agricultural land in
10 violation of this section remains in violation as long as the
11 prohibited foreign party or a prohibited foreign-party-controlled
12 business entity holds an interest in the agricultural land.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 128.3 of Title 60, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A prohibited foreign party or a prohibited foreign-party-
17 controlled business entity, who is a resident alien of the United
18 States, shall have the right to acquire and hold agricultural land
19 in the state upon the same terms as a citizen of the United States
20 during the continuance of his or her residence in the State of
21 Oklahoma.

22 B. 1. If a prohibited foreign party or a prohibited foreign-
23 party-controlled business entity is no longer a resident alien under
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1 subsection A of this section, he or she shall have two (2) years to
2 divest of the agricultural land.

3 2. If the prohibited foreign party or a prohibited foreign-
4 party-controlled business entity does not divest of the agricultural
5 land as required by paragraph 1 of this subsection, the Attorney
6 General shall commence an action in district court within the
7 jurisdiction of the agricultural land.

8 3. If the ownership of the agricultural land is held in
9 violation of this section, the district court shall order that the
10 agricultural land be sold through judicial foreclosure.

11 C. 1. When the Office of Agricultural Intelligence determines
12 a prohibited foreign party or a prohibited foreign-party-controlled
13 business entity has acquired agricultural land in Oklahoma in
14 violation of this act, the Office shall report the violation to the
15 Attorney General.

16 2. Upon receiving notice under paragraph 1 of this subsection
17 or upon receipt of information that leads the Attorney General to
18 believe that a violation of this act may exist, the Attorney General
19 may issue subpoenas requiring the:

- 20 a. appearance of witnesses,
- 21 b. production of relevant records, and
- 22 c. giving of relevant testimony.

23 3. If, as a result of the investigation under paragraph 2 of
24 this subsection, the Attorney General concludes that a violation of

1 this act has occurred, the Attorney General shall commence an action
2 in the district court within the jurisdiction of the agricultural
3 land.

4 4. If the ownership of the agricultural land is held in
5 violation of this act, the district court shall order that the
6 agricultural land be sold through judicial foreclosure

7 D. 1. The proceeds of the sale of agricultural land by
8 judicial foreclosure authorized under this section shall be
9 disbursed to lienholders, in the order of priority, except for liens
10 which, under the terms of the sale, are to remain on the
11 agricultural land.

12 2. The Attorney General shall promptly record a copy of the
13 following in the office of the county clerk where the agricultural
14 land is located:

- 15 a. upon commencement, notice of the pendency of an action
16 brought under paragraph 2 of subsection B and under
17 paragraph 3 of subsection C of this section, and
18 b. the order for the sale of the agricultural land under
19 paragraph 3 of subsection B and under paragraph 4 of
20 subsection C of this section.

21 E. Title to agricultural land is not invalid or subject to
22 divestiture due to a violation of this act by:

- 23 1. Any former owner; or
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1 2. Another person holding or owning a former interest in the
2 agricultural land.

3 F. No person not subject to this act shall be required to
4 determine or inquire into whether another person is or may be
5 subject to this act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 128.4 of Title 60, unless there
8 is created a duplication in numbering, reads as follows:

9 A. A prohibited foreign party or prohibited foreign-party-
10 controlled business entity owning agricultural land subsequent to
11 the passage of this act and not listed under one of the exceptions
12 set out in subsections A and B of Section 4 of this act shall, upon
13 conviction, be guilty of a felony punishable by imprisonment in the
14 custody of the Department of Corrections for a term not to exceed
15 two (2) years, or a fine of Fifteen Thousand Dollars (\$15,000.00),
16 or by both such fine and imprisonment.

17 B. It is an affirmative defense to prosecution under this
18 section that a prohibited foreign party or prohibited foreign-party-
19 controlled business entity is a resident alien of the State of
20 Oklahoma.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 128.5 of Title 60, unless there
23 is created a duplication in numbering, reads as follows:

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1 On or after the effective date of this act, any deed recorded
2 with a county clerk shall include, as an exhibit to the deed, an
3 affidavit executed by the person or entity coming into title
4 attesting that the person, business entity, or trust is obtaining
5 the land in compliance with the requirements of Sections 2, 3, 4,
6 and 5 of this act and that no funding source is being used in the
7 sale or transfer in violation of Sections 2, 3, 4, and 5 of this act
8 or any other state or federal law. A county clerk shall not accept
9 and record any deed without an affidavit as required by this
10 section. The Attorney General shall promulgate a separate affidavit
11 form for individuals and for business entities or trusts to comply
12 with the requirements of this section, with the exception of those
13 deeds which the Attorney General deems necessary when promulgating
14 the affidavit form.

15 SECTION 7. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 128.6 of Title 60, unless there
17 is created a duplication in numbering, reads as follows:

18 A. There is hereby created within the Oklahoma Department of
19 Agriculture, Food, and Forestry the Office of Agricultural
20 Intelligence.

21 B. The Office of Agricultural Intelligence is authorized and
22 directed to:

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1 1. Collect and analyze information concerning the unlawful sale
2 or possession of agricultural land by prohibited foreign parties or
3 prohibited foreign-party-controlled business entity; and

4 2. Administer and enforce the provisions of this act, including
5 without limitation, the reporting of a violation of this subchapter
6 to the Oklahoma Attorney General under Section 4 of this act.

7 C. The Office of Agricultural Intelligence shall operate under
8 the direction of the Secretary of the Oklahoma Department of
9 Agriculture, Food, and Forestry.

10 SECTION 8. REPEALER 60 O.S. 2021, Sections 121, as last
11 amended by Section 1, Chapter 373, O.S.L. 2024, 122, 123, and
12 Sections 124, 125, 126 and 127, as amended by Sections 2, 3, 4 and
13 5, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2024, Sections 121, 124,
14 125, 126 and 127), are hereby repealed.

15 SECTION 9. This act shall become effective November 1, 2025.

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