

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted:

Amendment submitted by: Jim Shaw

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1453

7
8 By: Shaw

9 PROPOSED POLICY COMMITTEE SUBSTITUTE

10 An Act relating to foreign ownership of property;
11 defining terms; prohibiting real property ownership
12 by certain parties; providing certain exemptions;
13 requiring divestment of violating property; requiring
14 Attorney General to bring suit for violating;
15 providing for judicial foreclosure of property;
16 providing certain documents to be recorded in the
17 county records office; providing for felony
18 punishment and fines; providing affirmative defense
19 to prosecution; providing when title to real property
20 is not invalid or subject to divestiture; prohibiting
21 agricultural land ownership by certain parties;
22 providing certain exemptions; requiring divestment of
23 violating property; requiring certain entities upon
discovery of a violation to report such violation to
the Attorney General; providing that the Attorney
General may issue certain subpoenas; providing that
the Attorney General upon a certain determination
shall commence legal actions; providing for judicial
foreclosure of property; providing certain documents
to be recorded in the county records office;
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; providing for codification; and providing an
effective date.

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

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

5 As used in this act:

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

8 a. used for forestry production, including without
9 limitation, land exceeding ten (10) acres in which ten
10 percent (10%) of the land is stocked by trees of any
11 size, including land that formerly had trees of any
12 size covering the land that will be naturally or
13 artificially regenerated, or

14 b. currently used for, or, if currently idle, land last
15 used within the past five (5) years, for farming,
16 ranching, or timber production, except land not
17 exceeding ten (10) acres in the aggregate, if the
18 annual gross receipts from the sale of the farm,
19 ranch, or timber products produced on the land do not
20 exceed One Thousand Dollars (\$1,000.00).

21 This does not include oil, gas, and all other minerals,
22 including coal, lignite, brine, and all minerals known and
23 recognized as commercial minerals underlying the land;

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

3 3. "Foreign government" means any government other than the
4 federal government or any government of a state or a political
5 subdivision of a state;

6 4. "Interest in agricultural land" means all direct interest
7 acquired, transferred, or held in agricultural land, including
8 without limitation, a lease of agricultural land:

- 9 a. for a term of one (1) year or longer, or
- 10 b. renewable by option for terms which, if the options
11 were all exercised, would total one (1) year;

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

15 6. "Prohibited foreign party" means:

- 16 a. a citizen or resident of a country subject to
17 International Traffic in Arms Regulations, 22 C.F.R.,
18 Section 126.1,
- 19 b. a foreign government formed within a country subject
20 to International Traffic in Arms Regulations, 22
21 C.F.R., Section 126.1,
- 22 c. a party other than an individual or a government, that
23 is created or organized under the laws of a foreign

government within a country subject to International Traffic in Arms Regulations, 22 C.F.R., Section 126.1,

d. any party other than an individual or government:

(1) that is created or organized under the laws of any state, and

(2) in which a significant interest or substantial control is directly or indirectly held or is capable of being exercised by:

(a) an individual referred to in subparagraph a
of this paragraph,

(b) a foreign government referred to in subparagraph b of this paragraph,

(c) a party referred to in subparagraph c of this paragraph, or

(d) a combination of the individuals, parties, or governments referred to in this division

e. an Entity of Particular Concern designated by the United States Department of State, or

f. an agent, trustee, or other fiduciary of a person or entity enumerated in subparagraphs a through e of this paragraph;

7. "Prohibited foreign-party-controlled business" means a

corporation, company, association, firm, partnership, society,

1 joint-stock company, trust, estate, or other legal entity whose
2 controlling interest is owned by a prohibited foreign party;

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

5 9. "Residence" means a person's principal dwelling place where
6 the person intends to remain permanently for an indefinite period of
7 time;

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

- 9 a. is not a citizen of the United States, and
- 10 b. is a lawful permanent resident of a:
 - 11 (1) state of the United States,
 - 12 (2) territory of the United States,
 - 13 (3) trusteeship of the United States, or
 - 14 (4) protectorate of the United States;

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

- 16 a. an interest of thirty-three percent (33%) or more held
17 by:
 - 18 (1) a party referred to in subparagraph d of
19 paragraph 6 of this section,
 - 20 (2) an individual referred to in subparagraph a of
21 paragraph 6 of this section,
 - 22 (3) a party referred to in subparagraph c of
23 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

15 in the Oklahoma Statutes as Section 128.1 of Title 60, unless there
16 is created a duplication in numbering, reads as follows:

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

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

B. A prohibited foreign party or a prohibited foreign-party-controlled business entity in violation of this section shall have one (1) year to divest of the real property.

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

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

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

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

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

D. A prohibited foreign party or a prohibited foreign-party-controlled business entity shall, upon conviction, be guilty of a

1 felony punishable by not more than two (2) years' imprisonment or a
2 fine of Thirty Thousand Dollars (\$30,000.00), or both.

3 E. It is an affirmative defense to prosecution under this
4 section that a prohibited foreign party or prohibited foreign-party-
5 controlled business entity is a resident alien of the State of
6 Oklahoma.

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

9 1. Any former owner; or

10 2. Another person holding or owning a former interest in the
11 real property.

12 G. Individuals not subject to this section shall be required to
13 determine or inquire into whether another person is or may be
14 subject to this section.

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

18 A. 1. Except as provided in Section 4 of this act, a
19 prohibited foreign party or a prohibited foreign-party-controlled
20 business entity shall not acquire by grant, purchase, devise,
21 descent, or otherwise any interest in agricultural land in this
22 state regardless of whether the prohibited foreign party or a
23 prohibited foreign-party-controlled business entity intends to use
24 the agricultural land for nonfarming purposes.

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

4 B. A prohibited foreign party or a prohibited foreign-party-
5 controlled business entity that acquires agricultural land in
6 violation of this section remains in violation as long as the
7 prohibited foreign party or a prohibited foreign-party-controlled
8 business entity holds an interest in the agricultural land.

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

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

18 B. 1. If a prohibited foreign party or a prohibited foreign-
19 party-controlled business entity is no longer a resident alien under
20 subsection A of this section, he or she shall have one (1) year to
21 divest of the agricultural land.

22 2. If the prohibited foreign party or a prohibited foreign-
23 party-controlled business entity does not divest of the agricultural
24 land as required by paragraph 1 of this subsection, the Attorney

1 General shall commence an action in district court within the
2 jurisdiction of the agricultural land.

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

6 C. 1. If any person or entity determines a prohibited foreign
7 party or a prohibited foreign-party-controlled business entity has
8 acquired agricultural land in Oklahoma in violation of this act, the
9 person or entity shall report the violation to the Attorney General.

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

- 14 a. appearance of witnesses,
- 15 b. production of relevant records, and
- 16 c. giving of relevant testimony.

17 3. If, as a result of the investigation under paragraph 2 of
18 this subsection, the Attorney General concludes that a violation of
19 this act has occurred, the Attorney General shall commence an action
20 in the district court within the jurisdiction of the agricultural
21 land.

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

1 D. 1. The proceeds of the sale of agricultural land by
2 judicial foreclosure authorized under this section shall be
3 disbursed to lienholders, in the order of priority, except for liens
4 which under the terms of the sale are to remain on the agricultural
5 land.

6 2. The Attorney General shall promptly record a copy of the
7 following in the county clerk's office where the agricultural land
8 is located:

- 9 a. upon commencement, notice of the pendency of an action
10 brought under paragraph 2 of subsection B and under
11 paragraph 3 of subsection C of this section, and
12 b. the order for the sale of the agricultural land under
13 paragraph 3 of subsection B and under paragraph 4 of
14 subsection C of this section.

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

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

20 F. No person not subject to this act shall be required to
21 determine or inquire into whether another person is or may be
22 subject to this act.

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1 SECTION 5. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 128.4 of Title 60, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A prohibited foreign party or prohibited foreign-party-
5 controlled business entity owning agricultural land subsequent to
6 the passage of this act and not listed under one of the exceptions
7 set out in subsections A and B of Section 4 of this act shall, upon
8 conviction, be guilty of a felony punishable by imprisonment for not
9 more than two (2) years, or a fine of Thirty Thousand Dollars
10 (\$30,000.00), or by both such imprisonment and fine.

11 B. It is an affirmative defense to prosecution under this
12 section that a prohibited foreign party or prohibited foreign-party-
13 controlled business entity is a resident alien of the State of
14 Oklahoma.

15 SECTION 6. NEW LAW A new section of law to be codified

16 in the Oklahoma Statutes as Section 128.5 of Title 60, unless there
17 is created a duplication in numbering, reads as follows:

18 On or after the effective date of this act, any deed recorded
19 with a county clerk shall include, as an exhibit to the deed, an
20 affidavit executed by the person or entity coming into title
21 attesting that the person, business entity, or trust is obtaining
22 the land in compliance with the requirements of Sections 2, 3, 4,
23 and 5 of this act and that no funding source is being used in the
24 sale or transfer in violation of Sections 2, 3, 4, and 5 of this act

1 or any other state or federal law. A county clerk shall not accept
2 and record any deed without an affidavit as required by this
3 section. The Attorney General shall promulgate a separate affidavit
4 form for individuals and for business entities or trusts to comply
5 with the requirements of this section, with the exception of those
6 deeds which the Attorney General deems necessary when promulgating
7 the affidavit form.

8 SECTION 7. REPEALER 60 O.S. 2021, Sections 121, as
9 amended by Section 1, Chapter 327, O.S.L. 2023, 122, 123, 124, 125,
10 126, and 127 (60 O.S. Supp. 2024, Section 121), are hereby repealed.

11 SECTION 8. This act shall become effective November 1, 2025.
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