

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 893

By: Howard and Pederson of the
Senate

and

Caldwell (Chad) and **Manger**
of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to property and critical
13 infrastructure; creating the Military Installation &
14 Military Operating Areas and Critical Infrastructure
15 Protection Act of 2025; providing short title;
16 defining terms; prohibiting foreign principals from
17 foreign adversary countries from owning, having an
18 interest in, or acquiring agricultural land;
19 describing scope of de minimis indirect interest;
20 directing the sale, transfer, or divestiture of
21 agricultural land under certain circumstances;
22 establishing registration requirements; allowing for
23 the acquisition of agricultural land under certain
24 circumstances; deeming contracts, deeds, or other
 agreements invalid; assigning the Office of the
 Attorney General with the responsibility of making
 certain determinations; granting the Attorney General
 the authority to commence certain actions in district
 court; providing for the sale of land through
 judicial foreclosure; providing payment of a reward
 to whistleblowers; providing for the disbursement of
 proceeds; providing for the adoption of rules;
 prohibiting foreign principals from foreign adversary
 countries from purchasing, holding, renting, or
 controlling any property near military bases or
 installations; requiring the sale, transfer, or

1 divestiture of property within certain time period;
2 deeming contracts, deeds, or other agreements
3 invalid; granting the Attorney General the authority
4 to commence certain actions in district court;
5 providing for the sale of land through judicial
6 foreclosure; providing payment of a reward to
7 whistleblowers; providing for the disbursement of
8 proceeds; assigning the Office of the Attorney
9 General with the responsibility of making certain
10 determinations; establishing guidelines for
11 whistleblowers; providing for referrals to the Office
12 of the Attorney General; establishing rewards for
13 whistleblowers; setting effective date for
14 whistleblower enforcement provision; prohibiting
15 entities and governmental entities from entering into
16 agreements relating to critical infrastructure with
17 foreign principals from foreign adversary countries;
18 authorizing entities and governmental entities to
19 enter into agreements under certain circumstances;
20 requiring companies to file a certification form
21 prior to accessing critical infrastructure;
22 establishing guidelines for maintaining
23 registrations; setting fee for administering
24 certification process; providing for the revocation
of certifications; prohibiting the use of certain
software in state infrastructure; providing for the
replacement of prohibited software; providing
software removal and notification requirements;
directing the Office of the Attorney General to
establish reporting process for non-notified
transactions; authorizing the Attorney General to
submit memorandums or reports to certain committee;
directing the Attorney General to retain certain
documents and notify the Legislature and Governor;
providing for noncodification; providing for
codification; and providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Military
2 Installation & Military Operating Areas and Critical Infrastructure
3 Protection Act of 2025".

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

7 A. As used in this act:

8 1. "Agricultural land" shall mean a land area that is either
9 arable, under permanent crops, or under permanent pastures. Arable
10 land includes land under temporary crops such as cereals, temporary
11 meadows for mowing or pasture, land under market or kitchen gardens,
12 and land temporarily fallow. Land abandoned as a result of shifting
13 cultivation is excluded. Land under permanent crops is cultivated
14 with crops that occupy the land for long periods and need not be
15 replanted after each harvest, such as orchards or vineyards. This
16 category excludes land under trees grown for wood or timber.
17 Permanent pasture land is land used for five (5) or more years for
18 forage, including natural and cultivated crops;

19 2. "Company" shall mean a for-profit sole proprietorship,
20 organization, association, corporation, partnership, joint venture,
21 limited partnership, limited liability partnership, or limited
22 liability company, including a wholly owned subsidiary, majority-
23 owned subsidiary, parent company, or affiliate of those entities or
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1 business associations, that exists to make a profit; or a nonprofit
2 organization;

3 3. "Critical infrastructure" shall mean systems and assets,
4 whether physical or virtual, so vital to Oklahoma or the United
5 States that the incapacity or destruction of such systems and assets
6 would have a debilitating impact on state or national security,
7 state or national economic security, state or national public
8 health, or any combination of those matters. A critical
9 infrastructure may be publicly or privately owned and includes, but
10 is not limited to:

- 11 a. gas and oil production, storage, or delivery systems,
- 12 b. water supply, refinement, storage, or delivery
13 systems,
- 14 c. telecommunications networks,
- 15 d. electrical power delivery systems,
- 16 e. emergency services,
- 17 f. transportation systems and services, or
- 18 g. personal data or otherwise classified information
19 storage systems, including cybersecurity;

20 4. "Cybersecurity" shall mean the measures taken to protect a
21 computer, computer network, computer system, or other technology
22 infrastructure against unauthorized use or access;

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1 5. "Domicile" shall mean either the country in which a company
2 is registered, where the affairs of the company are primarily
3 completed, or where the majority of ownership share is held;

4 6. "Foreign adversary" shall mean China, Russia, Iran, and
5 North Korea;

6 7. "Foreign principal" shall mean:

7 a. the government or any official of the government of a
8 foreign adversary,

9 b. a political party or member of a political party or
10 any subdivision of a political party of a foreign
11 adversary,

12 c. a partnership, association, corporation, organization,
13 or other combination of persons organized under the
14 laws of or having its principal place of business in a
15 foreign adversary, or a subsidiary of such entity, or
16 owned or controlled wholly or in part by any person,
17 entity, or collection of persons or entities of a
18 foreign adversary,

19 d. any person who is domiciled in a foreign adversary and
20 is not a citizen or lawful permanent resident of the
21 United States, or

22 e. any person, entity, or collection of persons or
23 entities, described in subparagraphs a through d of
24 this paragraph having a controlling interest in a

1 partnership, association, corporation, organization,
2 trust, or any other legal entity or subsidiary formed
3 for the purpose of owning real property;

4 8. "Military base or installation" shall mean any land,
5 Military Operating Areas structures, or property owned or controlled
6 by any division of the United States Department of Defense, Oklahoma
7 National Guard, or any other department of government, state or
8 federal, critical to the safety and security of Oklahoma or the
9 United States;

10 9. "Non-notified transactions" shall mean foreign investments
11 in the United States that are not voluntarily submitted to the
12 Committee on Foreign Investment in the United States for review
13 under 50 U.S.C., Section 4565;

14 10. "Operational software" shall mean computer programs used
15 for the operation, control, maneuver or maintenance of state
16 infrastructure, or any other computer program applications related
17 to state infrastructure;

18 11. "Software" shall mean any program or routine, or any set of
19 one or more programs or routines, which are used or intended for use
20 to cause one or more computers or pieces of computer related
21 peripheral equipment, or any combination thereof, to perform a task
22 or set of tasks, as it relates to state infrastructure;

23 12. "State infrastructure" shall mean critical infrastructure
24 and transportation infrastructure; and

1 13. "Transportation infrastructure" shall include, but not be
2 limited to:

3 a. airports including, but not limited to, commercial and
4 intermodal airports and heliports and all airport
5 infrastructure,

6 b. roadways including, but not limited to, publicly
7 accessible streets, roads, highways, and bridges and
8 all roadway infrastructure including, but not limited
9 to, signage, toll booths, weigh stations, and traffic
10 signals,

11 c. railways including, but not limited to, all classes of
12 freight rail and passenger rail and all railway
13 infrastructure including, but not limited to,
14 intermodal rail yards and signals,

15 d. ports including, but not limited to, inland ports,
16 seaports, deepwater ports, inland waterways, and
17 levees and all port infrastructure including, but not
18 limited to, intermodal stations, and

19 e. public transit including bus, ferry, cable car, tram,
20 trolley, and other types of publicly accessible
21 transportation and all public transit infrastructure.

22 B. This act does not apply to a company, including third-party
23 vendor, that is in compliance with the Secure and Trusted
24 Communications Networks Act of 2019.

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

4 A. A foreign principal from a foreign adversary country may not
5 directly or indirectly own, have an interest of greater than twenty-
6 five percent (25%) in, or acquire by purchase, grant, devise, or
7 descent agricultural land or any interest, except a de minimis
8 indirect interest, in such land in this state. A foreign principal
9 has a de minimis indirect interest if any ownership is the result of
10 the foreign principal's ownership of registered equities in a
11 publicly traded company owning the land and if the ownership of the
12 foreign principal in the country is either:

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

16 2. A noncontrolling interest in an entity controlled by a
17 company that is both registered with the United States Securities
18 and Exchange Commission as an investment advisor under the
19 Investment Advisers Act of 1940, as amended, and is not a foreign
20 entity.

21 B. A foreign principal that directly or indirectly owns or
22 otherwise controls agricultural land, as defined in Section 2 of
23 this act, in this state must sell, transfer, or otherwise divest
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1 itself of the agricultural land within one hundred eighty (180) days
2 of the effective date of this act.

3 C. A foreign principal that directly or indirectly owns or
4 acquires agricultural land or any interest in such land in this
5 state shall register with the Oklahoma Department of Agriculture,
6 Food, and Forestry within sixty (60) days of the effective date of
7 this act or the date of acquisition, whichever is latest. The
8 Department shall establish a form for such registration which, at
9 minimum, shall include all of the following:

10 1. The name of the owner of the agricultural land or the owner
11 of the interest in such land;

12 2. The address of the agricultural land, the parcel
13 identification number of the property appraiser, and the legal
14 description of the property; and

15 3. The number of acres of the agricultural land.

16 D. Notwithstanding the provisions of subsection A of this
17 section, a foreign principal from a foreign adversary country may
18 acquire agricultural land on or after the effective date of this act
19 by devise or descent, through the enforcement of security interests,
20 or through the collection of debts, provided that the foreign
21 principal sells, transfers, or otherwise divests itself of the
22 agricultural land within one hundred eighty (180) days of acquiring
23 the agricultural land.

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1 E. Any current deeds, contracts, rental agreements, or other
2 legal agreements in conflict with the provisions of this act shall
3 be deemed invalid from the date of adoption unless otherwise
4 provided.

5 F. The responsibility for determining whether an entity is
6 subject to the provisions of this section rests solely with the
7 foreign entity, the Attorney General, any qualifying whistleblower,
8 and no other individual or entity. An individual or entity who is
9 not a foreign entity shall not be required to determine or inquire
10 whether another person or entity is or may be subject to this
11 section, and shall bear no civil or criminal liability under the
12 provisions of this section.

13 G. If a foreign principal from a foreign adversary country does
14 not divest the real property as required by this section, the
15 Attorney General shall commence an action in district court within
16 the jurisdiction of the real property.

17 H. If the real property is held in violation of the provisions
18 of this section, the district court shall order that the real
19 property be sold through judicial foreclosure.

20 I. If a whistleblower referral results in a divestiture of land
21 or other assets held in violation of the provisions of this section,
22 the whistleblower shall be entitled to a reward equal to thirty
23 percent (30%) of the proceeds of the land sale that results from the
24 violation of this section after payments to lienholders. Proceeds

1 of the sale shall be disbursed in the following order, as
2 applicable:

3 1. The payment of authorized costs of the sale, including all
4 approved fees and expenses of the referee and any taxes and
5 assessments due;

6 2. The payment, in an amount approved by the court, to the
7 Office of the Attorney General for reimbursement of investigation
8 and litigation costs and expenses;

9 3. To bona fide lienholders, in their order of priority, except
10 for liens which under the terms of the sale are to remain on the
11 property;

12 4. To whistleblowers; and

13 5. To the restricted foreign entity.

14 J. The Oklahoma Department of Agriculture, Food, and Forestry
15 shall adopt rules to implement the provisions of this section.

16 K. Any entity that has a national security agreement with the
17 Committee on Foreign Investment in the United States and continues
18 to maintain that national security agreement may purchase, lease, or
19 acquire a maximum of three hundred and fifty (350) acres of
20 agricultural land for the purposes of:

21 1. Agricultural research and development; or

22 2. Experimental purposes, including testing, development, or
23 production of any crop production inputs for sale or resale to
24 farmers, including but not limited to:

- 1 a. seeds,
- 2 b. plants,
- 3 c. pesticides,
- 4 d. soil amendments,
- 5 e. biologicals, or
- 6 f. fertilizers.

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

10 A. A foreign principal from a foreign adversary country shall
11 not be allowed to directly or indirectly purchase, hold, rent, or
12 otherwise control any real property within ten (10) miles of a
13 military base or installation and to include military operating
14 areas of each Oklahoma Military base or installation.

15 B. A foreign principal that directly or indirectly controls any
16 real property covered by the provisions of subsection A of this
17 section, excluding temporary contractual agreements such as rental
18 or lease agreements, must sell, transfer, or otherwise divest itself
19 of the property within one hundred eighty (180) days of the
20 effective date of this act.

21 C. Any current deeds, contracts, rental agreements, or other
22 legal agreements in conflict with this act shall be deemed invalid
23 from the date of adoption unless otherwise provided.

1 D. If a foreign principal from a foreign adversary country does
2 not divest the real property as required by the provisions of this
3 section, the Attorney General shall commence an action in the
4 district court within the jurisdiction of the real property.

5 E. If the real property is held in violation of the provisions
6 of this section, the district court shall order that the real
7 property be sold through judicial foreclosure.

8 F. If a whistleblower referral results in a divestiture of land
9 or other assets held in violation of the provisions of this section,
10 the whistleblower shall be entitled to a reward equal to thirty
11 percent (30%) of the proceeds of the land sale that results from the
12 violation of the provisions of this section after payments to
13 lienholders. Proceeds of the sale shall be disbursed in the
14 following order, as applicable:

15 1. The payment of authorized costs of the sale, including all
16 approved fees and expenses of the referee and any taxes and
17 assessments due;

18 2. The payment, in an amount approved by the district court, to
19 the Attorney General for reimbursement of investigation and
20 litigation costs and expenses;

21 3. To bona fide lienholders, in their order of priority, except
22 for liens which under the terms of the sale are to remain on the
23 property;

24 4. To whistleblowers; and

1 5. To the restricted foreign entity.

2 G. The responsibility for determining whether an entity is
3 subject to this section rests solely with the foreign entity, the
4 Attorney General, any qualifying whistleblower, and no other
5 individual or entity. An individual or entity who is not a foreign
6 entity shall not be required to determine or inquire whether another
7 person or entity is or may be subject to the provisions of this
8 section, and shall bear no civil or criminal liability under the
9 provisions of this section.

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

13 A. Any individual may act as a whistleblower and provide a
14 referral to the Office of the Attorney General for violations of the
15 provisions of Section 3 and Section 4 of this act.

16 B. If a whistleblower referral results in a divestiture of land
17 or other assets held in violation of the provisions of this act, the
18 whistleblower shall be entitled to a reward equal to thirty percent
19 (30%) of the proceeds of the land sale that results from violation
20 of this act.

21 C. The whistleblower enforcement provision shall take effect
22 one hundred eighty (180) days after the effective date of this act.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 13001 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. An entity constructing, repairing, operating, or otherwise
5 having significant access to critical infrastructure may not enter
6 into an agreement relating to critical infrastructure in this state
7 with a foreign principal from a foreign adversary country, or use
8 products or services produced by a foreign principal from a foreign
9 adversary country.

10 B. A governmental entity may not enter into a contract or other
11 agreement relating to critical infrastructure in this state with a
12 company that is a foreign principal from a foreign adversary
13 country, or use products or services produced by a foreign principal
14 from a foreign adversary country.

15 C. Notwithstanding the provisions of subsection A and B of this
16 section, an entity or governmental entity may enter into a contract
17 or agreement relating to critical infrastructure with a foreign
18 principal from a foreign adversary country or use products or
19 services produced by a foreign principal from a foreign adversary
20 country if:

21 1. There is no other reasonable option for addressing the need
22 relevant to state critical infrastructure;

23 2. The contract is preapproved by the Office of the Attorney
24 General; and

1 3. Not entering into such a contract or agreement would pose a
2 greater threat to the state than the threat associated with entering
3 into the contract.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 13002 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 A. In order to access critical infrastructure, a company must
8 file a certification form with and pay a certification fee to the
9 Office of the Attorney General. The Office of the Attorney General
10 shall prescribe the registration form to be filed pursuant to the
11 provisions of this section.

12 B. To maintain registration as a company with access to
13 critical infrastructure, a company shall:

14 1. Identify all employee positions in the organization that
15 have access to critical infrastructure;

16 2. Before hiring a person described in paragraph 1 of this
17 subsection, obtain from the Oklahoma State Bureau of Investigation
18 or a private vendor criminal history record information relating to
19 the prospective employee and any other background information
20 considered necessary by the company or required by the Office of the
21 Attorney General to protect critical infrastructure from foreign
22 adversary infiltration or interference;

23 3. Prohibit foreign nationals from a foreign adversary from
24 access to critical infrastructure; and

1 4. Be compliant with the provisions of Section 6 of this act.

2 C. The Office of the Attorney General shall set the fee in an
3 amount sufficient to cover the costs of administering the
4 certification process but not to exceed One Hundred Fifty Dollars
5 (\$150.00).

6 D. The Office of the Attorney General shall provide that a
7 company is compliant with all requirements of this section or revoke
8 certification.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 13003 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 A. All software used in state infrastructure located within or
13 serving Oklahoma shall not include any software produced by a
14 federally banned corporation, nor any software banned at the federal
15 level.

16 B. All software used in state infrastructure located within or
17 serving Oklahoma shall not include any software produced in or by a
18 foreign adversary, a state-owned enterprise of a foreign adversary,
19 or a company domiciled within a foreign adversary.

20 C. All software used in state infrastructure in operation
21 within or serving Oklahoma, to include any state infrastructure
22 which is not permanently disabled, shall have all software
23 prohibited by subsection A or B of this section removed and replaced
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1 with software which is not prohibited by subsection A or B of this
2 section.

3 D. Any state infrastructure provider that removes,
4 discontinues, or replaces any prohibited software shall not be
5 required to obtain any additional permits from any state agency or
6 political subdivision for the removal, discontinuance, or
7 replacement of such software as long as the state agency or
8 political subdivision is properly notified of the necessary
9 replacements and the replacement software is similar to the existing
10 software.

11 SECTION 9. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 13004 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The Office of the Attorney General shall establish a process
15 by which local officials, states officials, or other persons may
16 submit information or concerns to the Office regarding non-notified
17 transactions in Oklahoma. The Office of the Attorney General may
18 adopt any necessary rules to implement the provisions of this
19 subsection.

20 B. The Office of the Attorney General may submit a memorandum
21 or report concerning non-notified transactions the Attorney General
22 has identified in Oklahoma to the Committee on Foreign Investment in
23 the United States.

24 C. The Office of the Attorney General shall:

1 1. Retain a copy of any documents submitted to the Committee on
2 Foreign Investment in the United States that are included with a
3 memorandum or report submitted under the provisions of subsection B
4 of this section; and

5 2. Notify the Legislature and the Governor as soon as
6 practicable after submitting a memorandum, report, or other
7 information pursuant to the provisions of subsection B of this
8 section.

9 SECTION 10. This act shall become effective November 1, 2025.

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11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
12 OVERSIGHT, dated 04/16/2025 - DO PASS, As Amended and Coauthored.

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