

SB 1023 -4, -5 STAFF MEASURE SUMMARY

Senate Committee On Veterans, Emergency Management, Federal and World Affairs

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Meeting Dates: 3/13

WHAT THE MEASURE DOES:

The measure directs the Oregon Attorney General to adopt and periodically revise a list of persons known or believed to be adversaries of the United States, and to consider including persons on similar lists maintained by the federal government. Persons on this list become ineligible to receive property, mineral, or water rights as specified, and deeds and sales agreements become void if conveying exclusive farm and/or forest use; or transfer mining, mineral, or water rights. Persons on the list are not entitled to be notified, but may file an appeal challenging their inclusion.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 The amendment adds persons from countries which do not permit United States citizens to own land to those the Attorney General shall consider for inclusion on the list of adversaries, and it expands deed and sales agreement restrictions to cover any real property. It sets out a process for the Attorney General or counties to either file a suit to sell, or condemn and seek title to, property or water rights in violation of the Act. This process would become effective January 1, 2027.

Detailed Summary

Adds citizens of countries which prohibit United States citizens from owning land to persons the Attorney General shall consider including on the list of adversaries. Expands deed and sales agreement restrictions to cover any real property.

Permits the Attorney General or county the land is located in, for real property or water rights held in violation of the Act, to file a suit to sell the property or water right and treat it as a default of a lien. Specifies no statute of limitations would apply. Applies attorney fees as a lien on the property, which remains even if the default is cured or the case dismissed. Prohibits the right of redemption for the seller, notwithstanding existing statute.

Permits the Attorney General or county in which the property or water right is located, in lieu of filing a suit, to condemn the real property or water right and seek title to it. Specifies that title is not invalid or subject to divestiture due to the violation by a former owner or interest holder. Clarifies there is no requirement to inquire whether another person is violating the Act. Clarifies the Act does not create civil or criminal liability for another person who assists or participates in the violation due to negligence or recklessness.

Establishes an operative date for the suit and condemnation processes of January 1, 2027.

-5 The amendment exempts persons with, and who maintain, national security agreements with the Committee on Foreign Investment in the United States as of the Act's effective date.

BACKGROUND:

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As part of fulfilling Executive Order 13873 of May 15, 2019: Securing the Information and Communications Technology and Services Supply Chain, the United States Secretary of Commerce maintains a list of foreign governments or foreign non-government persons which it has identified as engaging in long-term patterns or serious instances of conduct harmful to United States national security. China, Cuba, Iran, North Korea, Russia, and Venezuela's Maduro regime are currently listed as adversaries pursuant to the Executive Order.

United States policy is to deny licenses and other approvals for trade of defense articles and services going to and coming from certain countries. The International Traffic in Arms Regulations (ITAR) include a list of 8 countries to which defense articles and defense services are denied, and an additional 16 countries with denial in specified circumstances. The Office of Foreign Assets Control within the United States Department of the Treasury maintains a list of Specially Designated Nationals, along with other lists to help comply with sanctions regulations.

Senate Bill 1023 directs the Oregon Attorney General to maintain a list of persons adversarial to the United States, to whom certain property, mineral, and water rights would be restricted.