

# Alaska State Legislature

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## Senator Shelley Hughes

*District M – Palmer, Butte, Lazy Mountain, Gateway, Knik-Fairview, Settlers Bay*

April 2, 2025

### SB 139 Sectional Analysis

#### Section 1 – AS 34

**Adds new chapter, AS 34.87, "Holding of Land by Nonresident Persons," to regulate land ownership and leasing by certain foreign nationals and entities in Alaska.**

#### **AS 34.87.010 – Prohibited Land Acquisition/Leasing Near Military Sites:**

- (a) Bans citizens of U.S.-designated adversary countries (15 C.F.R. 791.4) from buying/leasing land within 100 miles of military installations, unless exempted in (c).
- (b) AG can seek forfeiture of violations per AS 34.87.020; prior violations by past owners don't affect current title.
- (c) Exempts: (1) residential property or dwelling unit leases; (2) acquisitions by U.S. citizens who are also citizens of the listed countries.
- (d) Defines "dwelling unit" and "military installation".

#### **• AS 34.87.020 – Violation Investigation/Enforcement:**

- (a) AG must investigate likely violations of AS 34.87.010.
- (b) AG shall file forfeiture actions in relevant judicial district; title vests in state post-judgment, subject to liens, proceeds to lienholders, then general fund (violation gets nothing).
- (c) Protects individuals from liability for not verifying status under AS 34.87.010.
- (d) Forfeiture doesn't impact valid liens/mortgages.

#### **• AS 34.87.030 – Nonresident Alien Land Rights:**

- (a) Nonresident aliens (except those barred by AS 34.87.010/.050) have same land rights as U.S. citizens.
- (b) Prior alien ownership doesn't invalidate title.

#### **• AS 34.87.040 – Ag Land Ownership Limits:**

- (a) Bans citizens of U.S.-designated adversary countries (15 C.F.R. 791.4) and their entities from acquiring/leasing ag land, unless exempted.
- (b) Extends ban to mineral/water/riparian rights tied to ag land, except per (c)/(d).
- (c) Exempts U.S. citizens with dual citizenship in adversary countries.
- (d) Allows pre-July 1, 2025, leases to continue/renew if unchanged.
- (e) Protects individuals from liability for not verifying status.
- (f) Violations subject to AG forfeiture per AS 34.87.070.

#### **• AS 34.87.050 – Ag Land Violation Enforcement:**

- (a) AG investigates AS 34.87.040 violations, with subpoena/oath/hearing powers.

- (b) AG shall seek forfeiture in relevant judicial district; title vests in state post-judgment, subject to liens, proceeds to lienholders then general fund (violation excluded). Case recorded.
- (c) No liability for not verifying eligibility.
- (d) Prior violations don't trigger forfeiture/title issues.
- (e) Valid liens/mortgages unaffected by forfeiture.
- **AS 34.87.090 – Definitions:**
  - Defines key terms: (1) "agricultural land;" (2) "confined feeding operation;" (3) "crop farming;" (4) "foreign business entity."

## **Section 2 – AS 45**

**Adds a new chapter, AS 45.46, "Critical Infrastructure Agreements," to restrict certain foreign entities from controlling critical infrastructure.**

- **AS 45.46.010 – Critical Infrastructure Restrictions**
  - (a) Bans agreements giving control/access to critical infrastructure or cybersecurity to companies owned/controlled by citizens/governments of U.S.-designated adversary countries (15 C.F.R. 791.4) or headquartered there.
  - (b) Applies regardless of public trading or stock listing status.
  - (c) Defines: (1) "company;" (2) "critical infrastructure facility;" (3) "cybersecurity system;" (4) "military installation."

## **Section 3 – Effective Date**

Sets the effective date of the Act as July 1, 2025.