

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1705 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Anthony Moore

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1705

By: Howard, Bullard, Pederson,
and Burns of the Senate

and

Moore of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to alien ownership of land; amending 60 O.S. 2021, Section 121, as amended by Section 1, Chapter 327, O.S.L. 2023 (60 O.S. Supp. 2023, Section 121), which relates to prohibition of alien ownership of land; defining terms; adding entities prohibited from certain ownership; updating statutory reference; adding persons authorized to execute certain affidavit; requiring notarization of certain document; providing exemptions to certain requirements; requiring inclusion of specific exemption on recorded deed; authorizing Attorney General to establish additional exemptions; allowing substantial compliance to certain form requirements; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 60 O.S. 2021, Section 121, as amended by Section 1, Chapter 327, O.S.L. 2023 (60 O.S. Supp. 2023, Section 121), is amended to read as follows:

1 Section 121. A. As used in Chapter 3 of this title:

2 1. "Deed" means any instrument in writing whereby land is
3 assigned, transferred, or otherwise conveyed to, or vested in, the
4 person coming into title or, at his or her direction, any other
5 person;

6 2. "Foreign government adversary" means a government other than
7 the federal government of the United States, the government of any
8 state, political subdivision of the state, tribe, territory, or
9 possession of the United States and designated by the United States
10 Secretary of State as hostile or a Country of Particular Concern
11 (CPC);

12 3. "Foreign government enterprise" means a business entity,
13 sovereign wealth fund, or state-backed investment fund in which a
14 foreign government adversary holds a controlling interest; and

15 4. "Land" means the same as defined in Section 6 of this title,
16 but shall not include oil, gas, other minerals, or any interest
17 therein.

18 B. No alien, foreign government adversary, or any person who is
19 not a citizen of the United States shall acquire title to or own
20 land in this state either directly or indirectly through a business
21 entity, ~~or~~ trust, or foreign government adversary enterprise, except
22 as hereinafter provided, but ~~he or she~~ they shall have and enjoy in
23 this state such rights as to personal property as are, or shall be,
24 accorded a citizen of the United States under the laws of the nation

1 to which such alien belongs, or by the treaties of such nation with
2 the United States, except as the same may be affected by the
3 provisions of Section 121 et seq. of this title or the Constitution
4 of this state. Provided, however, the requirements of this
5 subsection shall not apply to a business entity that is engaged in
6 regulated interstate commerce in accordance with federal law.

7 B. C. On or after ~~the effective date of this act~~ November 1,
8 2023, any deed recorded with a county clerk shall include as an
9 exhibit to the deed an affidavit executed by the person, the
10 person's attorney-in-fact, a court-appointed guardian or personal
11 representative, an authorized officer of the ~~or~~ entity, or trustee
12 of the trust coming into title attesting that the person, business
13 entity, or trust is obtaining the land in compliance with the
14 requirements of this section and that no funding source is being
15 used in the sale or transfer in violation of this section or any
16 other state or federal law. A county clerk shall not accept and
17 record any deed without an affidavit as required by this section
18 which is duly notarized pursuant to Title 49 of the Oklahoma
19 Statutes. The requirements of this subsection shall not apply to a:

- 20 1. Deed which, without additional consideration, confirms,
21 corrects, modifies, or supplements a deed previously recorded;
22 2. Deed made by a grantor to cure a defect in title or
23 effectuate a disclaimer of interest in real property;
24

1 3. Transfer-on-death deed made by a grantor designating a
2 grantee beneficiary pursuant to the Nontestamentary Transfer of
3 Property Act, Section 1251 et seq. of Title 58 of the Oklahoma
4 Statutes;

5 4. State or federal court order in an action to quiet title or
6 to cure a defect in title;

7 5. State or federal court order or decree in probate,
8 partition, quiet title, and divorce actions;

9 6. Deed which secures a debt or other obligation, or which
10 releases such property as security for a debt or other obligation;

11 7. Deed of dedication to the public; or

12 8. Deed in favor of the United States or any of its political
13 subdivisions, a state or any of its political subdivisions, or a
14 tribe.

15 The applicable exemption shall be shown on the face of the deed
16 prior to the recording of the deed and no affidavit shall be
17 required.

18 D. The Attorney General shall promulgate a separate affidavit
19 form for individuals and for business entities or trusts to comply
20 with the requirements of this section, ~~with the exception of those~~
21 ~~deeds.~~ The Attorney General may establish additional exemptions
22 which the Attorney General deems necessary ~~when promulgating the~~
23 ~~affidavit form~~ to substantially comply with the requirements of this
24 section. The county clerk may accept an affidavit in substantial

1 compliance with the affidavit form promulgated by the Attorney

2 General.

3 SECTION 2. This act shall become effective November 1, 2024.

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