

1 **SENATE FLOOR VERSION**

2 February 27, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1705

6 By: Howard and Bullard of the
7 Senate

8 and

9 Hays of the House

10 An Act relating to alien ownership of land; amending
11 60 O.S. 2021, Sections 121, as amended by Section 1,
12 Chapter 327, O.S.L. 2023, and 122 (60 O.S. Supp.
13 2023, Section 121), which relate to prohibition of
14 alien ownership of land; defining terms; adding
15 entities prohibited from certain ownership; updating
16 statutory reference; adding persons authorized to
17 execute certain affidavit; requiring notarization of
18 certain document; providing exemptions to certain
19 requirements; requiring inclusion of specific
20 exemption on recorded deed; authorizing Attorney
21 General to establish additional exemptions; allowing
22 substantial compliance to certain form requirements;
23 defining terms; updating statutory language; making
24 language gender neutral; 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:

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

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

5 2. "Foreign government" means a government other than the
6 federal government of the United States, the government of any
7 state, political subdivision of the state, tribe, territory, or
8 possession of the United States;

9 3. "Foreign government enterprise" means a business entity,
10 sovereign wealth fund, or state-backed investment fund in which a
11 foreign government holds a controlling interest; and

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

15 B. No alien, foreign government, or any person who is not a
16 citizen of the United States shall acquire title to or own land in
17 this state either directly or indirectly through a business entity,
18 ~~or~~ trust, or foreign government enterprise, except as hereinafter
19 provided, but ~~he or she~~ they shall have and enjoy in this state such
20 rights as to personal property as are, or shall be, accorded a
21 citizen of the United States under the laws of the nation to which
22 such alien belongs, or by the treaties of such nation with the
23 United States, except as the same may be affected by the provisions
24 of Section 121 et seq. of this title or the Constitution of this

1 state. Provided, however, the requirements of this subsection shall
2 not apply to a business entity that is engaged in regulated
3 interstate commerce in accordance with federal law.

4 ~~B.~~ C. On or after ~~the effective date of this act~~ November 1,
5 2023, any deed recorded with a county clerk shall include as an
6 exhibit to the deed an affidavit executed by the person, the
7 person's attorney-in-fact, a court-appointed guardian or personal
8 representative, an authorized officer of the ~~or~~ entity, or trustee
9 of the trust coming into title attesting that the person, business
10 entity, or trust is obtaining the land in compliance with the
11 requirements of this section and that no funding source is being
12 used in the sale or transfer in violation of this section or any
13 other state or federal law. A county clerk shall not accept and
14 record any deed without an affidavit as required by this section
15 which is duly notarized pursuant to Title 49 of the Oklahoma
16 Statutes. The requirements of this subsection shall not apply to a:

17 1. Deed which, without additional consideration, confirms,
18 corrects, modifies, or supplements a deed previously recorded;

19 2. Deed made by a grantor to cure a defect in title or
20 effectuate a disclaimer of interest in real property;

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

- 1 4. State or federal court order in an action to quiet title or
2 to cure a defect in title;
- 3 5. State or federal court order or decree in probate,
4 partition, quiet title, and divorce actions;
- 5 6. Deed which secures a debt or other obligation, or which
6 releases such property as security for a debt or other obligation;
- 7 7. Deed of dedication to the public; or
- 8 8. Deed in favor of the United States or any of its political
9 subdivisions, a state or any of its political subdivisions, or a
10 tribe.

11 The applicable exemption shall be shown on the face of the deed
12 prior to the recording of the deed and no affidavit shall be
13 required.

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

23 SECTION 2. AMENDATORY 60 O.S. 2021, Section 122, is
24 amended to read as follows:

1 Section 122. A. For purposes of this section:

2 1. "Bona fide resident" shall be a lawful permanent resident of
3 the United States; and

4 2. "Lawful permanent resident" means a foreign national who has
5 been granted the right to reside permanently in the United States.

6 B. This article shall not apply to lands now owned in this
7 state by aliens so long as they are held by the present owners, nor
8 to any alien who is or shall take up bona fide residence in this
9 state: and any alien who is or shall become a bona fide resident of
10 ~~the State of Oklahoma~~ this state shall have the right to acquire and
11 hold lands in this state upon the same terms as citizens of ~~the~~
12 ~~State of Oklahoma~~ this state during the continuance of such bona
13 fide residence of such alien in this state: ~~Provided~~ provided, that
14 if any such resident alien shall cease to be a bona fide inhabitant
15 of this state, such alien shall have five (5) years from the time he
16 or she ceased to be such bona fide resident in which to alienate
17 such lands.

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

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
20 February 27, 2024 - DO PASS AS AMENDED BY CS