

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 28, 2024

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB1705

By: Howard, Pederson, et al. of the Senate and McCall, Hays, et al. of the House


Title: Alien ownership of land; defining terms; adding entities prohibited from certain ownership; modifying requirements for execution of certain affidavit. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute (Request #3842) be adopted.

Respectfully submitted,

SENATE CONFEREES:



Howard

Prieto



Gollinhare

Young



Woods

HOUSE CONFEREES:

Conference Committee on Agriculture

Senate Action _____ Date _____ House Action _____ Date _____

SBI705 CCR (A)
HOUSE CONFEREES

Alonso Sandoval,
Arturo

Burns, Ty

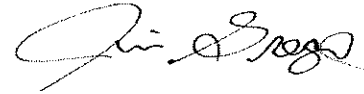
Caldwell, Trey



Fetgatter, Scott



Grego, Jim



Hardin, David

Hasenbeck, Toni



Kerbs, Dell



Lowe, Dick

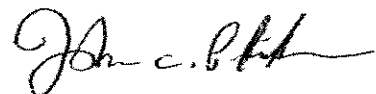
McCall, Charles



Patzkowsky, Kenton



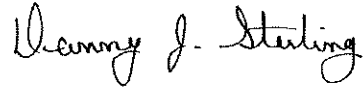
Pfeiffer, John



Pittman, Ajay

Ranson, Trish

Sterling, Danny



West, Rick



1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1705

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

6 and

7 McCall, Hays, Patzkowsky,
8 Maynard, Moore, Williams,
9 and Bashore of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to alien ownership of land; amending
12 60 O.S. 2021, Sections 121, as amended by Section 1,
13 Chapter 327, O.S.L. 2023, 124, 125, 126, and 127 (60
14 O.S. Supp. 2023, Section 121), which relate to
15 prohibition of alien ownership of land; defining
16 terms; adding entities prohibited from certain
17 ownership; providing exemption for resident aliens
18 and foreign government entities under certain
19 circumstances; removing reference to personal
20 property; adding persons authorized to execute
21 certain affidavit; requiring notarization of certain
22 document; providing exemptions to certain
23 requirements; requiring inclusion of specific
24 exemption on recorded deed; authorizing Attorney
General to establish additional exemptions; allowing
substantial compliance to certain form requirements;
changing escheatment to foreclosure for property
owned by aliens; providing order of payment for
foreclosed property owned by aliens; updating
statutory references; updating statutory language;
making language gender neutral; and providing an
effective date.

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

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

5 Section 121. A. As used in Sections 121 through 127 of this
6 title:

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

11 2. "Foreign government adversary" means a government other than
12 the federal government of the United States, the government of any
13 state, political subdivision of the state, tribe, territory, or
14 possession of the United States and designated by the United States
15 Secretary of State as hostile or a Country of Particular Concern
16 (CPC);

17 3. "Foreign government enterprise" means a business entity,
18 sovereign wealth fund, or state-backed investment fund in which a
19 foreign government adversary holds a controlling interest;

20 4. "Foreign government entity" means a government other than
21 the federal government of the United States, the government of any
22 state, political subdivision of the state, tribe, territory, or
23 possession of the United States; and
24

1 5. "Land" means the same as defined in Section 6 of this title,
2 but shall not include oil, gas, other minerals, or any interest
3 therein.

4 B. No alien or any person who is not a citizen of the United
5 States or foreign government adversary shall acquire title to or own
6 land in this state either directly or indirectly through a business
7 entity, ~~or~~ trust, or foreign government enterprise, except as
8 hereinafter provided, but ~~he or she~~ they shall have and enjoy in
9 this state such rights as to personal property as are, or shall be,
10 accorded a citizen of the United States under the laws of the nation
11 to which such alien belongs, or by the treaties of such nation with
12 the United States, except as the same may be affected by the
13 provisions of Section 121 et seq. of this title or the Constitution
14 of this state. Provided, however, the requirements of this
15 subsection shall not apply to a business entity that is engaged in
16 regulated interstate commerce or has a national security agreement
17 with the Committee on Foreign Investment in the United States
18 (CFIUS) in accordance with federal law.

19 ~~B. C.~~ C. On or after ~~the effective date of this act~~ November 1,
20 2023, any deed recorded with a county clerk shall include as an
21 exhibit to the deed an affidavit executed by the person ~~or,~~ the
22 person's attorney-in-fact, a court-appointed guardian or personal
23 representative, an authorized officer of the entity, or trustee of
24 the trust coming into title attesting that the person, business

1 entity, or trust is obtaining the land in compliance with the
2 requirements of this section and that no funding source is being
3 used in the sale or transfer in violation of this section or any
4 other state or federal law. A county clerk shall not accept and
5 record any deed without an affidavit as required by this section
6 which is duly notarized pursuant to Title 49 of the Oklahoma
7 Statutes. The requirements of this subsection shall not apply to a:

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

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

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

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

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

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

22 7. Deed of dedication to the public; or
23
24

1 8. Deed in favor of the United States or any of its political
2 subdivisions, a state or any of its political subdivisions, or a
3 tribe.

4 The applicable exemption shall be shown on the face of the deed
5 prior to the recording of the deed and no affidavit shall be
6 required.

7 D. The Attorney General shall promulgate a separate affidavit
8 form for individuals and for business entities or trusts to comply
9 with the requirements of this section, with the exception of those
10 deeds. The Attorney General may establish additional exemptions
11 which the Attorney General deems necessary when promulgating the
12 affidavit form to substantially comply with the requirements of this
13 section. The county clerk may accept an affidavit in substantial
14 compliance with the affidavit form promulgated by the Attorney
15 General.

16 SECTION 2. AMENDATORY 60 O.S. 2021, Section 124, is
17 amended to read as follows:

18 Section 124. Any alien who shall hereafter hold lands in ~~the~~
19 ~~State of Oklahoma~~ this state in contravention of the provisions of
20 this article, may nevertheless convey the fee simple title thereof
21 at any time before the institution of ~~escheat~~ foreclosure
22 proceedings as hereinafter provided. Provided, however, that if
23 any such conveyance shall be made by such alien either to an alien
24 or a citizen of the United States in trust, and for the purpose and

1 with the intention of evading the provisions of this article, or the
2 provisions of the Constitution of this state, such conveyance shall
3 be null and void, and any such lands so conveyed shall be forfeited
4 and ~~escheated to the state~~ absolutely foreclosed upon.

5 SECTION 3. AMENDATORY 60 O.S. 2021, Section 125, is
6 amended to read as follows:

7 Section 125. It shall be the duty of the Attorney General or
8 the district attorney of the county where the land is ~~situate~~
9 situated, when he or she shall be informed or have reason to believe
10 that any lands in the state are being held contrary to the
11 provisions of ~~this act~~ Section 121 et seq. of this title, or the
12 provisions of the Constitution of this state, to institute suit in
13 behalf of ~~the State of Oklahoma~~ this state in the district court of
14 the county in which ~~said~~ such lands are ~~situate~~ situated, praying
15 for the ~~escheat~~ foreclosure of the same ~~in behalf of the state, and~~
16 ~~proceed therein as in cases provided by law for escheats of lands or~~
17 ~~property where such property has no known owner:.~~ Provided, that
18 before any such suit is instituted, the Attorney General, or
19 district attorney aforesaid, as the case may be, shall give thirty
20 (30) days' notice by registered letter of his or her intention to
21 sue, directed to the owner of the lands, at his or her last-known
22 post office address or to the persons who last rendered the same for
23 taxes, or to any known agents of the owner; proof of having mailed
24

1 such registered letter shall be deemed and held prima facie evidence
2 of the giving of such notice.

3 SECTION 4. AMENDATORY 60 O.S. 2021, Section 126, is
4 amended to read as follows:

5 Section 126. In case the lands, at the time ~~escheat~~ foreclosure
6 proceedings are about to be commenced, are owned by minors, or by
7 persons of unsound mind, such notice shall be addressed to the
8 guardian of the ~~said~~ minors, or persons of unsound mind, and if
9 there is no such guardian, the Attorney General of the state, or
10 district attorney shall make application in the name of the state to
11 the court and procure the appointment of a guardian ad litem to
12 represent such minor, or person of unsound mind in such proceedings;
13 thereafter the district attorney shall direct the clerk of such
14 court to ascertain the residence or ~~postoffice~~ post office address
15 of the next of kin of such minor, or person of unsound mind, and to
16 transmit to such next of kin a copy of the petition or application
17 to ~~escheat~~ foreclose such lands, and such minor or person of unsound
18 mind shall have ninety (90) days after the mailing of such notice to
19 appear and defend the action.

20 SECTION 5. AMENDATORY 60 O.S. 2021, Section 127, is
21 amended to read as follows:

22 Section 127. If it shall be determined upon the trial of any
23 such ~~escheat~~ foreclosure proceedings that lands are held contrary to
24 the provisions of this article, or the Constitution of this state,

1 the court trying ~~said~~ such cause shall render judgment condemning
2 such lands, and order the same to be sold under the order of court,
3 at such time, terms, and conditions as to the court may seem best;
4 the proceeds of such sale, after deducting the cost of the
5 proceeding, shall be paid to any lienholders of the property if
6 applicable, then the rest shall be paid to the clerk of the court
7 rendering the judgment where the same shall remain for one (1) year
8 from the date of such payment, subject to the order of the alien
9 owner of such lands, his or her heirs and legal representatives, and
10 if not claimed within the period of one (1) year, such clerk shall
11 pay the same into the ~~treasury of the state~~ State Treasury for the
12 benefit of the available school fund of the ~~State~~ state. Provided,
13 that when any money shall have been paid to the State Treasurer as
14 hereinabove provided, an alien or his or her heirs may procure the
15 same to be returned by applying for and procuring an order from the
16 court condemning the property showing that such judgment ~~escheating~~
17 ~~said~~ foreclosing the property was procured by fraud, or mistake, or
18 that there was material irregularity in the proceedings; this
19 application, however, must be made within two (2) years from the
20 date such monies were turned over into the State Treasury; and in no
21 event shall the state be liable or called on to refund any further
22 sum than the actual cash transmitted and delivered to such
23 Treasurer~~+~~. Provided, further, that the defendant in such ~~escheat~~
24 foreclosure proceedings may at any time before final judgment

1 suggest and prove to the court, that he or she has conformed to, or
2 complied with the law, under and by which ~~they~~ he or she will be
3 entitled to hold such estate; which, it being admitted or proved,
4 ~~said the~~ suit shall be dismissed on payment by defendant of the
5 costs and reasonable ~~attorney's~~ attorney fees, to be fixed by the
6 court.

7 SECTION 6. This act shall become effective November 1, 2024.

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