

FLOOR 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

Adopted: _____

Amendment submitted by: Charles McCall _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1705

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

6 and

7 McCall and Hays of the
8 House

9
10 FLOOR 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; updating statutory reference; adding
21 persons authorized to execute certain affidavit;
22 requiring notarization of certain document; providing
23 exemptions to certain requirements; requiring
24 inclusion of specific exemption on recorded deed;
authorizing Attorney General to establish additional
exemptions; allowing substantial compliance to
certain form requirements; updating statutory
language; changing escheatment to foreclosure for
property owned by aliens; providing order of payment
for foreclosed property owned by aliens; and
providing an effective date.

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

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

4 Section 121. A. ~~No alien or any person who is not a citizen of~~
5 ~~the United States shall acquire title to or own land in this state~~
6 ~~either directly or indirectly through a business entity or, trust,~~
7 ~~except as hereinafter provided, but he or she shall have and enjoy~~
8 ~~in this state such rights as to personal property as are, or shall~~
9 ~~be, accorded a citizen of the United States under the laws of the~~
10 ~~nation to which such alien belongs, or by the treaties of such~~
11 ~~nation with the United States, except as the same may be affected by~~
12 ~~the provisions of Section 121 et seq. of this title or the~~
13 ~~Constitution of this state. Provided, however, the requirements of~~
14 ~~this subsection shall not apply to a business entity that is engaged~~
15 ~~in regulated interstate commerce in accordance with federal law. As~~
16 ~~used in Sections 121 through 127 of this title:~~

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

21 2. "Foreign government adversary" means a government other than
22 the federal government of the United States, the government of any
23 state, political subdivision of the state, tribe, territory, or
24 possession of the United States and designated by the United States

1 Secretary of State as hostile or a Country of Particular Concern
2 (CPC);

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

6 4. "Foreign government entity" 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

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

13 B. No foreign government adversary shall be authorized to hold
14 title to real property located in the State of Oklahoma under any
15 circumstances.

16 C. An alien who is a resident of Oklahoma or a foreign
17 government entity domiciled in Oklahoma may hold title to real
18 property in this state if the Oklahoma resident or entity organized
19 under the law of the United States or any state of the United States
20 would be allowed to hold title to real property as provided by the
21 laws of the applicable foreign county.

22 D. On or after ~~the effective date of this act~~ November 1, 2023,
23 any deed recorded with a county clerk shall include as an exhibit to
24 the deed an affidavit executed by the person ~~or,~~ the person's

1 attorney-in-fact, a court-appointed guardian or personal
2 representative, an authorized officer of the entity, or trustee of
3 the trust coming into title attesting that the person, business
4 entity, or trust is obtaining the land in compliance with the
5 requirements of this section and that no funding source is being
6 used in the sale or transfer in violation of this section or any
7 other state or federal law. A county clerk shall not accept and
8 record any deed without an affidavit as required by this section
9 which is duly notarized pursuant to Title 49 of the Oklahoma
10 Statutes. The requirements of this subsection shall not apply to a:
11 1. Deed which, without additional consideration, confirms,
12 corrects, modifies, or supplements a deed previously recorded;
13 2. Deed made by a grantor to cure a defect in title or
14 effectuate a disclaimer of interest in real property;
15 3. Transfer-on-death deed made by a grantor designating a
16 grantee beneficiary pursuant to the Nontestamentary Transfer of
17 Property Act, Section 1251 et seq. of Title 58 of the Oklahoma
18 Statutes;
19 4. State or federal court order in an action to quiet title or
20 to cure a defect in title;
21 5. State or federal court order or decree in probate,
22 partition, quiet title, and divorce actions;
23 6. Deed which secures a debt or other obligation, or which
24 releases such property as security for a debt or other obligation;

1 7. Deed of dedication to the public; or

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

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

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

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

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

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

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

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

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

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

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

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8 59-2-11053 JL 04/24/24
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