

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 2

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1705 by substituting the attached floor substitute (Request # 3650) for the title, enacting clause, and entire body of the measure.

Submitted by:

Brent Howard
Senator Howard

I hereby grant permission for the floor substitute to be adopted.

Brent Howard
Senator Howard, Chair (required)

[Signature]
Senator Gollihare

Mary B Boren
Senator Boren

Senator Brooks

[Signature]
Senator Bullard
Julie Daniels
Senator Daniels

Senator Treat, President Pro Tempore

Senator Floyd
[Signature]
Senator Hall

[Signature]
Senator Jech

Senator Standridge
[Signature]
Senator Stewart

Senator Weaver

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Howard-TEK-FS-SB1705
3/11/2024 5:15 PM

(Floor Amendments Only)

Date and Time Filed: 3-12-24 9:31am

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1705

By: Howard, Bullard, and
Pederson of the Senate

6 and

7 Hays of the House
8
9

10 FLOOR SUBSTITUTE

11 An Act relating to alien ownership of land; amending
12 60 O.S. 2021, Section 121, as amended by Section 1,
13 Chapter 327, O.S.L. 2023 (60 O.S. Supp. 2023, Section
14 121), which relates to prohibition of alien ownership
15 of land; defining terms; adding entities prohibited
16 from certain ownership; updating statutory reference;
17 adding persons authorized to execute certain
18 affidavit; requiring notarization of certain
19 document; providing exemptions to certain
20 requirements; requiring inclusion of specific
21 exemption on recorded deed; authorizing Attorney
22 General to establish additional exemptions; allowing
23 substantial compliance to certain form requirements;
24 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" means a government other than the
7 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;

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

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

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

1 of Section 121 et seq. of this title or the Constitution of this
2 state. Provided, however, the requirements of this subsection shall
3 not apply to a business entity that is engaged in regulated
4 interstate commerce in accordance with federal law.

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

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

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

22 3. Transfer-on-death deed made by a grantor designating a
23 grantee beneficiary pursuant to the Nontestamentary Transfer of
24

1 Property Act, Section 1251 et seq. of Title 58 of the Oklahoma
2 Statutes;

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

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

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

9 7. Deed of dedication to the public; or

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

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

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

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

59-2-3650 TEK 3/12/2024 9:58:27 AM