

1 ENGROSSED SENATE
2 BILL NO. 1705

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

3 and

4 Hays of the House

5
6 An Act relating to alien ownership of land; amending
7 60 O.S. 2021, Section 121, as amended by Section 1,
8 Chapter 327, O.S.L. 2023 (60 O.S. Supp. 2023, Section
9 121), which relates to prohibition of alien ownership
10 of land; defining terms; adding entities prohibited
11 from certain ownership; updating statutory reference;
12 adding persons authorized to execute certain
13 affidavit; requiring notarization of certain
14 document; providing exemptions to certain
15 requirements; requiring inclusion of specific
16 exemption on recorded deed; authorizing Attorney
17 General to establish additional exemptions; allowing
18 substantial compliance to certain form requirements;
19 updating statutory language; and providing an
20 effective date.

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

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

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

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

1 2. "Foreign government" means a government other than the
2 federal government of the United States, the government of any
3 state, political subdivision of the state, tribe, territory, or
4 possession of the United States;

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

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

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

1 B. C. On or after ~~the effective date of this act~~ November 1,
2 2023, any deed recorded with a county clerk shall include as an
3 exhibit to the deed an affidavit executed by the person, the
4 person's attorney-in-fact, a court-appointed guardian or personal
5 representative, an authorized officer of the ~~or~~ entity, or trustee
6 of the trust coming into title attesting that the person, business
7 entity, or trust is obtaining the land in compliance with the
8 requirements of this section and that no funding source is being
9 used in the sale or transfer in violation of this section or any
10 other state or federal law. A county clerk shall not accept and
11 record any deed without an affidavit as required by this section
12 which is duly notarized pursuant to Title 49 of the Oklahoma
13 Statutes. The requirements of this subsection shall not apply to a:
14 1. Deed which, without additional consideration, confirms,
15 corrects, modifies, or supplements a deed previously recorded;
16 2. Deed made by a grantor to cure a defect in title or
17 effectuate a disclaimer of interest in real property;
18 3. Transfer-on-death deed made by a grantor designating a
19 grantee beneficiary pursuant to the Nontestamentary Transfer of
20 Property Act, Section 1251 et seq. of Title 58 of the Oklahoma
21 Statutes;
22 4. State or federal court order in an action to quiet title or
23 to cure a defect in title;
24

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

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

5 7. Deed of dedication to the public; or

6 8. Deed in favor of the United States or any of its political
7 subdivisions, a state or any of its political subdivisions, or a
8 tribe.

9 5 The applicable exemption shall be shown on the face of the deed
10 prior to the recording of the deed and no affidavit shall be
11 required.

12 D. The Attorney General shall promulgate a separate affidavit
13 form for individuals and for business entities or trusts to comply
14 with the requirements of this section, ~~with the exception of those~~
15 ~~deeds.~~ The Attorney General may establish additional exemptions
16 which the Attorney General deems necessary ~~when promulgating the~~
17 ~~affidavit form~~ to substantially comply with the requirements of this
18 section. 6

19 The county clerk may accept an affidavit in substantial
20 compliance with the affidavit form promulgated by the Attorney
21 General.

22 SECTION 2. This act shall become effective November 1, 2024.
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Passed the Senate the 14th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2024.

Presiding Officer of the House
of Representatives