

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 212

By: Bullard

AS INTRODUCED

An Act relating to property; amending 60 O.S. 2021, Sections 121, 122, and 125, which relate to alien ownership of land; prohibiting certain ownership of land through business entity or trust; providing exception for certain business entities; requiring inclusion of certain affidavit with recording of deed; directing Attorney General to promulgate certain affidavit forms; modifying exception to certain ownership requirements; establishing Citizen Land Ownership Unit of the Office of the Attorney General; making language gender-neutral; 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, is amended to read as follows:

Section 121. A. No alien or any person who is not a citizen of the United States shall acquire title to or own land in ~~the State of Oklahoma~~ this state either directly or indirectly through a business entity or trust, except as hereinafter provided, but he or she shall have and enjoy in ~~the State of Oklahoma~~ this state such rights as to personal property as are, or shall be accorded a citizen of the United States under the laws of the nation to which such alien

1 belongs, or by the treaties of such nation with the United States,  
2 except as the same may be affected by the provisions of ~~this act~~  
3 Section 121 et seq. of this title or the Constitution of this state.  
4 Provided, however, the requirements of this subsection shall not  
5 apply to a business entity that has legally operated in the United  
6 States for a minimum of twenty (20) years.

7 B. On or after the effective date of this act, any deed  
8 recorded with a county clerk shall include as an exhibit to the deed  
9 an affidavit executed by the person or entity coming into title  
10 attesting that the person, business entity, or trust is obtaining  
11 the land in compliance with the requirements of this section and  
12 that no funding source is being used in the sale or transfer in  
13 violation of this section or any other state or federal law. The  
14 Attorney General shall promulgate a separate affidavit form for  
15 individuals and for business entities or trusts to comply with the  
16 requirements of this section.

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

19 Section 122. This article shall not apply to lands now owned in  
20 this state by aliens so long as they are held by the present owners,  
21 nor to any alien who is or shall take up bona fide residence in this  
22 state: ~~and~~; provided, that any alien who is or shall become a bona  
23 fide resident of the State of Oklahoma, or any lawfully recognized  
24 business entity, the majority of the voting stock or equivalent

1 controlling equity interest of which is owned by one or more  
2 resident aliens, shall have the right to acquire and hold lands in  
3 this state upon the same terms as citizens of the State of Oklahoma  
4 during the continuance of such bona fide residence of such alien in  
5 this state: Provided, that if any such resident alien shall cease  
6 to be a bona fide ~~inhabitant~~ resident of this state, such alien  
7 shall have five (5) years from the time he or she ceased to be such  
8 bona fide resident in which to alienate such lands.

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

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

1 the persons who last rendered the same for taxes, or to any known  
2 agents of the owner; proof of having mailed such registered letter  
3 shall be deemed and held prima facie evidence of the giving of such  
4 notice.

5 B. There is hereby created within the Office of the Attorney  
6 General a Citizen Land Ownership Unit to enforce the provisions of  
7 this act.

8 SECTION 4. This act shall become effective November 1, 2023.

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