

# HOUSE BILL NO. 4134

February 22, 2023, Introduced by Rep. Friske and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1846 RS 66, entitled  
"Of estates in dower, by the curtesy, and general provisions  
concerning real estate,"  
by amending the title and sections 35 and 36 (MCL 554.135 and  
554.136) and by adding section 36a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 TITLE  
2 Of estates in dower, **estates** by the curtesy, and—general  
3 provisions concerning real estate, **and prohibitions on certain**  
4 **foreign acquisition or ownership of certain real estate.**

1           Sec. 35. (1) ~~Any~~ **Except as otherwise provided in section 36a,**  
 2 **an** alien may acquire and hold ~~lands,~~ **land,** or any right ~~thereto~~ or  
 3 interest ~~therein,~~ **in land,** by purchase, devise, or descent, and he  
 4 may convey, mortgage, and devise the ~~same,~~ **and if he shall die** ~~land~~  
 5 **or right or interest in land.** If an alien dies intestate, the ~~same~~  
 6 ~~shall~~ **alien's land or right or interest in land must** descend to ~~his~~  
 7 **the alien's** heirs. ~~;~~ ~~and in all cases such lands shall~~

8           (2) **Except as otherwise provided in section 36a, land or a**  
 9 **right or interest in land described in section (1) must** be held,  
 10 conveyed, mortgaged, or devised, or ~~shall~~ **must** descend in like  
 11 manner, and with like effect, as if ~~such~~ **the** alien were a native  
 12 citizen of this state ~~,~~ ~~or of~~ the United States.

13           Sec. 36. ~~The~~ **Except as otherwise provided in section 36a, the**  
 14 title to any ~~lands heretofore~~ **land** conveyed ~~shall~~ **must** not be  
 15 questioned, ~~nor~~ **or** in any manner affected, ~~by reason~~ **because** of the  
 16 alienage of any person from or through whom ~~such~~ **the** title ~~may have~~  
 17 ~~been~~ **was** derived.

18           Sec. 36a. (1) **Beginning on the effective date of the**  
 19 **amendatory act that added this section, except as otherwise**  
 20 **provided in this section, a foreign government or state-sponsored**  
 21 **enterprise, or an individual operating on behalf of a foreign**  
 22 **government or state-sponsored enterprise, shall not purchase or**  
 23 **acquire farmland in this state. A foreign government or state-**  
 24 **sponsored enterprise, or an individual operating on behalf of a**  
 25 **foreign government or state-sponsored enterprise, that owns or**  
 26 **holds farmland in this state before October 1, 2023 may continue to**  
 27 **own or hold the farmland but shall not purchase or otherwise**  
 28 **acquire additional farmland in this state.**

29           (2) Subsection (1) does not apply to acquisitions or purchases

1 of farmland in this state under a treaty of the United States.

2 (3) As used in this section:

3 (a) "Controlling interest" means direct or indirect ownership  
4 of 50% or more of an enterprise, company, or corporate entity.

5 (b) "Farmland" means land zoned for agricultural use and  
6 capable of any of the following:

7 (i) Creating agricultural crops.

8 (ii) Sustaining any of the following:

9 (A) Livestock or livestock products.

10 (B) Poultry or poultry products.

11 (C) Timber.

12 (D) Dairy or dairy products.

13 (E) Orchard or fruit productions.

14 (F) Ranching.

15 (G) Hemp production.

16 (c) "Foreign government" means a government, state, or state-  
17 controlled organization other than any of the following:

18 (i) The government of the United States.

19 (ii) The government of this state.

20 (iii) A local government of this state.

21 (iv) A local, state, or territorial government of a state or  
22 territory in the United States that is not this state.

23 (d) "Primary interest" means an interest in a company,  
24 enterprise, or corporate entity that serves the geopolitical aims  
25 of a foreign government or invests in a belligerent interest  
26 against the United States.

27 (e) "State-sponsored enterprise" means any enterprise,  
28 company, or corporate entity in which a foreign government has a  
29 primary interest or controlling interest.