

HOUSE BILL NO. 5050

September 26, 2023, Introduced by Reps. Kunse and Hall and referred to the Committee on Government Operations.

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 sections 36a and 36b.

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, **prohibitions on certain foreign**
4 **ownership of certain real estate, and the prescription of remedies.**

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~~ **that**
 5 **land or right or interest in land.** If an alien dies intestate, the
 6 ~~same shall~~ **alien's land or right or interest in land must** descend
 7 to ~~his~~ **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 subsection (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~~ **that** title ~~may~~
 17 ~~have 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, an adversarial entity shall not own,**
 21 **purchase, lease, possess, exercise control over, or otherwise**
 22 **acquire land in this state. An adversarial entity that owns,**
 23 **leases, possesses, exercises control over, or holds land in this**
 24 **state on the effective date of the amendatory act that added this**
 25 **section may continue to own, lease, possess, exercise control over,**
 26 **or hold the land but shall not purchase or otherwise acquire**
 27 **additional land in this state. An adversarial entity that owns,**
 28 **leases, possesses, exercises control over, or holds agricultural**
 29 **land in this state on the effective date of the amendatory act that**

1 added this section shall register under section 36b.

2 (2) Subsection (1) does not apply to land acquired after the
3 effective date of the amendatory act that added this section if the
4 adversarial entity sells or otherwise disposes of its interest in
5 the land no later than 60 months after the effective date of the
6 amendatory act that added this section and the land is acquired by
7 any of the following:

8 (a) Devise or descent.

9 (b) A bona fide encumbrance on land taken for security.

10 (c) A process of law in the collection of a debt, by a deed in
11 lieu of foreclosure, under a forfeiture of a contract for deed, or
12 by any procedure for the enforcement of a lien or claim on the
13 land, whether created by mortgage or otherwise.

14 (3) If a person owns, purchases, leases, possesses, exercises
15 control over, or otherwise acquires land after the effective date
16 of the amendatory act that added this section, and the person's
17 status changes so that the person becomes an adversarial entity,
18 the adversarial entity shall sell or otherwise dispose of its
19 interest in the land no later than 60 months after becoming an
20 adversarial entity.

21 (4) If an adversarial entity acquires or holds land in
22 violation of this section, the department shall report the
23 violation to the attorney general.

24 (5) On receipt of the report under subsection (4), the
25 attorney general shall do all of the following:

26 (a) Initiate an action in the circuit court of any county in
27 which the land is located.

28 (b) File notice of the pendency of the action initiated under
29 subdivision (a) with the register of deeds in each county in which

1 any of the land is located.

2 (6) In any action initiated under subsection (5), if a court
3 finds that the land at issue was acquired or held in violation of
4 this section, the court shall do both of the following:

5 (a) Enter an order declaring that the land has been acquired
6 or held in violation of this section and file a copy of that order
7 with the register of deeds in each county in which any portion of
8 the land is located.

9 (b) Declare the land escheated to this state and order the
10 sale of the land in the same manner as provided by law for the
11 foreclosure of a mortgage on real estate for default of payment.
12 The proceeds of this sale must be used to pay court costs and the
13 remaining funds, if any, must be paid to the person divested of the
14 land.

15 (7) A person that acquires or holds land in violation of this
16 section remains in violation of this section for as long as the
17 person holds an interest in the land.

18 (8) As used in this section:

19 (a) "Adversarial entity" means any of the following:

20 (i) The People's Republic of China or the Chinese Communist
21 Party.

22 (ii) Any person that has sworn an oath of loyalty to the
23 People's Republic of China or the Chinese Communist Party.

24 (iii) A governmental entity of the People's Republic of China or
25 the Chinese Communist Party.

26 (iv) Any person that has sworn an oath of loyalty to a
27 governmental entity of the People's Republic of China or the
28 Chinese Communist Party.

29 (b) "Agricultural land" means land suitable for use in farming

1 and includes any right or interest in such land.

2 (c) "Commission" means the Michigan commission of agriculture
3 and rural development.

4 (d) "Department" means the department of agriculture and rural
5 development.

6 (e) "Farming" means that term as defined in section 2 of the
7 Michigan family farm development act, 1982 PA 220, MCL 285.252.

8 (f) "Local government" means a county, city, township, or
9 village in this state.

10 Sec. 36b. (1) No later than 1 year after the effective date of
11 the amendatory act that added this section, an adversarial entity
12 that owns, leases, possesses, exercises control over, or holds
13 agricultural land in this state on the effective date of the
14 amendatory act that added this section shall register with the
15 department under this section.

16 (2) The registration must be in a form and manner prescribed
17 by the department and include, but not be limited to, all of the
18 following information:

19 (a) The name of the registrant of the agricultural land.

20 (b) If the registrant of the agricultural land is an agent,
21 trustee, or fiduciary of an adversarial entity, the name of any
22 principal for whom that agricultural land was acquired as agent,
23 trustee, or fiduciary.

24 (c) The location and number of acres of the agricultural land
25 by municipality and county.

26 (d) The date the agricultural land was acquired.

27 (3) No later than 6 months after the effective date of the
28 amendatory act that added this section, the department shall make
29 registration available electronically on the department website.

1 (4) The department shall distribute registration forms to
2 every county clerk's office in this state.

3 (5) As used in this section:

4 (a) "Adversarial entity" means any of the following:

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6 Party.

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8 People's Republic of China or the Chinese Communist Party.

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19 Michigan family farm development act, 1982 PA 220, MCL 285.252.