

Representative Kay J. Christofferson proposes the following substitute bill:

FOREIGN GOVERNMENT LAND POSSESSION

REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses foreign government real property interests.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a foreign government or an entity under a foreign government's control from holding an interest in real property in the state; and
- ▶ provides that a foreign government's interest in real property escheats to the state after a specified time.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

57-30-101, Utah Code Annotated 1953

57-30-201, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **57-30-101** is enacted to read:

CHAPTER 30. FOREIGN GOVERNMENT REAL PROPERTY INTERESTS

Part 1. General Provisions

57-30-101. Definitions.

As used in this chapter:

(1) (a) "Controlling interest" means the possession of the power to direct or cause the direction of the management and policies of an entity through ownership of voting shares, by contract, or through foreign government policy, law, or regulation.

(b) "Controlling interest" includes:

(i) ownership or control of more than 50% of all issued stock, issued voting stock, or the total votes allocated to the issued stock; or

(ii) holding a majority interest in an entity.

(2) "Foreign government" means a government other than the government of:

(a) the United States;

(b) a state or political subdivision within the United States;

(c) a territory or possession of the United States; or

(d) a sovereign tribal nation.

(3) (a) "Real property" means, except as provided in Subsection (3)(c), real property located within the state.

(b) "Real property" includes minerals or water located in, on, or under real property.

(c) "Real property" does not include real property located within the state that is owned, controlled, or held in trust by the federal government.

Section 2. Section **57-30-201** is enacted to read:

Part 2. Foreign Government Real Property Interests

57-30-201. Prohibition on foreign governments holding an interest in real property -- Alienate interest -- Escheat.

(1) (a) Except as provided in Subsection (3), a foreign government, or an entity in which a foreign government holds a controlling interest, may not purchase, acquire, lease, or hold any interest in real property.

57 (b) A transfer of an interest in violation of Subsection (1)(a) is void.

58 (2) (a) A foreign government that acquires an interest in real property on or after May
59 3, 2023, by grant, gift, donation, devise, or bequest, or as a security for indebtedness shall
60 alienate the interest within three years after the date of acquisition.

61 (b) If a foreign government fails to alienate an interest in accordance with Subsection
62 (2)(a), the interest escheats to the state.

63 (3) (a) Subsection (1) does not apply to an interest held in real property before May 3,
64 2023.

65 (b) This section is subject to a treaty between the United States and another country.