

STATE LAND PURCHASE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill deals with land conveyances to restricted foreign entities in the state.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the definition of restricted foreign entity to prevent the following entities

from obtaining an interest in land in the state:

- an entity that is owned or directly controlled by the government of China, Iran, North Korea, or Russia; and

- an entity in which a restricted foreign entity owns a majority interest;

- ▶ requires that a restricted foreign entity alienate any interest in the state within one year;

- ▶ requires that the Department of Public Safety:

- maintain a publicly available list of restricted foreign entities;

- create a process for reporting a land conveyance to a restricted foreign entity;

- provide an annual notice regarding restricted foreign entities to each county auditor in the state; and

- investigate any conveyance to a restricted foreign entity;

- ▶ describes the duties of a county recorder in relation to restricted foreign entities; and

- ▶ provides the Division of Facilities Construction and Management authority to sell



28 an interest in land that a restricted foreign entity fails to timely alienate.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53-1-106**, as last amended by Laws of Utah 2023, Chapters 328, 447

36 **63L-13-101**, as enacted by Laws of Utah 2023, Chapter 61

37 **63L-13-201**, as enacted by Laws of Utah 2023, Chapter 61

38 **63L-13-202**, as enacted by Laws of Utah 2023, Chapter 61



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

41 Section 1. Section **53-1-106** is amended to read:

42 **53-1-106. Department duties -- Powers.**

43 (1) In addition to the responsibilities contained in this title, the department shall:

44 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
45 Code, including:

46 (i) setting performance standards for towing companies to be used by the department,
47 as required by Section **41-6a-1406**; and

48 (ii) advising the Department of Transportation regarding the safe design and operation
49 of school buses, as required by Section **41-6a-1304**;

50 (b) make rules to establish and clarify standards pertaining to the curriculum and
51 teaching methods of a motor vehicle accident prevention course under Section **31A-19a-211**;

52 (c) aid in enforcement efforts to combat drug trafficking;

53 (d) meet with the Division of Technology Services to formulate contracts, establish
54 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

55 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
56 Victims of Crime in conducting research or monitoring victims' programs, as required by
57 Section **63M-7-505**;

58 (f) develop sexual assault exam protocol standards in conjunction with the Utah

59 Hospital Association;

60 (g) engage in emergency planning activities, including preparation of policy and
61 procedure and rulemaking necessary for implementation of the federal Emergency Planning
62 and Community Right to Know Act of 1986, as required by Section 53-2a-702;

63 (h) implement the provisions of Section 53-2a-402, the Emergency Management
64 Assistance Compact;

65 (i) ensure that any training or certification required of a public official or public
66 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
67 22, State Training and Certification Requirements, if the training or certification is required:

68 (i) under this title;

69 (ii) by the department; or

70 (iii) by an agency or division within the department;

71 (j) employ a law enforcement officer as a public safety liaison to be housed at the State
72 Board of Education who shall work with the State Board of Education to:

73 (i) support training with relevant state agencies for school resource officers as
74 described in Section 53G-8-702;

75 (ii) coordinate the creation of model policies and memorandums of understanding for a
76 local education agency and a local law enforcement agency; and

77 (iii) ensure cooperation between relevant state agencies, a local education agency, and
78 a local law enforcement agency to foster compliance with disciplinary related statutory
79 provisions, including Sections 53E-3-516 and 53G-8-211;

80 (k) provide for the security and protection of public officials, public officials' staff, and
81 the capitol hill complex in accordance with the provisions of this part; [~~and~~]

82 (l) fulfill the duties described in Sections 77-36-2.1 and 78B-7-120 related to lethality
83 assessments[-]; and

84 (m) fulfill the duties described in Section 63L-13-201 related to restricted foreign
85 entities.

86 (2) (a) The department shall establish a schedule of fees as required or allowed in this
87 title for services provided by the department.

88 (b) All fees not established in statute shall be established in accordance with Section
89 63J-1-504.

90 (3) The department may establish or contract for the establishment of an Organ
91 Procurement Donor Registry in accordance with Section 26B-8-319.

92 Section 2. Section 63L-13-101 is amended to read:

93 **63L-13-101. Definitions.**

94 As used in this chapter:

95 (1) "Interest in land" means any right, title, lien, claim, interest, or estate with respect to
96 land.

97 (2) (a) "Land" means all real property within the state.

98 (b) "Land" includes:

99 (i) agricultural land, as defined in Section 4-46-102;

100 (ii) land owned or controlled by a political subdivision;

101 (iii) land owned or controlled by a school district;

102 (iv) non-federal land, as defined in Section 9-9-402;

103 (v) private land;

104 (vi) public land;

105 (vii) state land, as defined in Subsection 9-9-402(14)(a);

106 (viii) waters of the state, as defined in Subsection 19-5-102(23)(a); and

107 (ix) subsurface land.

108 (c) "Land" does not include real property that is owned, controlled, or held in trust by
109 the federal government.

110 (3) "Land conveyance" means the transfer of any interest in land from one party to
111 another.

112 [~~3~~] (4) "Restricted foreign entity" means:

113 (a) a company that the United States Secretary of Defense is required to identify and
114 report as a military company under Section 1260H of the William M. (Mac) Thornberry
115 National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283;

116 (b) an entity that is owned or directly controlled by the government of China, Iran,
117 North Korea, or Russia;

118 (c) an affiliate, subsidiary, or holding company of ~~H~~→ [a-company] an entity ←~~H~~
118a described in Subsection

119 [~~3~~](~~a~~) (4)(a) or (b);

120 [~~e~~] (d) a country with a commercial or defense industrial base of which [a-company]

121 an entity described in Subsection ~~[(3)(a) or (b)]~~ (4)(a), (b), or (c) is a part;
 122 ~~[(4)]~~ (e) a state, province, region, prefecture, subdivision, or municipality of a country
 123 described in Subsection ~~[(3)(c); and]~~ (4)(d);
 124 ~~[(e)]~~ (f) an agency, bureau, committee, or department of a country described in
 125 Subsection ~~[(3)(c);]~~ (4)(d); or
 126 (g) any entity in which any entity described in Subsections (4)(a) through (f) maintains
 127 at least a 51% ownership interest.

128 Section 3. Section **63L-13-201** is amended to read:

129 **63L-13-201. Acquisition of land prohibited -- Exceptions -- Enforcement.**

130 (1) As used in this section, "department" means the Department of Public Safety
 131 created under Section [53-1-103](#).

132 ~~[(1)]~~ (2) Subject to Subsection ~~[(2)]~~ (3) and Section [63L-13-202](#), a restricted foreign
 133 entity may not acquire an interest in land in this state.

134 ~~[(2) Subsection (1) does not apply to an interest in land that a restricted foreign entity~~
 135 ~~acquired before May 3, 2023:]~~

136 ~~[(a) by purchase, grant, gift, donation, devise, or bequest;]~~

137 ~~[(b) as security for the repayment of a debt; or]~~

138 ~~[(c) as a party to a contract for the transfer or conveyance of an interest in land to the~~
 139 ~~restricted foreign entity.]~~

140 ~~[(3) A deed or other written instrument, other than in probate, purporting to convey an~~
 141 ~~interest in land to a restricted foreign entity in violation of Subsection (1) is invalid.]~~

142 (3) A restricted foreign entity that, in violation of Subsection (2), obtains an interest in
 143 land shall alienate the interest in accordance with Section [63L-13-202](#).

144 (4) The department shall:

145 (a) maintain a publicly available list of restricted foreign entities;

146 (b) create a process by which a county recorder may report a land conveyance the
 147 county recorder suspects is prohibited under this section;

148 (c) provide an annual notice to each county recorder in the state that includes:

149 (i) instruction on how to identify a restricted foreign entity;

150 (ii) the process by which a county recorder may report to the department a land
 151 conveyance the county recorder suspects is prohibited under this section; and

152 (iii) any additional information the department deems necessary;
 153 (d) investigate the validity of each land conveyance a county recorder reports under this
 154 section;
 155 (e) when, after investigation, the department determines that a land conveyance
 156 violates this section:
 157 (i) give notice to the restricted foreign entity that:
 158 (A) the land conveyance violates this section; and
 159 (B) Section 63L-13-202 requires the restricted foreign entity to alienate the restricted
 160 foreign entity's interest in the land within one year or the Division of Facilities Construction
 161 and Management will sell the interest in accordance with Subsection 63L-13-202(3); and
 162 (ii) notify the county recorder of the county in which the land is located of the land
 163 conveyance; and
 164 (f) coordinate with the Division of Facilities Construction and Management to facilitate
 165 a sale of the interest in land as described in Section 63L-13-202.
 166 (5) A county recorder:
 167 (a) is not liable for $\hat{H} \rightarrow$ [recording] $\leftarrow \hat{H}$ a conveyance to a restricted foreign entity $\hat{H} \rightarrow$ [; if
 167a an entity
 168 does not appear on the department's list described in Subsection (4)(a)] $\leftarrow \hat{H}$; and
 169 (b) shall, upon notice from the department under Subsection (4)(e)(ii), create a $\hat{H} \rightarrow$ public
 169a $\leftarrow \hat{H}$ record
 170 of each violation of this section.
 171 Section 4. Section 63L-13-202 is amended to read:
 172 **63L-13-202. Alienate within one year -- Sale of property.**
 173 (1) $\hat{H} \rightarrow$ **(a) $\leftarrow \hat{H}$** A restricted foreign entity that acquires an interest in land on or after [May
 173a 3, 2023,
 174 by grant, gift, donation, devise, or bequest] May 1, 2024, shall alienate the interest within [five
 175 years] one year after the date of acquisition.
 175a $\hat{H} \rightarrow$ **(b) A restricted foreign entity that acquired an interest in land before May 1, 2024, shall**
 175b **alienate the interest on or before May 1, 2025. $\leftarrow \hat{H}$**
 176 (2) If a restricted foreign entity fails to alienate an interest in land [~~in accordance with~~
 177 ~~Subsection (1), the interest escheats to the state.~~] as described in Subsection (1), the Division of
 178 Facilities Construction and Management shall sell the interest in land in accordance with
 179 Subsection (3).
 180 (3) The Division of Facilities Construction and Management shall sell an interest in
 181 land described in Subsection (2):
 182 (a) at public auction;

- 183 (b) when practicable, in the city, town, or precinct where the land is located;
 184 (c) the day after the one year time period described in Subsection (1) elapses, but not
 185 longer than one year after the day on which the time period in Subsection (1) elapses;
 186 (d) after publication of the date, time, and place of sale:
 187 (i) in a newspaper having general circulation in the county, once in each of the two
 188 successive weeks immediately preceding the date of the sale; and
 189 (ii) in accordance with Section [45-1-101](#) for the two weeks immediately preceding the
 190 date of the sale; and
 191 (e) after notification, sent by certified mail at least 10 days before the first date of
 192 publication described in Subsection (3)(d), to:
 193 (i) the restricted foreign entity;
 194 (ii) all lien holders of record; and
 195 (iii) any other person known to have an interest in the land.
- 195a **Ĥ→ (4) If a political subdivision sold an interest in land described in Subsection (2) to the**
 195b **restricted foreign entity, the political subdivision has a right of first refusal before the sale**
 195c **described in Subsection (3).** ←Ĥ
- 195a **Ĥ→ [~~(4)~~] (5) After the sale of the interest in land described in Subsection (3), the Division of**
 195b **Facilities Construction and Management shall submit to the county recorder for recording**
 195c **notice of a sale described in this section.** ←Ĥ
- 196 **Ĥ→ [~~(4)~~] [~~(5)~~] (6) ←Ĥ Proceeds from a sale under Subsection (3) shall:**
 197 **(a) satisfy any outstanding liens on the interest in land; and**
 198 **(b) after satisfying any outstanding liens, be deposited into the General Fund.**
- 199 **Section 5. Effective date.**
 200 This bill takes effect on May 1, 2024.