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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 7, 2024

Subject: SB 446 – Prohibiting ownership of land of 3 acres or more by foreign individuals and entities and establishing the State Land Council to review and grant exemptions from such prohibition.

Senate Bill No. 446 (SB 446) would generally prohibit any individual who is not a United State citizen or a permanent lawful resident of the United States and any other entity that is owned by, controlled by, or subject to the jurisdiction or direction of a foreign government from holding any interest in a parcel of real property in Kansas that is at least 3 acres. An interest in real property includes ownership, rights to oil, gas, minerals, or water on such property, and any right to possess or use the property under a lease that has a term of 2 years or more.

Under the bill, interests that were acquired prior to July 1, 2024, would be exempted. A person may sell their interest in real property but cannot sell or transfer that interest to a person owned by, controlled by or subject to the jurisdiction or direction of a foreign government. Also, if a person acquires such property after July 1, 2024, by inheritance, then the person must divest their interest within 12 months. Any violations of the Act are subject to enforcement by the Attorney General, including civil forfeiture of the real property in question.

SB 446 also establishes the State Land Council for the purpose of reviewing potential violations of the Act and granting exemptions from the general prohibition. The State Land Council would consist of: The Attorney General; the Adjutant General; the Governor; the Secretary of State; and the Director of the Kansas Bureau of Investigation. A person generally prohibited from acquiring an interest in real property under the Act, may apply to the State Land Council for an exemption.

If enacted, SB 446 would become effective on July 1, 2024.