

SENATE BILL No. 446

By Committee on Federal and State Affairs

2-2

1 AN ACT concerning real property; relating to certain lands; prohibiting the
2 acquisition of ownership interests in such lands by foreign nationals,
3 foreign businesses and foreign governments unless authorized by the
4 state land council; creating the state land council and providing for its
5 membership, powers and duties; amending K.S.A. 2023 Supp. 60-4104
6 and repealing the existing section.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. As used in sections 1 through 3, and amendments
10 thereto:

11 (a) "Entity" means a partnership, association, trust, joint venture,
12 corporation, group, subgroup or other non-United States governmental
13 organization.

14 (b) "Interest in real property" means any:

15 (1) Ownership interest in a parcel of real property acquired by
16 purchase, gift, grant, devise, bequest or other transfer of such interest;

17 (2) ownership or other interest in any right to any oil, gas, minerals or
18 water located on or under a parcel of real property; and

19 (3) any interest or right to possess or use any parcel of real property
20 acquired by the execution of a lease, lease-purchase or any other form of
21 rental agreement with a term of two years or more.

22 (c) "Person" means an individual or entity.

23 (d) "Person owned by, controlled by or subject to the jurisdiction or
24 direction of a foreign government" means:

25 (1) Any person, wherever located, who is a citizen or resident of a
26 nation-state other than the United States, unless such person is a dual
27 citizen of the United States and another jurisdiction or a permanent lawful
28 resident of the United States;

29 (2) any entity organized under the laws of a nation-state other than
30 the United States or one of its subdivisions; or

31 (3) any entity wherever organized or doing business, that is owned or
32 controlled by a foreign government.

33 New Sec. 2. (a) No person owned by, controlled by or subject to the
34 jurisdiction or direction of a foreign government shall acquire any interest
35 in any parcel of real property located in this state that is three acres or
36 more.

1 (b) The provisions of subsection (a) shall not apply to:

2 (1) Any interest that was acquired prior to July 1, 2024; or

3 (2) any interest the acquisition of which is granted an exemption from
4 this section by the state land council pursuant to section 3, and
5 amendments thereto.

6 (c) Any person owned by, controlled by or subject to the jurisdiction
7 or direction of a foreign government may sell or convey all or any portion
8 of any interest in real property located in this state that was acquired prior
9 to July 1, 2024, but shall not sell or otherwise convey such ownership
10 interest nor lease such real property to any person owned by, controlled by
11 or subject to the jurisdiction or direction of a foreign government in
12 violation of subsection (a).

13 (d) Any person owned by, controlled by or subject to the jurisdiction
14 or direction of a foreign government who, on or after July 1, 2024, inherits
15 any interest in any parcel of real property located in this state that is three
16 acres or more in violation of subsection (a) shall divest such interest within
17 12 months after such person knows such violation has occurred. Such
18 divestiture shall be an affirmative defense to a violation of this section.

19 (e) The attorney general shall investigate any sale, transfer or other
20 conveyance of title or any other interest in real property located in this
21 state if the attorney general has reason to believe that such transaction
22 violates subsection (a).

23 (f) Real property that is the subject matter of a transaction that
24 violates this section shall be subject to forfeiture under K.S.A. 60-4101 et
25 seq., and amendments thereto.

26 New Sec. 3. (a) There is established the state land council. The
27 members of the state land council shall be the attorney general, the
28 adjutant general, the governor, the secretary of state and the director of the
29 Kansas bureau of investigation, or such members' designees.

30 (b) The state land council shall establish policies and procedures for
31 the application for an exemption from section 2, and amendments thereto,
32 and the review of such applications.

33 (c) The state land council shall meet at least once every other month
34 when any application for an exemption is pending before the council.

35 (d) Any person seeking an exemption from section 2, and
36 amendments thereto, may submit an application therefor in such form and
37 manner as prescribed by the state land council. The council shall review
38 each application and grant or deny the exemption from section 2, and
39 amendments thereto.

40 New Sec. 4. The provisions of sections 1 through 3, and amendments
41 thereto, are hereby declared severable. If any provision of sections 1
42 through 3, and amendments thereto, or the application thereof is held
43 invalid, such invalidity shall not affect any other provision of sections 1

1 through 3, and amendments thereto, that can be given effect without the
2 invalid provision.

3 Sec. 5. K.S.A. 2023 Supp. 60-4104 is hereby amended to read as
4 follows: 60-4104. Conduct and offenses giving rise to forfeiture under this
5 act, whether or not there is a prosecution or conviction related to the
6 offense, are:

7 (a) All offenses which statutorily and specifically authorize forfeiture;

8 (b) violations involving controlled substances, as described in K.S.A.
9 21-5701 through 21-5717, and amendments thereto;

10 (c) theft, as defined in K.S.A. 21-5801, and amendments thereto;

11 (d) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)
12 (1) and (a)(2), and amendments thereto;

13 (e) gambling, as defined in K.S.A. 21-6404, and amendments thereto,
14 and commercial gambling, as defined in K.S.A. 21-6406(a)(1), and
15 amendments thereto;

16 (f) counterfeiting, as defined in K.S.A. 21-5825, and amendments
17 thereto;

18 (g) unlawful possession or use of a scanning device or reencoder, as
19 described in K.S.A. 21-6108, and amendments thereto;

20 (h) medicaid fraud, as described in K.S.A. 21-5925 through 21-5934,
21 and amendments thereto;

22 (i) an act or omission occurring outside this state, which would be a
23 violation in the place of occurrence and would be described in this section
24 if the act occurred in this state, whether or not it is prosecuted in any state;

25 (j) an act or omission committed in furtherance of any act or omission
26 described in this section including any inchoate or preparatory offense,
27 whether or not there is a prosecution or conviction related to the act or
28 omission;

29 (k) any solicitation or conspiracy to commit any act or omission
30 described in this section, whether or not there is a prosecution or
31 conviction related to the act or omission;

32 (l) terrorism, as defined in K.S.A. 21-5421, and amendments thereto,
33 illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422,
34 and amendments thereto, and furtherance of terrorism or illegal use of
35 weapons of mass destruction, as described in K.S.A. 21-5423, and
36 amendments thereto;

37 (m) unlawful conduct of dog fighting and unlawful possession of dog
38 fighting paraphernalia, as defined in K.S.A. 21-6414(a) and (b), and
39 amendments thereto;

40 (n) unlawful conduct of cockfighting and unlawful possession of
41 cockfighting paraphernalia, as defined in K.S.A. 21-6417(a) and (b), and
42 amendments thereto;

43 (o) selling sexual relations, as defined in K.S.A. 21-6419, and

1 amendments thereto, promoting the sale of sexual relations, as defined in
2 K.S.A. 21-6420, and amendments thereto, and buying sexual relations, as
3 defined in K.S.A. 21-6421, and amendments thereto;

4 (p) human trafficking and aggravated human trafficking, as defined in
5 K.S.A. 21-5426, and amendments thereto;

6 (q) violations of the banking code, as described in K.S.A. 9-2012, and
7 amendments thereto;

8 (r) mistreatment of a dependent adult, as defined in K.S.A. 21-5417,
9 and amendments thereto;

10 (s) giving a worthless check, as defined in K.S.A. 21-5821, and
11 amendments thereto;

12 (t) forgery, as defined in K.S.A. 21-5823, and amendments thereto;

13 (u) making false information, as defined in K.S.A. 21-5824, and
14 amendments thereto;

15 (v) criminal use of a financial card, as defined in K.S.A. 21-5828, and
16 amendments thereto;

17 (w) unlawful acts concerning computers, as described in K.S.A. 21-
18 5839, and amendments thereto;

19 (x) identity theft and identity fraud, as defined in K.S.A. 21-6107(a)
20 and (b), and amendments thereto;

21 (y) electronic solicitation, as defined in K.S.A. 21-5509, and
22 amendments thereto;

23 (z) felony violations of fleeing or attempting to elude a police officer,
24 as described in K.S.A. 8-1568, and amendments thereto;

25 (aa) commercial sexual exploitation of a child, as defined in K.S.A.
26 21-6422, and amendments thereto;

27 (bb) violations of the Kansas racketeer influenced and corrupt
28 organization act, as described in K.S.A. 21-6329, and amendments thereto;

29 (cc) indecent solicitation of a child and aggravated indecent
30 solicitation of a child, as defined in K.S.A. 21-5508, and amendments
31 thereto;

32 (dd) sexual exploitation of a child, as defined in K.S.A. 21-5510, and
33 amendments thereto; ~~and~~

34 (ee) violation of a consumer protection order as defined in K.S.A. 21-
35 6423, and amendments thereto; *and*

36 *(ff) violation of section 2, and amendments thereto.*

37 Sec. 6. K.S.A. 2023 Supp. 60-4104 is hereby repealed.

38 Sec. 7. This act shall take effect and be in force from and after its
39 publication in the statute book.