

**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.