

**COMPARISON OF 2023 LEGISLATION PROHIBITING OWNERSHIP OF
REAL PROPERTY BY FOREIGN ENTITIES**

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September 26, 2023

Policy	Senate Bill No. 100	Senate Bill No. 283	House Bill No. 2397	S Sub for House Bill No. 2069
General Prohibition	Prohibits foreign business entities from acquiring by any means any interest in real property in Kansas.	Prohibits any person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary from acquiring by any means any interest in a parcel of real property that is at least 10 acres.	Prohibits any person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary from acquiring by any means any interest in real property.	Same as HB 2397
Limitation on conveyance of real property	A foreign business entity may sell or convey a real property interest but cannot sell or convey that interest to another foreign business entity.	A person may sell or convey a real property interest but cannot sell or convey that interest to any person that would violate the act.	Same as SB 283	Same as SB 283
Divestment of inherited real property	NOT INCLUDED	If a person inherits real property after July 1, 2023, then person must divest their ownership interest within 12 months.	Same as SB 283	Same as SB 283

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Policy	Senate Bill No. 100	Senate Bill No. 283	House Bill No. 2397	S Sub for House Bill No. 2069
Exemptions	<p>Exempts:</p> <ol style="list-style-type: none"> 1. Real property located in Johnson, Sedgwick, Shawnee, or Wyandotte Counties; and 2. Real property acquired prior to July 1, 2023. 	<p>Exempts real property acquired by:</p> <ol style="list-style-type: none"> 1. Process of law in the collection of debts; 2. Deed in lieu of foreclosure pursuant to a forfeiture of a contract for deed; or 3. Lien or claim on real property. <p>Any real property so acquired must be conveyed within 2 years.</p>	Same as SB 283	Same as SB 283, except the bill also exempts residential real property used as the owner's personal residence.
Enforcement by the Attorney General	Attorney General charged with duty to investigate conveyances of real property that may violate the act.	Same as SB 100	Same as SB 100	Same as SB 100

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Policy	Senate Bill No. 100	Senate Bill No. 283	House Bill No. 2397	S Sub for House Bill No. 2069
Penalty for violations	Violations of act: 1. Level 10, nonperson felony. 2. Real property subject to civil forfeiture under K.S.A. 60-4101 et seq.	Violation of act results in real property being subject to civil forfeiture under K.S.A. 60-4101 et seq.	Same as SB 283	Same as SB 283
Definition of “entity”	"Foreign business entity" defined as: 1. Any business entity where the majority ownership interest is held by a foreign national or foreign government; or 2. Any business entity where the majority ownership interest is held by an entity described in (1); or 3. Any agent, trustee, or fiduciary of an entity described in (1).	 “Entity” defined as any business entity. “Person” defined as any individual or entity.	Same as SB 283	Same as SB 283

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Policy	Senate Bill No. 100	Senate Bill No. 283	House Bill No. 2397	S Sub for House Bill No. 2069
Definition of “foreign government” or “foreign adversary”	“Foreign government” defined as any branch, bureau, division, department, agency, or other political subdivision of the recognized government of any nation other than the U.S., and any officer, employee, or agent of such government.	<p>“Foreign adversary” defined as any government or non-government designated as a foreign adversary pursuant to 15 C.F.R. § 7.4.</p> <p>The Secretary of Commerce has determined the following to be foreign adversaries: China; Cuba; Iran; North Korea; Russia; and the Venezuelan Maduro Regime.</p> <p>If 15 C.F.R. § 7.4 is amended, then the Kansas Sec. of Agriculture may alter the list by rules and regulations.</p>	Same as SB 283	Same as SB 283

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Policy	Senate Bill No. 100	Senate Bill No. 283	House Bill No. 2397	S Sub for House Bill No. 2069
Definition of “foreign national”	“Foreign national” defined as any individual who is not a citizen of the U.S.	<p>“Person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary” defined as:</p> <ol style="list-style-type: none"> 1. Any person, wherever located, acting as an agent, representative, or employee or at the order, request, direction, or control of a foreign adversary, or whose activities are supervised, directed, controlled, financed, or subsidized by a foreign adversary; 2. Any person, wherever located, who is a citizen or resident of a foreign adversary unless they have U.S. citizenship; 3. Any business entity organized under the laws of a foreign adversary; or 4. Any business entity owned or controlled by a foreign adversary. 	Same as SB 283	Same as SB 283

