

HOUSE BILL No. 2766

By Committee on Appropriations

Requested by Representative Croft

2-8

1 AN ACT concerning real property; relating to certain lands and military
2 installations; creating the Kansas land and military installation
3 protection act; prohibiting foreign principals from countries of concern
4 from holding any interest in certain real property in this state;
5 prohibiting foreign principals from countries of concern from receiving
6 any economic development program benefits; amending K.S.A. 2023
7 Supp. 60-4104 and repealing the existing section.
8

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

10 New Section 1. (a) Sections 1 through 7, and amendments thereto,
11 shall be known and may be cited as the Kansas land and military
12 installation protection act.

13 (b) It is declared that the purpose of this act is to protect certain real
14 property and military installations located in this state by prohibiting
15 countries of concern and any agent thereof from acquiring any interest in
16 such real property.

17 New Sec. 2. As used in sections 1 through 7, and amendments
18 thereto:

19 (a) "Attorney general" means the attorney general of the state of
20 Kansas.

21 (b) "Company" means any:

22 (1) For-profit corporation, partnership, limited partnership, limited
23 liability partnership, limited liability company, joint venture, trust,
24 association, sole proprietorship or other organization, including any:

25 (A) Subsidiary of such company, a majority ownership interest of
26 which is held by such company;

27 (B) parent company that holds a majority ownership interest of such
28 company; and

29 (C) other affiliate or business association of such company whose
30 primary purpose is to make a profit; or

31 (2) nonprofit organization.

32 (c) (1) "Country of concern" means the following:

33 (A) People's republic of China, including the Hong Kong special
34 administrative region;

35 (B) republic of Cuba;

PROPOSED AMENDMENT

House Committee on Commerce Labor
and Economic Development

Office of Revisor of Statutes

- 1 (h) "Foreign principal" means:
- 2 (1) The government or any official of the government of a country of
- 3 concern;
- 4 (2) any political party, subdivision thereof or any member of a
- 5 political party of a country of concern;
- 6 (3) any corporation, partnership, association, organization or other
- 7 combination of persons organized under the laws of or having its principal
- 8 place of business in a country of concern. "Foreign principal" includes any
- 9 subsidiary owned or wholly controlled by any such entity;
- 10 (4) any agent of or any entity otherwise under the control of a country
- 11 of concern;
- 12 (5) any individual whose residence is in a country of concern and
- 13 who is not a citizen or lawful permanent resident of the United States; or
- 14 (6) any individual, entity or combination thereof described in
- 15 paragraphs (1) through (5) that has a controlling interest in any company
- 16 formed for the purpose of holding any interest in real property.
- 17 (i) "Interest in real property" means any:
- 18 (1) Ownership interest in any parcel of real property acquired by
- 19 purchase, gift, grant, devise, bequest or other transfer of such interest;
- 20 (2) ownership or other interest in any easement or other right of
- 21 egress onto or across any parcel of real property;
- 22 (3) ownership or other interest in any right to any oil, gas, minerals or
- 23 water located on or under any parcel of real property; and
- 24 (4) any interest or right to possess or use any parcel of real property
- 25 acquired by the execution of a lease, lease-purchase or any other form of
- 26 rental agreement.
- 27 (j) "Military installation" means any land, buildings or other
- 28 structures owned or controlled by any division of the United States
- 29 department of defense, Kansas national guard or any other federal or state
- 30 agency that is critical to the safety and security of Kansas or the United
- 31 States.
- 32 (k) "Non-notified transaction" means any transaction involving
- 33 foreign investment in the United States that is not voluntarily submitted to
- 34 the committee on foreign investment in the United States for review
- 35 pursuant to 50 U.S.C. § 4565.
- 36 (l) "Real property" means any real estate located in this state except
- 37 residential real property.
- 38 (m) "Residential real property" means real property that is used
- 39 exclusively as a place of residence for human habitation.
- 40 (n) "Social and domestic tax credits" means the adoption credit
- 41 created pursuant to K.S.A. 79-32,202a, and amendments thereto, the
- 42 earned income tax credit created pursuant to K.S.A. 79-32,205, and
- 43 amendments thereto, the food sales tax credit created pursuant to K.S.A.

or any parcel not more than three acres