

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4003**

By Delegates Ridenour, Thorne, and Vance

[Introduced February 13, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 193, as amended by adding thereto a new article,  
 2 designated §37-3-1 and §37-3-2 relating to amending the law concerning ownership and  
 3 possession of real property by hostile foreign entities.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. PREVENTING HOSTILE ENTITIES FROM OWNING PROPERTY IN WEST VIRGINIA.**

**§37-3-1. Hostile foreign entities prohibited from owning property in West Virginia.**

1 Legislative Findings - The Legislature of the state of West Virginia finds that hostile foreign  
 2 entities have obtained property in the United States and the state of West Virginia for nefarious  
 3 purposes. The Legislature finds that preventing hostile foreign entities from obtaining property in  
 4 the state of West Virginia is in the public's interest.

**§37-3-2. Definitions and applicability of article.**

1 (a) Except as provided below, all aliens shall be capable of taking, by deed or will, lands  
 2 and tenements in fee simple, or other less estate, and of holding, aliening, and devising them.

3 (b) As used in this section:

4 (1) "Controlling interest" means an ownership interest of fifty percent (50%) or more, in the  
 5 aggregate;

6 (2) "Prohibited foreign-party-controlled business" means a corporation, company,  
 7 association, firm, partnership, society, joint-stock company, trust, estate, or other legal entity  
 8 whose controlling interest is owned by a prohibited foreign party; and

9 (3) A "Prohibited foreign party" means:

10 (A) A citizen or resident of a country identified in §37-3-2(b)(3)(C)(vi) below;

11 (B) A foreign government formed within a country identified in §37-3-2(b)(3)(C)(vi) below;

12 (C) Any party other than an individual or a government:

13 (i) That is created or organized under the laws of any state; and

14 (ii) In which a significant interest or substantial control is directly or indirectly held or is  
15 capable of being exercised by:

16 (I) An individual referred to in subdivision §37-3-2(b)(3)(C)(i) of this section;

17 (II) A foreign government referred to in subdivision §37-3-2(b)(3)(C)(ii) of this section;

18 (III) A party referred to in subdivision §37-3-2(b)(3)(C)(iii) of this section; or

19 (IV) A combination of the individuals, parties, or governments referred to in paragraph (C)  
20 of this section;

21 (iii) An Entity of Particular Concern designated by the United States Department of State;

22 or

23 (iv) An agent, trustee, or other fiduciary of a person or entity enumerated in §37-3-  
24 2(b)(3)(C)(i) through (iv) of this section;

25 (v) Specific entities comprising the list of prohibited foreign parties will be identified by the  
26 West Virginia Secretary of State annually, including states or entities engaging in hostilities against  
27 the United States, United States citizens or armed forces, or United States' allies; state sponsors  
28 of terrorism that have caused the deaths of United States of America citizens, and without  
29 admission and restitution or change in regime; states that align with communist or totalitarian  
30 ideologies.

31 (vi) Prohibited foreign parties include foreign governments or other foreign entities hostile  
32 to the United States or the State of West Virginia.

33 (vii) The initial list of prohibited foreign entities includes any person or entity with any  
34 association with the:

35 (I) Chinese Communist Party or the Government of the People's Republic of China, or  
36 associated entities;

37 (II) Government of Russia, or associated entities;

38 (III) Government of Belarus, or associated entities;

39 (IV) Democratic People's Republic of Korea Government, or associated entities;

- 40 (V) Socialist Republic of Vietnam Government, or associated entities;
- 41 (VI) Lao People's Democratic Republic Government, or associated entities;
- 42 (VII) Republic of Cuba Government, or associated entities;
- 43 (VIII) Government of Saudi Arabia, or associated entities;
- 44 (IX) Government of Syria, or associated entities;
- 45 (X) Government of Qatar, or associated entities;
- 46 (XI) Government of Turkey, or associated entities;
- 47 (XII) Islamic Republic of Iran Government, or associated entities;
- 48 (XIII) Government of Yemen, the Houthi movement, or associated entities;
- 49 (XIV) Government of Pakistan, or associated entities;
- 50 (XV) Current Government of Venezuela or the United Socialist Party of Venezuela, or  
51 associated entities;
- 52 (XVI) Islamic Emirate of Afghanistan or the Taliban, or associated entities;
- 53 (XVII) HAMAS or the Palestinian National Authority, or associated entities;
- 54 (XVIII) Foreign Terrorist Organizations (FTOs) as designated by the Secretary of State in  
55 accordance with section 219 of the Immigration and Nationality Act.
- 56 (c)(1) A prohibited foreign-party-controlled business shall not acquire by grant, purchase,  
57 devise, descent, or otherwise any interest in public or private property, including the mineral rights  
58 to any property, in this state.
- 59 (2) A party may not hold public or private property as an agent, trustee, or other fiduciary for  
60 a prohibited foreign-party-controlled business in violation of this section.
- 61 (3) A prohibited foreign-party-controlled business that owns property in West Virginia at the  
62 time this bill becomes law shall have six months to divest of the public or private property owned at  
63 the time this bill becomes effective.
- 64 (d)(1) A prohibited foreign-party-controlled business entity that acquires property in West  
65 Virginia in violation of this section shall have six months to divest of the public or private property.

66 (2) If a prohibited foreign-party-controlled business entity does not divest the public or  
67 private property as required by subdivision (d)(1) of this section, the Attorney General shall  
68 commence an action in the circuit court within the jurisdiction of the public or private property.

69 (3)(A) If the public or private property is held in violation of this section, the circuit court  
70 shall order that the public or private property be sold through judicial foreclosure.

71 (B) Proceeds of the sale shall be disbursed to lien holders, in the order of priority, except for  
72 liens which under the terms of the sale are to remain on the public or private property.

73 (4) The Attorney General shall promptly record a copy of the following in the local land  
74 records:

75 (A) Upon commencement, notice of the pendency of an action brought under subdivision  
76 (d)(2) of this section; and

77 (B) The order for the sale of the public or private land under subdivision (d)(3)(A) of this  
78 section.

79 (e) A prohibited foreign-party-controlled business entity shall upon conviction be guilty of a  
80 felony punishable by not more than two (2) years imprisonment in the custody of the Division of  
81 Correction and a \$50,000 fine.

82 (f) It is an affirmative defense to prosecution under this section that a prohibited foreign-  
83 party-controlled business entity is a resident alien of the United States and the state of West  
84 Virginia.

85 (g) Title to public or private property is not invalid or subject to divestiture due to a violation  
86 of this section by:

87 (1) Any former owner; or

88 (2) Other person holding or owning a former interest in the public or private property.

89 (h) No person not subject to this section shall be required to determine or inquire into  
90 whether another person or entity is or may be subject to this section.

NOTE: The purpose of this bill is to amend the law concerning ownership and possession of

real property and for other purposes.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.