

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3493**

By Delegates Capito, Holstein, Martin, Horst, C. Pritt and

Kump

[Introduced February 14, 2023; Referred to the

Committee on the Judiciary]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §36-1-21a, relating to the prohibition of certain foreign ownership of land in this  
3 state.

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

**ARTICLE 1. CREATION OF ESTATES GENERALLY.**

**§36-1-21a. Certain foreign ownership of agricultural land prohibited.**

1 (a) Notwithstanding any other law, the following may not purchase or otherwise acquire  
2 title to agricultural land in this state:

3 (1) A governmental entity of China;

4 (2) A company or other entity that is:

5 (i) Headquartered in China;

6 (ii) Directly or indirectly held or controlled by the government of China; or

7 (iii) Owned by or the majority of stock or other ownership interest of which is held or  
8 controlled by individuals who are citizens of China; or

9 (3) A company or other entity that is owned by or the majority of stock or other ownership  
10 interest of which is held or controlled by a company or entity described by Subdivision (2);

11 (b) Any person, company or entity described in sub-section (a) who acquired any  
12 agricultural land in this state prior to July 1, 2023, shall not grant, sell, or otherwise transfer such  
13 agricultural land to any other alien or foreign business on or after July 1, 2023. No person, may  
14 hold agricultural land as an agent, trustee, or other fiduciary for a person, company or entity  
15 described in sub-section (a), provided, however, that no security interest in such agricultural land  
16 shall be divested or invalidated by such violation.

17 (c) Any person, company or entity described in sub-section (a) who acquires agricultural  
18 land in violation of this provision remains in violation of this provision for as long as the nonresident  
19 alien or foreign business holds an interest in the land, provided, however, that no security interest  
20 in such agricultural land shall be divested or invalidated by such violation.

21           (d) Subject to the provisions of subsection (a) of this section, all proposed transfers on or  
22 after July 1, 2023, by grant, purchase, devise, descent, or otherwise of any interest in agricultural  
23 land held by any person, company or entity described in sub-section (a) in this state shall be  
24 submitted to the West Virginia Department of Agriculture to determine whether such transfer of  
25 agricultural land is conveyed in accordance with the prohibition on alien and foreign ownership of  
26 agricultural land in this state under this section. The department shall establish by rule the  
27 requirements for submission and approval of requests under this subsection.

NOTE: The purpose of this bill is to prohibit certain foreign ownership of land in this state.

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