

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5283

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

[Introduced January 29, 2024; Referred to the
Committee on Agriculture and Natural Resources
then 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, 2024, may not grant, sell, or otherwise transfer such
 13 agricultural land to any other alien or foreign business on or after July 1, 2024. 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 the agricultural land
 16 may be divested or invalidated by such violation.

17 (c) Any person, company or entity described in sub-section (a) of this section who acquires
 18 agricultural land in violation of this provision remains in violation of this provision for as long as the
 19 nonresident alien or foreign business holds an interest in the land: *Provided*, That no security
 20 interest in such agricultural land may 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, 2024, 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.