

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5196

By Delegates Shamblin, Leavitt, Dittman, Hornby,

Phillips, Roop, Moore, and Flanigan

[Introduced February 04, 2026; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §31-18E-4 and §31-21-5 of the Code of West Virginia, 1931, as
2 amended, relating to allowing intergovernmental agreements with the Land Stewardship
3 Corporation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18E. WEST VIRGINIA LAND REUSE AGENCY AUTHORIZATION ACT.

§31-18E-4. Creation and existence.

1 (a) *Authority.* -- A land reuse jurisdiction may elect to create a land reuse agency by the
2 adoption of an ordinance to create a binding legal obligation. The ordinance must specify the type
3 of entity created and the following:

4 (1) The name of the land reuse agency;

5 (2) The number of members of the board;

6 (3) The names of individuals to serve as initial members of the board;

7 (4) The qualifications, manner of selection or appointment and terms of office of members
8 of the board;

9 (5) The manner by which residents will be provided an opportunity to have input into the
10 land reuse agency decision-making process; and

11 (6) Additional terms and conditions the land reuse jurisdiction deems reasonable and
12 necessary for operation of the land reuse agency that are not inconsistent with this article.

13 (b) *Filing.* -- The governing body of the land reuse jurisdiction which creates a land reuse
14 agency shall file a copy of the ordinance with the West Virginia Housing Development Fund and
15 with the Secretary of State. After receipt of the ordinance, the Secretary of State shall issue the
16 appropriate documentation indicating the formation of the entity.

17 (c) *Combinations.* -- (1) The authority under subsection (a) of this section may be exercised
18 in combination pursuant to an intergovernmental cooperation agreement by:

19 (A) More than one land reuse jurisdiction; or

20 (B) A land reuse jurisdiction and one or more municipalities or counties; or

(C) Entering into a legal agreement with the West Virginia Land Stewardship Corporation allowing the West Virginia Land Stewardship Corporation to serve as a land reuse agency within the jurisdiction of that local government, where the West Virginia Land Stewardship Corporation shall have all the powers and prohibitions of a local land reuse agency for the duration of the agreement as described in this article.

(2) If a land reuse agency is established under subdivision (1) of this subsection, the intergovernmental cooperation agreement ~~must~~ shall specify matters identified in subsection (a) of this section.

(d) *Limitation.* -- Except as set forth in subsection (c) of this section, if a county establishes a land reuse agency, the land reuse agency may acquire real property only in those portions of the county located outside of the geographical boundaries of any other land reuse agency established by another land reuse jurisdiction located partially or entirely within the county.

(e) *Legal status of land reuse agency.* -- A land reuse agency:

(1) Is a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this article; and

(2) Exists until terminated and dissolved under §31-18E-14 of this code.

(f) *Collaboration.* -- A land reuse agency, a political subdivision and another municipal entity may enter into an intergovernmental cooperation agreement relative to the operations of a land reuse agency.

ARTICLE 21. WEST VIRGINIA LAND STEWARDSHIP CORPORATION.

PART II. WEST VIRGINIA LAND STEWARDSHIP CORPORATION.

§31-21-5. Creation of the West Virginia Land Stewardship Corporation; powers and limitations.

(a) The corporation shall be organized as a nonprofit, nonstock corporation under the West

2 Virginia Nonprofit Corporation Act, §article two, chapter thirty-one-e of this code. The property
3 thereof is deemed to be held for an area economic development purpose under §11-3-9(a)(14) of
4 this code.

5 (b) The corporation shall apply for recognition of nonprofit exempt status by the United
6 States Internal Revenue Service under one or more charitable purposes within the meaning of
7 section 501(c) of the Internal Revenue Code of 1986, as amended.

8 (c) The corporate name for the corporation shall be the "West Virginia Land Stewardship
9 Corporation".

10 (d) The corporation shall have all of the powers of a nonprofit corporation as set forth in
11 Chapter 31E of this code.

12 (e) Except as otherwise provided in Chapter 31E of this code or in this article, the
13 corporation may do all things necessary or convenient to implement the purposes, objectives and
14 provisions of this article and the purposes, objectives and powers delegated to the board of
15 directors of a nonprofit corporation by other laws or executive orders, including, but not limited to,
16 all of the following:

17 (1) Adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its
18 business;

19 (2) Establish the service offerings and related fees for such services under each of the
20 voluntary programs described herein;

21 (3) Sue and be sued in its own name and plead and be impleaded, including, but not limited
22 to, defending the corporation in an action arising or resulting from the services, programs and
23 responsibilities arising under this article;

24 (4) Solicit and accept gifts, grants, labor, loans, services and other aid from any person, or
25 the federal government, this state or a political subdivision of this state or any agency of the federal
26 government or a state institution of higher education or nonprofit affiliates or an intergovernmental
27 entity created under the laws of this state, or participate in any other way in a program of the

28 federal government;

29 (5) Procure insurance against risk and loss in connection with the programs, property,
30 assets or activities of the corporation;

31 (6) Invest money of the corporation, at the discretion of the board of directors, in
32 instruments, obligations, securities or property determined proper by the board of directors of the
33 corporation and name and use depositories for its money;

34 (7) Employ legal and technical experts, contractors, consultants, agents or employees,
35 permanent or temporary, paid from the funds of the corporation. The corporation shall determine
36 the qualifications, duties and compensation of those it employs;

37 (8) Contract for goods and services and engage personnel as necessary, contract with
38 Regional Brownfield Assistance Centers as set out in §18B-11-7 of this code, and engage the
39 services of private consultants, managers, legal counsel, engineers, accountants and auditors for
40 rendering professional environmental, legal and financial assistance and advice payable from
41 funds of the corporation;

42 (9) Create limited liability companies or other sole purpose entities or devices to accept
43 and hold real property as part of administering its programs;

44 (10) Study, develop and prepare the reports or plans the corporation considers necessary
45 to assist it in the exercise of its powers under this article and to monitor and evaluate progress
46 under this article; and

47 (11) Enter into contracts for the management of, the collection of rent from, or the sale of
48 real property held by the corporation.

49 (12) Enter into agreements with local governments to act as a land reuse agency on behalf
50 of that local government pursuant to §31-18E-4(c) of this code.

51 (f) The enumeration of a power in this article may not be construed as a limitation upon the
52 general powers of the corporation. The powers granted under this article are in addition to those
53 powers granted by any other statute or as provided in articles of incorporation filed with the

54 Secretary of State.

55 (g) The property of the corporation and its income and operations are exempt from all
56 taxation by this state or any of its political subdivisions. Property owned and leased by the
57 corporation as lessor to a commercial lessee or an industrial lessee is hereby declared to be tax
58 exempt and held by the corporation for a public purpose. A payment in lieu of taxes, payable by the
59 lessee, shall be established for any property so leased, in an amount not less than the property tax
60 otherwise payable on the property. The lessee's leasehold interest therein is hereby declared to be
61 a tax exempt leasehold interest held for a public purpose so long as the payment in lieu of taxes is
62 timely paid. Payments made to any county commission, county school board or municipality in lieu
63 of tax pursuant to such agreement shall be distributed as if the payments resulted from ad valorem
64 property taxation.

65 (h) The corporation may not issue tax-exempt financing or issue bonds.

66 (i) The corporation does not have the power of eminent domain or the ability to condemn
67 property.

68 (j) The exercise by the corporation of powers and duties under this article and its activities
69 under the programs described herein shall be considered a necessary public purpose and for the
70 benefit of the public.

71 (k) The corporation is not liable under the environmental acts or common law equivalents
72 to the state or to any other person by virtue of the fact that the corporation is fulfilling the purposes
73 of this article including, but not limited to, providing land stewardship services or accepting title to
74 property under any program established under this article unless:

75 (1) The corporation, its employees or agents directly cause an immediate release or
76 directly exacerbate a release of regulated substances on or from a property that is an enrolled site
77 or accepted into the land bank program; or

78 (2) The corporation, its employees or agents knowingly and willfully do an action which
79 causes an immediate release of regulated substances or violates an environmental act. Liability

pursuant to this article is limited to the cost for a response action which may be directly attributable to the corporation's activities, and only if these activities are the proximate and efficient cause of the release or violation. Ownership or control of the property after accepting title in the land bank program does not by itself trigger liability.

(l) The corporation shall adopt a code of ethics for its directors, officers and employees.

(m) The corporation shall establish policies and procedures requiring the disclosure of relationships that may give rise to a conflict of interest. The board of directors of the corporation shall require that any member of the board with a direct or indirect interest in any matter before the corporation disclose the member's interest to the governing body before the board takes any action on the matter.

(n) The programs that are established under this article and administered by the corporation are voluntary programs. Parties can participate in the land stewardship program, certified sites program and land bank program at their option.

(o) ~~In the event of~~ If there is a conveyance of property to the corporation, at the discretion of the corporation, the prior owner may be required to post a bond or other type of financial assurance for any potential future remediation, in order to ensure the original owner's liability is maintained.

(p) The state may contract with the corporation for services for properties for which the state is responsible and may enter into long-term contracts for services that are funded under a trust agreement or provided in an escrow account.

NOTE: The purpose of this bill is to allow intergovernmental agreements with the Land Stewardship Corporation.

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