

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 636**

By Senator Woodrum

[Introduced January 28, 2026; referred  
to the Committee on the Judiciary]

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

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

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

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

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

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

37 (2) Exists until terminated and dissolved under section fourteen of this article.

38 (f) *Collaboration.* -- A land reuse agency, a political subdivision and another municipal  
39 entity may enter into an intergovernmental cooperation agreement relative to the operations of a  
40 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.**

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

Virginia Nonprofit Corporation Act, §article two, chapter thirty-one-e of this code. The property thereof is deemed to be held for an area economic development purpose under ~~subdivision fourteen, subsection (a), section nine, article three, chapter eleven~~ §11-3-9(a)(14) of this code.

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

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

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

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

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

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

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

(4) Solicit and accept gifts, grants, labor, loans, services and other aid from any person, or the federal government, this state or a political subdivision of this state or any agency of the federal government or a state institution of higher education or nonprofit affiliates or an intergovernmental 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 section seven, article eleven, chapter  
39 eighteen-b of this code, and engage the services of private consultants, managers, legal counsel,  
40 engineers, accountants and auditors for rendering professional environmental, legal and financial  
41 assistance and advice payable from 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.