WEST VIRGINIA CODE CHAPTER 5A ARTICLE 11

WV Legislature

§5A-11-1. Public Land Corporation.

(a) The Public Land Corporation, heretofore created and established as a unit of the Division of Natural Resources, and previously continued and established as a unit of the Real Estate Division of the Department of Administration, is hereby eliminated. The property belonging to the Public Land Corporation upon the effective date of its elimination shall be transferred to the Division of Natural Resources of the Department of Commerce.

(b) The Division of Natural Resources of the Department of Commerce shall be forthwith vested with:

(1) The title of the State of West Virginia in public lands, the title to which now is or may hereafter become vested in the State of West Virginia by reason of any law governing the title of lands of the state: *Provided*, That lands for which title is specifically vested by law in other state agencies, institutions, and departments shall continue to be vested in such state agencies, institutions, and departments;

(2) The State of West Virginia's interest in the rivers, streams, creeks, or beds thereof; or

(3) All other public lands managed or acquired by the Division of Natural Resources pursuant to §20-1-1 *et seq*. of this code.

(c) All property vested with the Division of Natural Resources shall be for the use and enjoyment of the citizens of the state. When appropriate, the Division of Natural Resources should collaborate with the Secretary of Tourism to determine the best use for the public property.

(d) The powers and duties of the Director of the Division of Natural Resources, as set forth in §20-1-7 of this code, shall apply to all public property vested with the Division of Natural Resources, without distinction.

WV Legislature

§5A-11-2. Corporation boards of directors, members, expenses, appointment, terms, qualifications; director as board chairman; meetings, quorum; executive secretary, secretary to board; professional and support staff; execution of legal documents, permits and licenses.

[Repealed.]

WV Legislature

§5A-11-3. Public Land Corporation Fund.

(a) There is hereby continued in the State Treasury a special Public Land Corporation Fund into which shall be paid all proceeds from public land sales, exchanges, rents, royalties, and other payments from mineral leases. The Division of Natural Resources may acquire public lands from use of the payments made to the fund, along with any interest accruing to the fund. The Public Land Corporation Fund may be used for the benefit, administration, maintenance, or use of any property owned or managed by the Public Land Corporation as of January 1, 2026. The Public Land Corporation Fund shall be administered by the Director of the Division of Natural Resources.

(1) All royalties and payments derived from rivers, streams, or public lands acquired or managed by the Division of Natural Resources pursuant to §20-1-7 and §20-5-2 of this code shall be retained by the Division of Natural Resources.

(2) All proceeds, rents, royalties, and other payments from land sales, exchanges, and mineral rights leasing for public lands owned, managed, or controlled by the Adjutant General's Department will be retained in a fund managed by the Adjutant General in accordance with §15-6-1 *et seq*. of the code.

(3) All free gas, sand, gravel, or other natural resources derived from a lease or contract made pursuant to this article will be used to benefit the state agencies, institutions, or departments located on the affected public lands, or for which the corporation was acting or to benefit any state agencies, institutions, or departments having adjacent property.

(4) Notwithstanding any provision of this section to the contrary, royalties received from the leasing of state-owned gas, oil, and other mineral rights beneath the Ohio River and its tributaries are to be deposited into the West Virginia Parks and Recreation Endowment Fund and expended in accordance with the provisions of §20-5A-1 of this code.

(b) The Division of Natural Resources shall report annually, just prior to the beginning of the regular session of the Legislature, to the standing committees on Finance of both houses of the Legislature on the financial condition of the special fund. The Division of Natural Resources shall report annually to the Legislature on its public land holdings, all its leases, its financial condition, and its operations and shall make such recommendations to the Legislature concerning the acquisition, leasing, development, disposition, and use of public lands. The annual reports required by this subdivision do not have to be submitted as stand-alone reports and may be incorporated into any other report obligated by the Division of Natural Resources, which is due contemporaneously.

WV Legislature

§5A-11-4. Public Land Corporation to conduct sales of public lands by competitive bidding, modified competitive bidding, or direct sale.

[Repealed.]

WV Legislature

§5A-11-5. Public Land Corporation to hold public hearing before sale, lease, exchange, or transfer of land or minerals.

[Repealed.]

WV Legislature

§5A-11-6. Competitive bidding and notice requirements before the development or extraction of minerals on certain lands; related standards.

[Repealed.]

WV Legislature

§5A-11-7. Effectuation of transfer of Public Land Corporation and transition.

To effectuate the transfer of the public property formerly maintained by the Public Land Corporation to the Division of Natural Resources upon the effective date of this section in the year 2026:

(1) All orders, determinations, rules, permits, grants, contracts, certificates, licenses, waivers, bonds, authorizations, and privileges which have been issued, made, granted, or allowed to become effective by the Governor, by any state department or agency, or official thereof, or by a court of competent jurisdiction, in the performance of functions which have been transferred to the Division of Natural Resources and were in effect on the date the transfer occurred continue in effect, for the benefit of the division, according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the law by the Governor, the Director of the Division of Natural Resources, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) Any proceedings, including, but not limited to, notices of proposed rulemaking, in which the Public Land Corporation was an initiating or responding party are not affected by the elimination of the Public Land Corporation and the transfer of the public property to the Division of Natural Resources. Orders issued in any proceedings continue in effect until modified, terminated, superseded, or revoked by the Governor, the Director of the Division of Natural Resources, by a court of competent jurisdiction, or by operation of law. Nothing in this subdivision prohibits the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that a proceeding could have been discontinued or modified if the Public Land Corporation had not been eliminated. Transfer of the public property formerly vested with the Public Land Corporation does not affect suits commenced prior to the effective date of the transfer and all such suits and proceedings shall be had, appeals taken, and judgments rendered in the same manner and with like effect as if the transfer had not occurred, except that the Director of the Division of Natural Resources or other officer may, in an appropriate case, be substituted or added as a party.

www.legislature

§5A-11-8.

Repealed.

Acts, 2010 Reg. Sess., Ch. 32.

WV Legislature