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**ENGROSSED**

**H. B. 2871**

(By Delegates Lawrence and Doyle)  
[Introduced January 26, 2011; referred to the  
Committee on Political Subdivisions then Finance.]

A BILL to amend and reenact §5B-2-6a of the Code of West Virginia, 1931, as amended, relating to brownfield economic development districts; and providing that governing bodies of municipalities and counties have regulatory and oversight authority over these districts.

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

That §5B-2-6a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.**

**§5B-2-6a. Brownfield economic development districts; applications; fees; rules.**

(a) Any property owner of a tract of land that is a brownfield or voluntary remediated site pursuant to article twenty-two, chapter twenty-two of this code may, if the site and surrounding

1 area were involved in the extraction and processing of coal,  
2 limestone or other natural resources, apply to the Development  
3 Office to become a brownfield economic development district.

4 (1) Applicants for a brownfield economic development district  
5 must demonstrate that the district when designated will create  
6 significant economic development activity;

7 (2) Applicants shall submit a development plan that provides  
8 specific details on proposed financial investment, direct and  
9 indirect jobs to be created and the viability of the district;

10 (3) Brownfield economic development districts:

11 (A) May not contain single-family housing;

12 (B) Shall provide all the infrastructure within the district  
13 without cost to the state, county, public service district or local  
14 municipal government;

15 (4) Applicants shall demonstrate that were it not for this  
16 designation, the contemplated development would not be possible and  
17 that the development is in the best interest of the state;

18 (5) The applicant shall own or control the property within the  
19 district;

20 (6) All costs for the application process shall be borne by  
21 the applicant;

22 (7) An applicant shall demonstrate that the applicant has  
23 attempted to work in good faith with local officials in regard to  
24 land-use issues;

1           (8) An application for a brownfield economic development  
2 district may not be approved unless the district conforms to a  
3 county's or municipality's planning and zoning laws established  
4 pursuant to the provisions of article seven, eight and nine, of  
5 chapter eight-a of this code.

6           (9) Prior to granting a designation of brownfield economic  
7 development district, the applicant shall provide documentation  
8 that the applicant has met all the requirements set forth in  
9 article twenty-two, chapter twenty-two of this code to be  
10 designated as a brownfield site or voluntary remediated site and is  
11 in compliance with the remediation plan;

12           (10) Nothing may be construed by this section to exempt  
13 brownfield economic districts from environmental regulation that  
14 would pertain to the development;

15           (11) The decision of the development office in regard to an  
16 application is final; and

17           (12) Once designated, the district shall work in conjunction  
18 with the regional brownfield assistance centers of Marshall  
19 University and West Virginia University as specified in section  
20 seven, article eleven, chapter eighteen-b of this code.(b) The  
21 development office shall propose rules for legislative approval in  
22 accordance with the provisions of article three, chapter  
23 twenty-nine-a of this code to implement this section and the rules  
24 shall include, but not be limited to, the application and time line

1 process, notice provisions, additional application consideration  
2 criteria and application fees sufficient to cover the costs of the  
3 consideration of an application. The development office shall  
4 promulgate emergency rules pursuant to the provisions of section  
5 fifteen, article three, chapter twenty-nine-a of this code by  
6 October 1, 2008, to facilitate the initial implementation of this  
7 section.

NOTE: The purpose of this bill is to provide that brownfield economic development districts must comply with local planning laws before an application for such districts will be approved.

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