

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

House Bill No. 2871

(By Delegates Lawrence and Doyle)



Passed March 8, 2011

In Effect July 1, 2011

ENROLLED

H. B. 2871

(BY DELEGATES LAWRENCE AND DOYLE)

[Passed March 8, 2011; in effect July 1, 2011.]

AN ACT 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.

- 1 (a) Any property owner of a tract of land that is a
- 2 brownfield or voluntary remediated site pursuant to article

3 twenty-two, chapter twenty-two of this code may, if the site
4 and surrounding area were involved in the extraction and
5 processing of coal, limestone or other natural resources,
6 apply to the Development Office to become a brownfield
7 economic development district.

8 (1) Applicants for a brownfield economic development
9 district must demonstrate that the district when designated
10 will create significant economic development activity;

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

15 (3) Brownfield economic development districts:

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

17 (B) Shall provide all the infrastructure within the district
18 without cost to the state, county, public service district or
19 local municipal government;

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

24 (5) The applicant shall own or control the property within
25 the district;

26 (6) All costs for the application process shall be borne by
27 the applicant;

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

31 (8) Beginning July 1, 2011, an application for a
32 brownfield economic development district may not be
33 approved unless the district conforms to a county's or
34 municipality's planning and zoning laws established pursuant
35 to the provisions of article seven, eight and nine, of chapter
36 eight-a of this code.

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

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

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

48 (12) Once designated, the district shall work in
49 conjunction with the regional brownfield assistance centers of
50 Marshall University and West Virginia University as specified
51 in section seven, article eleven, chapter eighteen-b of this
52 code.

53 (b) The development office shall propose rules for
54 legislative approval in accordance with the provisions of
55 article three, chapter twenty-nine-a of this code to implement
56 this section and the rules shall include, but not be limited to,
57 the application and time line process, notice provisions,
58 additional application consideration criteria and application
59 fees sufficient to cover the costs of the consideration of an
60 application. The development office shall promulgate

61 emergency rules pursuant to the provisions of section fifteen,
62 article three, chapter twenty-nine-a of this code by October 1,
63 2008, to facilitate the initial implementation of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect July 1, 2011.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor