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 brownfield or voluntary remediated site pursuant to article

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

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

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

(3) Brownfield economic development districts:

(A) May not contain single-family housing;

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

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

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

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

(7) An applicant shall demonstrate that the applicant has
attempted to work in good faith with local officials in regard
to land-use issues;
(8) Beginning July 1, 2011, an application for a brownfield economic development district may not be approved unless the district conforms to a county’s or municipality’s planning and zoning laws established pursuant to the provisions of article seven, eight and nine, of chapter eight-a of this code.

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

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

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

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

(b) The development office shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement this section and the rules shall include, but not be limited to, the application and time line process, notice provisions, additional application consideration criteria and application fees sufficient to cover the costs of the consideration of an application. The development office shall promulgate
emergency rules pursuant to the provisions of section fifteen,
article three, chapter twenty-nine-a of this code by October 1,
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

Originating in the House.

To take effect July 1, 2011.

Clerk of the House of Delegates

[Signature]

Clerk of the Senate

Speaker of the House of Delegates

[Signature]

President of the Senate

[Signature]

The within was approved this the ___ day of April, 2011.
PRESENTED TO THE GOVERNOR

MAR 31 2011

Time 11:30 am