

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 2471**

**FISCAL  
NOTE**

By Delegates Anders, White, Ridenour, Dillon, Kump,

Kimble, T. Howell, Dean, and Bridges

[Introduced February 17, 2025; referred to the

Committee on Energy and Public Works then

Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
 2 designated §11-13BB-1, §11-13BB-2, and §11-13BB-3, all relating to eliminating the tax  
 3 credit for solar, wind, or other renewable energy systems for corporations or other  
 4 establishments or entities; providing definitions and restrictions for maintaining renewable  
 5 energy systems.

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

**ARTICLE 13BB. RESIDENTIAL SOLAR, WIND, OR OTHER RENEWABLE ENERGY**

<b><u>TAX</u></b>	<b><u>CREDIT</u></b>	<b><u>ELIMINATED.</u></b>
-------------------	----------------------	---------------------------

**§11-13BB-1. Definitions.**

1 As used in this article,

2 The following terms have the meaning ascribed to them in this section:

3 "Active solar system" means a system of equipment capable of collecting and converting  
 4 incident solar radiation into thermal, mechanical, or electrical energy, and transferring these forms  
 5 of energy by a separate apparatus to storage or to the point of use; and includes water heating,  
 6 space heating or cooling, and electrical or mechanical energy generation.

7 "Biomass energy" means any of the following that is used as the primary source of energy  
 8 to produce fuel or electricity:

9 (A) Material from a plant or tree; or

10 (B) Other organic matter that is available on a renewable basis, including:

11 (i) Slash and brush from forests and woodlands;

12 (ii) Animal waste;

13 (iii) Methane produced at landfills or as a byproduct of the treatment of wastewater  
 14 residuals;

15 (iv) Aquatic plants; and

16 (v) Agricultural products.

17       "Biomass energy" does not include black liquor, treated woods or biomass from municipal  
18 solid waste other than methane produced at landfills or as a byproduct of the treatment of  
19 wastewater residuals.

20       "Biomass system" means any system of apparatus and equipment for use in converting  
21 material into biomass energy, as defined in subdivision (2) of this subsection, and transporting that  
22 energy by separate apparatus to the point of use or storage.

23       "Direct-use geothermal system" means a system of apparatus and equipment enabling  
24 the direct use of geothermal energy, generally between 100 and 300 degrees Fahrenheit, that is  
25 contained in the earth to meet energy needs, including heating a building, an industrial process  
26 and aquaculture.

27       "Geothermal energy" means energy contained in heat that continuously flows outward  
28 from the earth that is used as a sole source of energy to produce electricity.

29       "Geothermal heat-pump system" means a system of apparatus and equipment enabling  
30 the use of thermal properties contained in the earth at temperatures well below 100 degrees  
31 Fahrenheit to help meet heating and cooling needs of a structure.

32       "Hydro energy system" means a system of apparatus and equipment capable of  
33 intercepting and converting kinetic water energy into electrical or mechanical energy and  
34 transferring this form of energy by separate apparatus to the point of use or storage.

35       "Passive solar system" means a direct thermal system that utilizes the structure of a  
36 building and its operable components to provide for collection, storage, and distribution of heating  
37 or cooling during the appropriate times of the year by utilizing the climate resources available at  
38 the site. The term includes those portions and components of a building that are expressly  
39 designed and required for the collection, storage, and distribution of solar energy.

40       "Renewable energy resource" includes solar energy, biomass energy, geothermal energy,  
41 hydro energy, and wind energy.

43 "Residential renewable energy system" means any active solar system, passive solar  
44 system, biomass system, direct-use geothermal system, geothermal heat-pump system, wind  
45 system, or hydro energy system used to supply energy to or for any residential unit.

46 "Wind system" means a system of apparatus and equipment capable of intercepting and  
47 converting wind energy into mechanical or electrical energy and transferring these forms of energy  
48 by a separate apparatus to the point of use or storage.

**§11-13BB-2.**

**Restrictions.**

1 Notwithstanding any provision of this code to the contrary, any corporation, or other entity  
2 that builds, erects, or operates a renewable energy system shall ensure that such a system is set  
3 back a minimum of one mile from residential homes, and provide proof of \$400 million liability  
4 insurance for each 100 acres of the site for cleanup and restoration in case of a natural or  
5 manmade disaster.

**§11-13BB-3. Elimination of tax credit allowed for corporations or other entities for**  
**renewable energy systems, except for personal taxpayers with a residential**  
**renewable energy system; , tax Commissioner to promulgate rules.**

1 The State Tax Commissioner shall promulgate legislative rules pursuant to the provisions  
2 of Chapter 29A of this code regarding the elimination of this tax credit only as it applies to  
3 corporations, or other green new deal entities for renewable energy systems, and providing that no  
4 corporate or other entity taxpayer may take a credit pursuant to this article for a solar energy  
5 system installed after July 1, 2024. These rules may not eliminate the tax credit for individual  
6 taxpayers with a residential renewable energy system.

NOTE: The purpose of this bill is to eliminate the tax credit for solar, wind, or other renewable energy systems for corporate or other establishments or entities. It also provides restrictions for maintaining renewable energy systems.

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