

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 295**

By Senators Rucker and Rose

[Reported March 13, 2025, from the Committee on  
Agriculture]

A BILL to amend and reenact §11-1A-10 and §19-19-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that certain solar generation facilities are not engaged in the business of farming for appraisal purposes and are not agricultural operations for purposes of agricultural production.

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

## CHAPTER 11. TAXATION.

|            |           |           |      |           |
|------------|-----------|-----------|------|-----------|
| ARTICLE    | 1A.       | APPRAISAL | OF   | PROPERTY. |
| §11-1A-10. | Valuation | of        | farm | property. |

(a) With respect to farm property, the Tax Commissioner shall appraise such property so as to ascertain its fair and reasonable value for farming purposes regardless of what the value of the property would be if used for some other purpose, and the value shall be arrived at by giving consideration to the fair and reasonable income which the property might be expected to earn in the locality wherein situated, if rented. The fair and reasonable value for farming purposes shall be deemed to be the market value of such property for appraisal purposes.

(b) A person is not engaged in farming if he or she is primarily engaged in forestry or growing timber. Additionally, a corporation is not engaged in farming unless its principal activity is the business of farming, and in the event that the controlling stock interest in the corporation is owned by another corporation, the corporation owning the controlling interest must also be primarily engaged in the business of farming. Further, the business of farming does not include the development, operation, or ownership of a solar generation facility, as that term is defined in §22-32-3(f) of this code, regardless of the elevation or height of the solar panels above the ground. For purposes of appraisal of property under this section, any acreage using a solar generation facility to produce any amount of electricity that is sold commercially, or is otherwise used on said acreage for any purpose other than the support of a farm residence or for farming purposes, shall not be considered farm property. A farm shall not lose its classification as farm property for

purposes of appraisal under this section if a solar generation facility is installed on the property and solar panels are installed solely on the farm residence, barn, or other building or facility that is used for farming purposes.

## CHAPTER 19. AGRICULTURE.

### ARTICLE 19. PRESERVATION OF AGRICULTURAL PRODUCTION.

#### §19-19-2.

#### Definitions.

For the purposes of this article:

(a) "Agriculture" shall mean the production of food, fiber and woodland products, by means of cultivation, tillage of the soil and by the conduct of animal, livestock, dairy, apiary, equine or poultry husbandry, and the practice of forestry, silviculture, horticulture, harvesting of silviculture products, packing, shipping, milling, and marketing of agricultural products conducted by the proprietor of the agricultural operation, or any other legal plant or animal production and all farm practices.

(b) "Agricultural land" shall mean any amount of land and the improvements thereupon, used or usable in the production of food, fiber or woodland products of an annual value of \$1,000 or more, by the conduct of the business of agriculture, as defined in subsection (a) of this section.

(c) "Agricultural operation" shall mean any facility utilized for agriculture: Provided, That an agricultural operation does not include the development, operation, or ownership of a solar generation facility, as that term is defined in §22-32-3(f) of this code, regardless of the elevation or height of the solar panels above the ground. For purposes of this article, any acreage using a solar generation facility to produce any amount of electricity that is sold commercially, or is otherwise used on said acreage for any purpose other than the support of a farm residence or for agricultural purposes, shall not be considered an agricultural operation: *Provided, however,* That a farm shall not lose its classification as an agricultural operation if a solar generation facility is installed on the property and solar panels are installed solely on the farm residence, barn, or other building or

20 facility that is used for agricultural purposes.

NOTE: The purpose of this bill is to clarify that certain solar generation facilities are not engaged in the business of farming for appraisal purposes and are not agricultural operations for purposes of agricultural production.

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