

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5032**

By Delegates Dillon, Ridenour, B. Ward, Masters, and

Anders

[Introduced; referred

to the Committee on]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §24-2-23, relating to the creation of the Citizens' Data Center Transparency  
3 Act; and creating a prohibition on use of data centers for unconstitutional surveillance.

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

## **ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

### **§24-2-23. Prohibition on use of data centers for unconstitutional surveillance.**

1       (a) No data center permitted under the authority of this bill shall be used to facilitate,  
2 enable, or support the warrantless collection of data, metadata, communications, or other  
3 personal information by the National Security Agency (NSA), or any other federal agency, or any  
4 person in the State of West Virginia, in violation of the Fourth Amendment to the United States  
5 Constitution or Article III, Section 6 of the West Virginia Constitution.

6       (b) The State of West Virginia shall not provide material support, services, or assistance in  
7 any form to any such federal agency or contractor engaged in these surveillance activities, and no  
8 entity operating under the provisions of this bill may knowingly participate in or aid such activities.

9       (c) No less than annually, each operator of a data center shall report to the Joint Standing  
10 Committee on Technology and Infrastructure the following information:

11       (1) Categories and amounts of data collected or processed at the facility for most recent  
12 calendar year.

13       (2) Uses of data by category and purpose.

14       (3) Categories and lists of end users with name of each entity, including names of any  
15 government agencies, NGOs, nonprofits, or other specific types of entities owning, operating, or  
16 contracting with data centers in West Virginia.

17       (d) The Joint Standing Committee on Technology and Infrastructure shall review and  
18 assess the status of data centers in the state with regard to the protection of the rights of citizens,  
19 exercising powers of subpoena and compelling additional testimony when warranted to  
20 investigate emerging concerns regarding data centers.

NOTE: The purpose of this bill is to create the Citizens' Data Center Transparency Act. The bill creates a prohibition on use of data centers for unconstitutional surveillance.

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