

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 5168**

BY DELEGATES STATLER, G. HOWELL, TONEY, LINVILLE,

HOTT, AND HILLENBRAND

[Passed March 14, 2026; in effect 90 days from  
passage (June 12, 2026)]



1 AN ACT to amend and reenact §5B-2-21b and §16-4C-25 of the West Virginia Code, 1931, as  
2 amended, and to amend said code by adding thereto a new article, designated §7-5C-1  
3 and §7-5C-2; and to amend said code by adding a new section, designated §29-22-18h,  
4 all relating to ensuring funding for certain emergency medical services and fire protection;  
5 clarifying microgrid and high impact data centers duty to pay county fire and ambulance  
6 fees; entitling microgrid and high impact data centers to county fire and police protection;  
7 creating a special revenue fund administered by the Director of the West Virginia Office of  
8 Emergency Medical Services for the benefit of emergency medical services in counties  
9 with excess levies or dedicated fees related to emergency medical services, designated  
10 the County Emergency Medical Services Fund; creating a special revenue fund  
11 administered by the Director of the West Virginia Office of Emergency Medical Services  
12 for the benefit of emergency medical services in all counties, designated the All County  
13 Emergency Medical Services Fund; granting rulemaking authority; changing name of an  
14 existing special revenue fund to Emergency Medical Services Salary Enhancement, Crisis  
15 Response, and Mental Health Treatment Fund; expanding purposes for which  
16 expenditures from fund may be made; limiting purposes for expenditures of certain  
17 moneys transferred into fund; requiring annual reporting; transferring, after the end of each  
18 fiscal year from any remaining and available net profits in the State Lottery Fund, the sum  
19 of \$6 million to the Emergency Medical Services Salary Enhancement, Crisis Response,  
20 and Mental Health Treatment Fund, the sum of three million dollars to the County  
21 Emergency Medical Services Fund, and the sum of three million dollars to the All County  
22 Emergency Medical Services; and providing reduced pro rata distribution in the event of  
23 insufficient remaining and available net profits.

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

**CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

**ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.**

**§5B-2-21b. Authority to assist certified microgrid district projects and certified high impact data center projects; legislative findings.**

1 (a) Findings and purpose. — The Legislature hereby finds and declares the following:

2 (1) The findings and purpose set forth in §5B-2-21a(a) (2025), except to the extent  
3 expressly modified herein, are hereby incorporated herein by reference with the same force and  
4 effect as though fully set forth herein.

5 (2) It is in the best interests of the state to induce and assist in development of these  
6 projects, in order to advance the public purposes of relieving unemployment by preserving and  
7 creating jobs, and preserving and creating new and greater sources of revenue for the support of  
8 public services provided by the state and local government.

9 (3) It is the intent of the Legislature to occupy the whole field of the creation and regulation  
10 of certified microgrid districts and certified high impact data centers. The stated purpose of this  
11 section is to promote uniform and consistent application of the act within the state.

12 (b) The Department of Commerce shall assist projects developing or operating a certified  
13 microgrid district pursuant to §5B-2-21 of this code or a certified high impact data center pursuant  
14 to §5B-2-21a of this code. The Secretary of Commerce shall designate one of their personnel as  
15 "Data Economy Liaison" to serve as a single point-of-contact for certified microgrid districts and  
16 high impact data centers to assist coordinate and expedite their development and operation,  
17 including, but not limited to site selection and permitting. A "certified microgrid district" is a  
18 microgrid project, regardless of stage of development or operation, that has been certified by the  
19 Secretary of the Department of Commerce as set forth in §5B-2-21 of this code. A "certified high  
20 impact data center" is a data center project, regardless of stage of development or operation, that  
21 has been certified by the Secretary of the Department of Commerce as set forth in §5B-2-21a of  
22 this code.

23 (c) This section prohibits:

24 (1) Counties and municipalities, whether by ordinance, resolution, administrative act, or  
25 otherwise, from enacting, adopting, implementing, or enforcing ordinances, regulations, or rules  
26 which limit, in any way, the creation of, and acquisition, construction, equipping, development,  
27 expansion, and operation of any certified microgrid district or certified high impact data center  
28 project; and

29 (2) Counties and municipalities from imposing or enforcing local laws and ordinances  
30 concerning the creation or regulation of any certified microgrid district or certified high impact data  
31 center therein.

32 (d) In accordance with §5B-2-21(b) and §5B-2-21(c) of this code, and notwithstanding any  
33 provision of this code to the contrary, or any municipality's home rule powers with respect to  
34 ordinances and ordinance procedures, including any authority pursuant to the Municipal Home  
35 Rule Program under §8-1-5a of this code, certified microgrid districts and certified high impact  
36 data centers may not be subject to the following:

37 (1) County or municipal zoning, horticultural, noise, viewshed, lighting, development, or  
38 land use ordinances, restrictions, limitations, or approvals;

39 (2) County or municipal building permitting, inspection, or code enforcement;

40 (3) County or municipal license requirements;

41 (4) The legal jurisdiction of the county or municipality in which the certified microgrid district  
42 or certified high impact data center is entirely or partially located, except as specifically provided  
43 in this article;

44 (5) Any requirement under state law for the consent or approval of the municipality in which  
45 a certified microgrid district or certified high impact data center is entirely or partially located of  
46 any state or county action pursuant to this code, specifically including, but not limited to, §7-11B-  
47 1 *et seq.* of this code, for formal consent of the governing body of a municipality for county or  
48 state action regarding the establishment of tax increment financing development or

49 redevelopment districts or the approval of tax increment financing development or redevelopment  
50 plans.

51 (e) Notwithstanding the creation of a certified microgrid district or a certified high impact  
52 data center, the owner, operator, or manager, as applicable, and all tenants, lessees or licensees  
53 thereof, of a certified microgrid district or a certified high impact data center shall:

54 (1) Pay business and occupation tax, if applicable, pursuant to §8-13-5 of this code, to the  
55 municipality in the same manner as any other business or commercial venture located within the  
56 municipality;

57 (2) Collect and remit municipal sales and service tax and municipal use tax, if applicable,  
58 pursuant to §8-1-5a, §8-13C-4, and §8-13C-5 of this code, to the municipality in the same manner  
59 as any other business or commercial venture located within the municipality;

60 (3) Pay ad valorem real and personal property tax pursuant to the same millage rates as  
61 any other business or commercial venture located within the county and municipality;

62 (4) Pay all municipal and county service fees enacted pursuant to §8-13-13, §7-15-17,  
63 and §7-17-12 of this code, including, but not limited to, fire, ambulance, police, sanitation, or city  
64 service fees: *Provided*, That in no event shall any owner, operator, or manager, as applicable,  
65 and all tenants, lessees or licensees thereof, of a certified microgrid district or a certified high  
66 impact data center be required to pay both county and municipal fees for fire protection.

67 (5) Pay all utility rates, fees, and charges for utilities used or consumed during construction  
68 and operation of premises within the certified microgrid district or certified high impact data center,  
69 including, but not limited to, water, sewer, stormwater, and garbage and recycling collection:  
70 *Provided*, That (A) The rates, fees, and charges for such services shall be based on the cost of  
71 providing such service and the utility shall enter into a contract under the rules of the Public  
72 Service Commission for each such service with the developer and file the special contract with  
73 the Public Service Commission; and (B) the developer shall only be required to pay any capacity  
74 improvement fee or impact fee to the extent that capital additions, betterments, and improvements

75 must be designed, acquired, constructed, and equipped by the utility to provide such service to  
76 the project; Utility customers outside of the microgrid district shall not bear any construction or  
77 operational costs associated with any new utility property built solely to provide service within a  
78 microgrid district;

79 (6) Be entitled to police protection and fire protection, if available, in the same manner as  
80 any other business or commercial venture located within the county or municipality; and

81 (7) Design, acquire, construct, and equip the certified microgrid district or certified data  
82 center pursuant to the State Building Code in accordance with §8-12-13 of this code and the  
83 corresponding State Rule 87 CSR 4.

84 (f) The Department of Commerce, Department of Environmental Protection, and  
85 Department of Transportation may take actions necessary in support of the development of any  
86 certified microgrid district or certified data center, including, but not limited to, the development or  
87 improvement of such highways, roads, thoroughfares, and sidewalks within any county or  
88 municipality in which the certified microgrid district or certified data center is partially or entirely  
89 located.

90 (g) In order to effectuate the purposes of this section, the Department of Commerce, or  
91 any agency, division, or subdivision thereof, may promulgate legislative rules, including  
92 emergency rules, in accordance with §29A-3-1 *et seq.* of this code.

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

### **ARTICLE 5C. FUNDS FOR PROVIDING EMERGENCY MEDICAL SERVICES.**

#### **§7-5C-1. Funds for use of emergency medical services departments in counties with excess levy or dedicated fee.**

1 (a) There is hereby created in the State Treasury a special revenue fund designated and  
2 known as the County Emergency Medical Services Fund which is an interest-and-earnings  
3 accumulating account. The fund shall receive legislative appropriations, grants, gifts, devises, and

4 donations from any public or private source. All interest and other returns derived from the deposit  
5 and investment of moneys in the County Emergency Medical Services Fund shall be credited to  
6 the fund. Any balance, including accrued interest and other returns, remaining in the fund at the  
7 end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund  
8 and be expended as provided in this section. The fund shall be administered by the Director of  
9 the West Virginia Office of Emergency Medical Services and distributed by the director to county  
10 commissions and distributed by those county commissions to emergency medical services  
11 departments in those counties for the exclusive benefit of providing emergency medical services  
12 in the county. Distributions from the fund shall be distributed only to the county commissions of  
13 counties that have in place a countywide excess levy, or a countywide fee, dedicated to  
14 emergency medical services. Among those counties, distributions shall be in relative proportion  
15 to each county's population's percentage of the aggregate population of all such counties  
16 combined.

17 (b) The Director of the West Virginia Office of Emergency Medical Services may propose  
18 legislative rules, including emergency rules, for promulgation in accordance with §29A-3-1 *et seq.*  
19 of this code to implement this section.

**§7-5C-2. Funds for use of emergency medical services departments in counties.**

1 (a) There is hereby created in the State Treasury a special revenue fund designated and  
2 known as the All-County Emergency Medical Services Fund which is an interest-and-earnings  
3 accumulating account. The fund shall receive legislative appropriations, grants, gifts, devises, and  
4 donations from any public or private source. All interest and other returns derived from the deposit  
5 and investment of moneys in the All-County Emergency Medical Services Fund shall be credited  
6 to the fund. Any balance, including accrued interest and other returns, remaining in the fund at  
7 the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the  
8 fund and be expended as provided in this section. The fund shall be administered by the Director  
9 of the West Virginia Office of Emergency Medical Services and distributed by the director to

10 county commissions and distributed by those county commissions to emergency medical services  
11 departments in those counties for the exclusive benefit of providing emergency medical services  
12 in the county. Among those counties, distributions shall be in relative proportion to each county's  
13 population's percentage of the aggregate population of all such counties combined.

14 (b) The Director of the West Virginia Office of Emergency Medical Services may propose  
15 legislative rules, including emergency rules, for promulgation in accordance with §29A-3-1 *et seq.*  
16 of this code to implement this section.

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

#### **§16-4C-25. Emergency Medical Services Crisis Response and Mental Health Treatment Fund.**

1 (a) There is hereby continued in the State Treasury a special revenue fund designated  
2 and known as the Emergency Medical Services Salary Enhancement Fund, hereafter to be known  
3 as the Emergency Medical Services Crisis Response and Mental Health Treatment Fund.  
4 Expenditures from the fund shall be for the purposes set forth in this section, including training,  
5 purchasing and maintaining equipment and supplies, facility maintenance, and providing crisis  
6 response for county emergency medical service personnel as that term is defined in §16-4C-3(g)  
7 of this code or a county-designated or contracted emergency medical service provider. The fund  
8 consists of moneys appropriated by the Legislature, grants, gifts, devises, and donations from  
9 any public or private source. All interest and other returns derived from the deposit and  
10 investment of moneys in the fund shall be credited to the fund. Any balance, including accrued  
11 interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to  
12 the General Revenue Fund but shall remain in the fund and be expended as provided in this  
13 section. The Director of the West Virginia Office of Emergency Medical Services shall administer  
14 the fund.

15 (b) Notwithstanding the provisions of subsection (a) of this section to the contrary, any  
16 funds transferred into the fund from the State Lottery Fund pursuant to the provisions of §29-22-  
17 18h of this code shall be distributed to counties subject to the following conditions:

18 (1) The first \$1 million transferred shall be used by the Office of Emergency Medical  
19 Services for mental health treatment and training for emergency medical service personnel,  
20 including, but not limited to:

21 (A) Crisis Intervention Team training;

22 (B) Peer support programs;

23 (C) Adult Mental Health First Aid;

24 (D) Life Coach training; or

25 (E) Critical Incident Stress Management training: *Provided*, That any funds not used in  
26 any fiscal year may be redistributed to the counties according to the distribution authorized by this  
27 section.

28 (2) For any money awarded to a county from funds transferred from the State Lottery  
29 pursuant to §29-22-18h of this code, the county shall provide a 30 percent match from county  
30 funds or funds received by the county from other sources to serve as a match for these funds.

31 (c) The Director of the Office of Emergency Medical Services shall propose legislative  
32 rules for promulgation and promulgate emergency rules pursuant to the provisions of §29A-3-15  
33 of this code. These rules shall include a means of distributing any available funds to counties to  
34 accomplish the purpose of this section with an emphasis on the following factors:

35 (1) Counties who may demonstrate the most need;

36 (2) Counties that have a special levy for emergency medical services;

37 (3) Counties that have reached the maximum allowable rate on regular levies; and/or

38 (4) Counties that have a challenge recruiting and retaining emergency medical services  
39 personnel due to interstate competition.

40 (d) The Office of Emergency Medical Services shall prepare an annual report to the  
41 Legislative Oversight Commission on Health and Human Resources Accountability. The report  
42 shall provide:

43 (1) A county-by-county accounting of how the funds were distributed;

44 (2) An accounting by county of the number of emergency medical service workers  
45 receiving a salary enhancement; and

46 (3) Recommendations for continued funding.

47 The report is due by July 1 annually.

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

### **ARTICLE 22. STATE LOTTERY ACT.**

#### **§29-22-18h. Additional allocation of net profits from the State Lottery Fund to certain emergency medical services funds.**

1 (a) Notwithstanding any other provision of this code to the contrary, following the end of  
2 each fiscal year, after the Lottery Commission has met the requirements for the allocation of net  
3 profits from the State Lottery Fund as required under §29-22-18 of this code and any other  
4 provisions of this code, and after satisfying the requirements for funds dedicated to pay debt  
5 service in accordance with bonds payable from the State Lottery Fund and for other purposes as  
6 required by §29-22-18, §29-22-18f, and §29-22-18g of this code, the Lottery Commission shall  
7 annually allocate and transfer from any remaining and available net profits for the fiscal year in  
8 the State Lottery Fund to the following:

9 (1) The sum of \$6 million, or the sum of the remaining and available net profits, whichever  
10 is less, to the Emergency Medical Services Crisis Response and Mental Health Treatment Fund  
11 established in §16-4C-25 of this code, which sum transferred shall be distributed in accordance  
12 with the provisions of that section;

13           (2) The sum of \$3 million, or the sum of the remaining and available net profits, whichever  
14 is less, to the County Emergency Medical Services Fund created in §7-5C-1 of this code, which  
15 sum transferred shall be distributed in accordance with the provisions of that section; and

16           (3) The sum of \$3 million, or the sum of the remaining and available net profits, whichever  
17 is less, to the All-County Emergency Medical Services Fund created in §7-5C-2 of this code, which  
18 sum transferred shall be distributed in accordance with the provisions of that section.

19           (b) In the event that remaining and available net profits for the fiscal year in the State  
20 Lottery Fund are not sufficient to meet the allocation and transfer of net profits as directed under  
21 subsection (a) of this section, then the amounts allocated and transferred under subsection (a) of  
22 this section from any remaining and available net profits for the fiscal year shall be reduced on a  
23 pro rata basis.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

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*Speaker of the House of Delegates*

.....  
*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2026.

.....  
*Governor*