WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4948

By Delegates Anders, Kump, Masters, Kimble, and

Dillon

[Introduced January 29, 2026; referred to the

Committee on Energy and Public Works]

1   A BILL to amend and reenact §5B-2-21A of the Code of West Virginia, 1931, as amended, relating

2   to establishing a 500-foot buffer zone between the construction or establishment of a data

3   center and a residence or school or house of worship.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

§5B-2-21a.   Data   Centers.

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

2   (1) Data centers represent a significant and growing sector of the economy, generating

3   substantial economic activity, including jobs, infrastructure investments, and technological

4   innovation.

5   (2) Data centers are critical national infrastructure that require abundant, low-cost energy

6   to protect sensitive data, operate high-level computation assets, and ensure the resilience of the

7   digital economy.

8   (3) The People's Republic of China is positioning itself to be the global leader of data

9   centers and is investing in technology to encourage the flow of data toward China instead of

10   toward the United States.

11   (4) It is in the United States' national security interests to limit the flow of data to China and

12   to protect the flow of data and maximize computational power inside the United States. The

13   President has declared that it is the policy of the United States "to sustain and enhance America's

14   global AI dominance in order to promote human flourishing, economic competitiveness and

15   national security." Removing Barriers to American Leadership in Artificial Intelligence, Executive

16   Order 14179 (Jan 23, 2025).

17   (5) As of early 2025, the highest concentration of high-level computational power and data

18   centers in the world is located in Loudoun County, Virginia. This severe concentration of data

19   centers in one location is a national security vulnerability because it invites the potential for

20   cyberattacks and espionage against the Nation's critical data infrastructure.

21   (6) Data centers have historically obtained their electricity from the electric grid. Some

22   data center developers now seek or require the use of microgrids to provide their primary and

23   backup power.

24   (7) West Virginia is strategically positioned as the best location in the United States to

25   place data centers due to: (A) its close proximity to Washington, D.C., and the federal government;

26   (B) its close proximity to the majority of the Nation's population; (C) its low tax rates; (D) it having

27   the least restrictive regulatory environment in the Nation; (E) its supply of abundant energy and

28   natural resources to power the data centers; (F) its supply of resources, such as coal mine

29   methane blended with natural gas, to assist data centers locating in West Virginia to meet their

30   energy needs and environmental goals; and (G) its skilled and loyal workforce that has some of

31   the lowest turnover rates in the Nation.

32   (b) As such, the state has a significant interest in encouraging the development and

33   expansion of data centers, which can serve as drivers of broader economic growth. The

34   Legislature finds that these externalities transcend local borders, including environmental

35   concerns, energy consumption, and regional economic growth. Additionally, the provisions in this

36   section align with the Legislature's goal of fostering a competitive, forward-thinking economy that

37   benefits all residents.

38   (b) (c) Program established. — The High Impact Data Center Program is hereby created

39   and is to be administered as a program within the Division of Economic Development to

40   encourage the continued development, construction, operation, maintenance, and expansion in

41   West Virginia of high impact data centers. In order to effectuate the purposes of this section, the

42   Division of Economic Development, or any agency, division, or subdivision thereof, may

43   promulgate legislative rules, including emergency rules, in accordance with §29A-3-1 *et seq*. of

44   this code.

45   (c) (d) Notification. — Any data center shall compare its current or planned operations

46   against the definition of "high impact data center" established in §11-6N-2 of this code and provide

47   notification to the Division of Economic Development when the data center becomes aware that it

48   will satisfy or has satisfied that definition. The notification will include information addressing the

49   elements of that definition, including known or expected power consumption of the data center.

50   This notification shall be made (1) within 30 days after the data center determines that it meets

51   these requirements, or (2) when the data center reasonably anticipates that it will, at some future

52   date, meet these requirements, in which case the data center may provide that anticipated future

53   date in its notification.

54   ~~(d)~~ (e) Certification. — The Secretary of the Department of Commerce shall identify and

55   certify high impact data centers in this state upon a finding that a data center satisfies the

56   requirements for the definition of "high impact data center" set forth in §11-6N-2 of this code. The

57   Secretary shall issue confirmation of certification to a high impact data center within 14 days

58   following receipt of the notification from the data center required by this section.

59   ~~(e)~~ (f) Recordkeeping. — Any information provided by a data center pursuant to this

60   section that is identified by the data center as confidential business information shall be exempt

61   from the Freedom of Information Act. The Secretary shall take reasonable and appropriate steps

62   to protect this information. Notwithstanding the foregoing, the Secretary shall maintain a complete

63   list of all certified high impact data centers and all relevant information that can be made available

64   to the Governor and Legislature, removing specifically identifying information to ensure

65   confidentiality of any such information as identified by any high impact data center.

66   ~~(f)~~ (g) Buffer zone. – There is hereby established a minimum 500-foot buffer zone between

67   the construction or establishment of a data center and a residence or school or house of worship.

NOTE: The purpose of this bill is to establish a minimum 500-foot buffer zone between the construction or establishment of a data center and a residence or school or house of worship.

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