

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Originating

Senate Bill 523

BY SENATOR SMITH

[Originating in the Committee on Energy, Industry,
and Mining; Reported on February 12, 2018]

1 A BILL to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating
2 to pollution control facilities tax treatment; clarifying that wind power projects are not
3 pollution control facilities for purposes of this article; and providing that wind power
4 projects be taxed at the real property rate.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6A. POLLUTION CONTROL FACILITIES TAX TREATMENT.

§11-6A-5a. Wind power projects.

1 ~~(a) Notwithstanding any other provisions of this article, a power project designed,~~
2 ~~constructed or installed to convert wind into electrical energy shall be subject to the provisions of~~
3 ~~this section.~~

4 ~~(b) Each wind turbine installed at a wind power project and each tower upon which the~~
5 ~~turbine is affixed shall be considered to be personal property that is a pollution control facility for~~
6 ~~purposes of this article and, subject to an allocation of the value of project property determined~~
7 ~~by the Tax Commissioner in accordance with this section, all of the value associated with the wind~~
8 ~~turbine and tower shall be accorded salvage valuation: *Provided,* That the portion of the total~~
9 ~~value of the facility assigned salvage value in accordance with this section shall, on and after July~~
10 ~~1, 2007, be no greater than seventy-nine percent of the total value of the facility. All personal~~
11 ~~property at a wind power project other than a wind turbine and tower shall not be accorded salvage~~
12 ~~valuation and shall not be considered to be personal property that is a pollution control facility.~~
13 ~~For purposes of this section, "wind turbine and tower" is limited to: The rotor, consisting of the~~
14 ~~blades and the supporting hub; the drive train, which includes the remaining rotating parts such~~
15 ~~as the shafts, gearbox, coupling, a mechanical brake and the generator; the nacelle and main~~
16 ~~frame, including the wind turbine housing, bedplate and the yaw system; the turbine transformer;~~
17 ~~the machine controls; the tower; and the tower foundation. Wind power projects are not pollution~~
18 ~~control facilities for purposes of this article, and each wind turbine installed at a wind power~~

19 project, and each tower upon which the turbine is affixed, shall be considered real property for
20 the purpose of taxation so long as the tower of the wind power project is affixed to the ground.

NOTE: The purpose of this bill is to clarify that a wind power project is not a pollution control facility for purposes of article 6A.

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