

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5094

By Delegates Ward, Chiarelli, Street, Mallow, Hardy,

Holstein, Foster, Martin, Kump, Willis, and Dean

[Introduced January 25, 2024; Referred
to the Committee on Energy and Manufacturing then
Finance]

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 projects
 4 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 by~~
 7 ~~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 value~~
 9 ~~of the facility assigned salvage value in accordance with this section shall, on and after July 1,~~
 10 ~~2007, be no greater than seventy-nine percent of the total value of the facility. All personal property~~
 11 ~~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. For~~
 13 ~~purposes of this section, "wind turbine and tower" is limited to: The rotor, consisting of the blades~~
 14 ~~and the supporting hub; the drive train, which includes the remaining rotating parts such as the~~
 15 ~~shafts, gearbox, coupling, a mechanical brake and the generator; the nacelle and main frame,~~
 16 ~~including the wind turbine housing, bedplate and the yaw system; the turbine transformer; the~~
 17 ~~machine controls; the tower; and the tower foundation~~

18 Wind power projects are not pollution control facilities for purposes of this article, and each
 19 wind turbine installed at a wind power project, and each tower upon which the turbine is affixed,

20 shall be considered real property for the purpose of taxation so long as the tower of the wind power
21 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 §11-6A-1 *et seq.* of this code and is taxed as real property.

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