

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 231**

By Senators Smith and Phillips

[Introduced January 11, 2024; referred  
to the Committee on Energy, Industry, and Mining;  
and then to the Committee on 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 certain purposes; and providing that wind power projects be  
 4 taxed as real property.

*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.