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(By Delegates Howell, Rowan, Moffatt, Hamrick, Householder,
J. Nelson, Statler, Walters, Arvon, Kessinger and A. Evans)

[Introduced January 20, 2015; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
11 designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, all relating to
12 providing a special method for valuation of certain wireless technology property for property
13 taxes; defining terms; providing mandated salvage valuation of certain wireless businesses'
14 property; specifying method for valuation of certain property; requiring initial determination
15 by county assessors of whether certain property is subject to this article; and specifying
16 procedure for protest and appeal of determination by county assessor.

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

18 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
19 article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, all to read as
20 follows:

21 **ARTICLE 6L. SPECIAL METHOD FOR VALUATION OF CERTAIN WIRELESS**
22 **TECHNOLOGY PROPERTY.**

23 **§11-6L-1. Short title.**

1 This article shall be known and cited as the “Wireless Technology Business Property
2 Valuation Act.”

3 **§11-6L-2. Definitions.**

4 For the purposes of this article:

5 (1) "Antenna" means a tower used for the purposes of transmitting cellular or wireless signals
6 for communications purposes, including telephonically, or for computing purposes; and

7 (2) "Salvage value" means five percent of original cost.

8 **§11-6L-3. Valuation of certain specialized wireless technology property.**

9 Notwithstanding any other provision of this code to the contrary, the value of an antenna is
10 its salvage value, if it is:

11 (1) In a county of less than twenty thousand in population; and

12 (2) Within four miles of a four-lane highway which is either completed, under construction
13 or designed and planned to be constructed.

14 **§11-6L-4. Initial determination by county assessor.**

15 The assessor of the county in which a specific item of tangible personal property is located
16 shall determine, in writing, whether that specific item of tangible personal property is directly used
17 in accordance with this article. Upon making a determination that a taxpayer has tangible personal
18 property directly used in accordance with this article, the county assessor shall notify the Tax
19 Commissioner of that determination and shall provide information to the Tax Commissioner as he
20 or she requires relating to that determination.

21 **§11-6L-5. Protest and appeal.**

22 (a) At any time after the property is returned for taxation, but prior to January 1 of the

1 assessment year, any taxpayer may apply to the county assessor for information regarding the issue
2 of whether any particular item or items of property constitute property directly used in a
3 high-technology business or an Internet advertising business under this article which is subject to
4 valuation in accordance with this article. If the taxpayer believes that some portion of the taxpayer's
5 property is subject to this article, the taxpayer shall file objections in writing with the county
6 assessor. The county assessor shall decide the matter by either sustaining the protest and making
7 proper corrections, or by stating, in writing if requested, the reasons for the county assessor's refusal.
8 The county assessor may, and if the taxpayer requests, the county assessor shall, before January 1
9 of the assessment year, certify the question to the Tax Commissioner in a statement sworn to by both
10 parties, or if the parties are unable to agree, in separate sworn statements. The sworn statement or
11 statements shall contain a full description of the property and any other information which the Tax
12 Commissioner requires.

13 **(b) The Tax Commissioner shall, as soon as possible on receipt of the question, but in no case**
14 **later than February 28 of the assessment year, instruct the county assessor as to how the property**
15 **shall be treated. The instructions issued and forwarded by mail to the county assessor are binding**
16 **upon the county assessor, but either the county assessor or the taxpayer may apply to the circuit court**
17 **of the county for review of the question of the applicability of this article to the property in the same**
18 **fashion as is provided for appeals from the county commission in section twenty-five, article three**
19 **of this chapter. The Tax Commissioner shall prescribe forms on which the questions under this**
20 **section shall be certified and the Tax Commissioner has the authority to pursue any inquiry and**
21 **procure any information necessary for disposition of the matter.**

22 **§11-6L-6. Effective date.**

1 This article is effective on and after July 1, 2015.

NOTE: The purpose of this bill is to establish the Wireless Technology Business Property Valuation Act which provides for mandated salvage valuation for property tax purposes of tangible personal property directly used in certain wireless technology businesses.

This section is new; therefore, it has been completely underscored.