

By: Perez

H.B. No. 2712

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the exemption from ad valorem taxation of energy
3 storage systems used for the control of air pollution in a
4 nonattainment area.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by
7 adding Section 11.315 to read as follows:

8 Sec. 11.315. ENERGY STORAGE SYSTEM IN NONATTAINMENT AREA.

9 (a) In this section, "energy storage system" means a device capable
10 of storing energy to be discharged at a later time, including a
11 chemical, mechanical, or thermal storage device.

12 (b) A person is entitled to an exemption from taxation of an
13 energy storage system the person owns that is used, constructed,
14 acquired, or installed wholly or partly to meet or exceed rules or
15 regulations adopted by any environmental protection agency of the
16 United States, this state, or a political subdivision of this state
17 for the prevention, monitoring, control, or reduction of air
18 pollution and that:

19 (1) is located in an area designated as a
20 nonattainment area within the meaning of Section 107(d) of the
21 federal Clean Air Act (42 U.S.C. Section 7407);

22 (2) has a capacity of at least 10 megawatts; and

23 (3) is installed on or after January 1, 2014.

24 SECTION 2. Section 11.43(c), Tax Code, is amended to read as

1 follows:

2 (c) An exemption provided by Section 11.13, 11.131, 11.17,
3 11.18, 11.182, 11.1827, 11.183, 11.19, 11.20, 11.21, 11.22,
4 11.23(h), (j), or (j-1), 11.231, 11.254, 11.29, 11.30, [~~or~~] 11.31,
5 or 11.315, once allowed, need not be claimed in subsequent years,
6 and except as otherwise provided by Subsection (e), the exemption
7 applies to the property until it changes ownership or the person's
8 qualification for the exemption changes. However, the chief
9 appraiser may require a person allowed one of the exemptions in a
10 prior year to file a new application to confirm the person's current
11 qualification for the exemption by delivering a written notice that
12 a new application is required, accompanied by an appropriate
13 application form, to the person previously allowed the exemption.

14 SECTION 3. Section 26.012(6), Tax Code, is amended to read
15 as follows:

16 (6) "Current total value" means the total taxable
17 value of property listed on the appraisal roll for the current year,
18 including all appraisal roll supplements and corrections as of the
19 date of the calculation, less the taxable value of property
20 exempted for the current tax year for the first time under Section
21 11.31 or 11.315, except that:

22 (A) the current total value for a school district
23 excludes:

24 (i) the total value of homesteads that
25 qualify for a tax limitation as provided by Section 11.26; and

26 (ii) new property value of property that is
27 subject to an agreement entered into under Chapter 313; and

1 (B) the current total value for a county,
2 municipality, or junior college district excludes the total value
3 of homesteads that qualify for a tax limitation provided by Section
4 11.261.

5 SECTION 4. Subchapter E, Chapter 42, Education Code, is
6 amended by adding Section 42.2512 to read as follows:

7 Sec. 42.2512. ADDITIONAL STATE AID FOR EXEMPTION OF ENERGY
8 STORAGE SYSTEMS. (a) Notwithstanding Section 42.2516 or any other
9 provision of this chapter, a school district is entitled to
10 additional state aid to the extent that state aid under this chapter
11 based on the determination of the school district's taxable value
12 of property as provided under Subchapter M, Chapter 403, Government
13 Code, does not fully compensate the district for ad valorem tax
14 revenue lost due to the exemption for energy storage systems under
15 Section 11.315, Tax Code.

16 (b) The commissioner, using information provided by the
17 comptroller, shall compute the amount of additional state aid to
18 which a district is entitled under Subsection (a). A determination
19 by the commissioner under this section is final and may not be
20 appealed.

21 (c) Notwithstanding any other provision of this chapter, in
22 computing state aid for the 2014-2015 school year, the taxable
23 value of property in a school district shall be determined under
24 Subchapter M, Chapter 403, Government Code, as if the exemption for
25 energy storage systems under Section 11.315, Tax Code, had been in
26 effect for the 2013 tax year. This subsection expires September 1,
27 2015.

1 SECTION 5. Section 403.302(d-1), Government Code, is
2 amended to read as follows:

3 (d-1) For purposes of Subsection (d), a residence homestead
4 that receives an exemption under Section 11.131, Tax Code, or an
5 energy storage system that receives an exemption under Section
6 11.315, Tax Code, in the year that is the subject of the study is not
7 considered to be taxable property.

8 SECTION 6. This Act applies only to ad valorem taxes imposed
9 for a tax year that begins on or after the effective date of this
10 Act.

11 SECTION 7. This Act takes effect January 1, 2014.