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By:  Hall S.B. No. 1610

A BILL TO BE ENTITLED

AN ACT

relating to decommissioning requirements for certain solar facilities.

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

SECTION 1.  Subchapter A, Chapter 312, Tax Code, is amended by adding Section 312.0022 to read as follows:

Sec. 312.0022.  LIMITATION ON ABATEMENT OF TAXES ON SOLAR FACILITY PROPERTY. (a) In this section, "solar facility" has the meaning assigned by Section 35.201, Utilities Code.

(b)  The governing body of a taxing unit may not enter into an agreement under this chapter to exempt from taxation a portion of the value of real property on which a solar facility is located or is planned to be located during the term of the agreement, or of tangible personal property that is located or is planned to be located on the real property during that term, unless the owner of the property has, if required, executed an agreement under Section 35.202, Utilities Code, applicable to the property.

SECTION 2.  Section 313.024, Tax Code, is amended by adding Subsection (b-2) to read as follows:

(b-2)  In this subsection, "solar facility" has the meaning assigned by Section 35.201, Utilities Code. The owner of real property on which a solar facility is located or is planned to be located during the term of an agreement entered into under this subchapter, or of tangible personal property that is located or is planned to be located on the real property during that term, may not receive a limitation on appraised value under this subchapter unless the owner has, if required, executed an agreement under Section 35.202, Utilities Code, applicable to the property.

SECTION 3.  Chapter 35, Utilities Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DECOMMISSIONING SOLAR FACILITIES

Sec. 35.201.  DEFINITIONS. In this subchapter, "solar facility" means a facility designed and used primarily for the purpose of collecting, generating, transferring, or storing solar energy. The term does not include a facility installed solely on a building.

Sec. 35.202.  DECOMMISSIONING SOLAR FACILITIES. (a) The commission may not authorize a person who operates a solar facility to interconnect the facility to the ERCOT transmission grid unless the person demonstrates to the commission that the owner of the land on which the facility is located has entered into an agreement with the county in which the facility is located that provides that:

(1)  the landowner is responsible for:

(A)  decommissioning the solar facility, including restoring, through soil stabilization and revegetation, the first three feet of depth of the soil on any land disturbed by the facility; or

(B)  ensuring that the requirements of Paragraph (A) are met; and

(2)  the landowner will provide to the county financial assurance in the form of certified funds, cash escrow, a bond, a letter of credit, or a parent guarantee, payable to the county, sufficient to cover the cost of the activities required by Subdivision (1).

(b)  The cost described by Subsection (a)(2) must be based on an estimate of a qualified independent engineer, engaged by the landowner and approved by the county, who has experience in preparing decommissioning estimates. The estimate may not exceed the sum of:

(1)  the projected cost of decommissioning, including accounting for the net salvage value of the solar facility and associated equipment;

(2)  a reasonable allowance for estimated administrative costs related to a default of the operator; and

(3)  an annual inflation factor.

(c)  Notwithstanding Subsection (a), the commission may authorize a person who operates a solar facility to interconnect a facility to the ERCOT transmission grid without an agreement if the county in which the facility is to be located waives the requirements of this section.

SECTION 4.  Section 312.0022, Tax Code, as added by this Act, applies only to an agreement entered into under Chapter 312, Tax Code, on or after the effective date of this Act.

SECTION 5.  Section 313.024, Tax Code, as amended by this Act, applies only to an agreement entered into under Chapter 313, Tax Code, on or after the effective date of this Act.

SECTION 6.  This Act takes effect September 1, 2019.