

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2109 Session of 2009

INTRODUCED BY HORNAMAN, BARBIN, BELFANTI, BRADFORD, CALTAGIRONE, CARROLL, COHEN, D. COSTA, CUTLER, DAY, DeLUCA, DePASQUALE, FABRIZIO, FREEMAN, GEORGE, GERBER, HANNA, HARKINS, HENNESSEY, HOUGHTON, JOSEPHS, KESSLER, KORTZ, KOTIK, KULA, LEVDANSKY, LONGIETTI, McILVAINE SMITH, MIRABITO, MURPHY, MURT, M. O'BRIEN, PALLONE, PAYTON, ROSS, SAINATO, SAMUELSON, SANTARSIERO, SAYLOR, SEIP, SIPTROTH, K. SMITH, SOLOBAY, SWANGER, VITALI, VULAKOVICH, WANSACZ, YOUNGBLOOD AND YUDICHAK, NOVEMBER 23, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, NOVEMBER 23, 2009

AN ACT

1 Amending Titles 53 (Municipalities Generally) and 68 (Real and
2 Personal Property) of the Pennsylvania Consolidated Statutes,
3 providing for a temporary exemption for alternative energy
4 systems.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 53 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 88

10 TAX EXEMPTIONS

11 Sec.

12 8801. Definitions.

13 8802. Temporary exemption for alternative energy systems.

14 § 8801. Definitions.

15 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Alternative energy system." An energy system which uses a
4 Tier I alternative energy source to deliver electricity.

5 "Tier I alternative energy source." A source of energy
6 derived from any of the following:

7 (1) Solar photovoltaic and solar thermal energy.

8 (2) Wind power.

9 (3) Low-impact hydropower.

10 (4) Geothermal energy.

11 (5) Biologically derived methane gas.

12 (6) Fuel cells.

13 (7) Biomass energy.

14 (8) Coal mine methane.

15 § 8802. Temporary exemption for alternative energy systems.

16 (a) Establishment.--An improvement to real property for an
17 alternative energy system and the assessed value of the
18 alternative energy system shall be exempt from all taxation by a
19 political subdivision for a period of ten years from the
20 completion of installation of the alternative energy system.

21 (b) Other assessments.--The exemption under subsection (a)
22 shall supersede tax assessment and exemptions from taxation
23 under all of the following:

24 (1) The act of June 23, 1931 (P.L.932, No.317), known as
25 The Third Class City Code.

26 (2) The act of June 26, 1931 (P.L.1379, No.348),
27 referred to as the Third Class County Assessment Board Law.

28 (3) The act of May 22, 1933 (P.L.853, No.155), known as
29 The General County Assessment Law.

30 (4) The act of June 21, 1939 (P.L.626, No.294), referred

1 to as the Second Class County Assessment Law.

2 (5) The act of June 27, 1939 (P.L. 1199, No. 404),
3 entitled "An act relating to the assessment of real and
4 personal property and other subjects of taxation in counties
5 of the first class; providing for the appointment of members
6 of the board of revision of taxes by the judges of the courts
7 of common pleas; providing for the appointment, by the board,
8 of personal property assessors, real estate assessors and
9 assistant real estate assessors, clerks and other employes;
10 fixing the salaries of members of the board, assessors and
11 assistant assessors, and providing for the payment of
12 salaries and expenses from the county treasury; prescribing
13 the powers and duties of the board and of the assessors, the
14 time and manner of making assessments, of the revision and
15 notice of assessments and of appeals therefrom; prescribing
16 the records of assessments; and repealing existing laws."

17 (6) The act of May 21, 1943 (P.L.571, No.254), known as
18 The Fourth to Eighth Class and Selective County Assessment
19 Law.

20 (c) Transfer.--

21 (1) The exemption under subsection (a) shall run with
22 the property during the period of the exemption, regardless
23 of ownership or transfer of the property, so long as the
24 alternative energy system remains on the property.

25 (2) A seller of a property which is subject to the
26 exemption under subsection (a) shall notify a buyer of the
27 time remaining in the ten-year exemption period under 68
28 Pa.C.S. § 7304 (b)(17) (relating to disclosure form).

29 Section 2. Section 7304(b) of Title 68 is amended by adding
30 a paragraph to read:

1 § 7304. Disclosure form.

2 * * *

3 (b) Contents of property disclosure statement.--The form of
4 property disclosure statement promulgated by the State Real
5 Estate Commission shall call for disclosures with respect to all
6 of the following subjects:

7 * * *

8 (17) The extent of the availability of an exemption
9 under 53 Pa.C.S. § 8802 (relating to temporary exemption for
10 alternative energy systems).

11 Section 3. The addition of 53 Pa.C.S. § 8802 shall apply to
12 improvements made on or after the effective date of this
13 section.

14 Section 4. This act shall take effect in 60 days.