

2017 -- H 6095 SUBSTITUTE A

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LC002387/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO TAXATION -- TAXATION OF FARM, FOREST, AND OPEN SPACE LAND

Introduced By: Representatives Handy, and Giarrusso

Date Introduced: April 07, 2017

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 44-27 of the General Laws entitled "Taxation of Farm, Forest, and
2 Open Space Land" is hereby amended by adding thereto the following section:

3 **44-27-10.1. Land withdrawn from classification for commercial renewable energy**
4 **production -- Effect on obligation and the land use change tax.**

5 (a) Farmlands classified in the farm, forest or open space program shall not be subject to
6 a land use change tax if the landowner converts no more than twenty percent (20%) of the total
7 acreage of land which is actively devoted to agricultural or horticultural use to install a renewable
8 energy system. Any acreage used for a renewable energy system that is designated for dual use
9 under subsection (c) of this section shall not be included in the calculation of the twenty percent
10 (20%) restriction. For purposes of this section, land which is actively devoted to agricultural or
11 horticultural use shall be defined by rules and regulations established by the department of
12 environmental management in consultation with the office of energy resources and shall include
13 at a minimum any land which is actively devoted to agricultural or horticultural use that was
14 previously used to install a renewable energy system. Those rules shall also define renewable
15 energy system to include at a minimum any buffers, access roads, and other supporting
16 infrastructure associated with the generation of renewable energy.

17 (b) The tax assessor shall only withdraw from farmland classification the actual acreage
18 of the farmland used for a renewable energy system that is not concurrently used as farmland.
19 The rest of the farmland shall remain eligible as long as it still meets the program qualification

1 criteria. This reclassification of farmlands shall not be considered an exception to the tax
2 treatment for renewable energy systems prescribed by §44-5-3(c).

3 (c) The dual purpose designation for installing a renewable energy system and utilizing
4 the land below and surrounding the system for agriculture purposes shall be determined pursuant
5 to rules and regulations established by the department of environmental management in
6 consultation with the office of energy resources. The regulations shall be adopted no later than
7 December 30, 2017.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would exempt land previously classified as farm, forest or open space land from
2 land use change tax if the landowner converts no more than twenty percent (20%) acreage to
3 install a renewable energy system.

4 This act would take effect upon passage.

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