

**2017 -- S 0570 SUBSTITUTE A**

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LC001755/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: Senators Sosnowski, P Fogarty, Conley, and Archambault

Date Introduced: March 15, 2017

Referred To: Senate Finance

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 Land withdrawn from classification for commercial renewable energy**  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 that will be established by the department of environmental management  
6 in 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 no more than twenty percent (20%) of the total land acreage  
2 previously classified as farm, forest or open space land from land use change tax if the change is  
3 for purposes of a commercial renewable energy system.

4           This act would take effect upon passage.

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