

# TITLE 44

## Taxation

### CHAPTER 44-27

### Taxation of Farm, Forest, and Open Space Land

#### SECTION 44-27-10.1

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 Land withdrawn from classification for commercial renewable-energy production – Effect on obligation and the land use change tax.**

(a) Farmlands classified in the farm, forest, or open-space program in chapter 27 of title 44 shall not be subject to a land use change tax if the landowner converts no more than twenty percent (20%) of the total acreage of land that is actively devoted to agricultural or horticultural use to install a renewable-energy system. Any acreage used for a renewable-energy system that is designated for dual use under subsection (c) of this section shall not be included in the calculation of the twenty percent (20%) restriction. For purposes of this section, land that is actively devoted to agricultural or horticultural use shall be defined by rules and regulations established by the department of environmental management in consultation with the office of energy resources and shall include, at a minimum, any land that is actively devoted to agricultural or horticultural use that was previously used to install a renewable-energy system. Those rules shall also define renewable-energy system to include, at a minimum, any buffers, access roads, and other supporting infrastructure associated with the generation of renewable energy.

(b) The tax assessor shall only withdraw from farmland classification the actual acreage of the farmland used for a renewable-energy system that is not concurrently used as farmland. The rest of the farmland shall remain eligible as long as it still meets the program qualification criteria. This reclassification of farmlands shall not be considered an exception to the tax treatment for renewable-energy systems prescribed by § 44-5-3(c).

(c) The dual purpose designation for installing a renewable-energy system and utilizing the land below and surrounding the system for agriculture purposes, shall be determined pursuant to rules and regulations that will be established by the department of environmental management in consultation with the office of energy

resources. The regulations shall be adopted no later than December 30, 2017.

History of Section.

(P.L. 2017, ch. 126, § 1; P.L. 2017, ch. 149, § 1; P.L. 2018, ch. 346, § 31.)