

HB0734/733324/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 734
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the semicolon insert “requiring the State Department of Assessments and Taxation to issue a certain preconstruction determination under certain circumstances; authorizing the Department to rescind a preconstruction determination under certain circumstances; authorizing the Department to charge a certain application fee;”.

AMENDMENT NO. 2

On page 2, in line 19, after “(ii)” insert “1.”; and after line 21, insert:

“2. A. ON APPLICATION, THE DEPARTMENT SHALL ISSUE A PRECONSTRUCTION DETERMINATION IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.

B. A FAVORABLE PRECONSTRUCTION DETERMINATION QUALIFIES THE LAND AS ACTIVELY USED FOR FARM OR AGRICULTURAL PURPOSES UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

(5) (I) ON APPLICATION, THE DEPARTMENT SHALL ISSUE A PRECONSTRUCTION DETERMINATION INDICATING WHETHER THE LAND SUBJECT TO THE REQUEST WILL BE ASSESSED AS FARM OR AGRICULTURAL USE LAND UNDER THIS SECTION.

(II) AN APPLICATION FOR A PRECONSTRUCTION DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:

1. IDENTIFICATION OF THE PARCEL OR PARCELS;
2. THE ANTICIPATED EFFECTIVE TAX YEAR FOR WHEN CONSTRUCTION WILL BE COMPLETE AND THE ANTICIPATED AGRICULTURAL ACTIVITY;
3. A SITE PLAN SHOWING THE PROPOSED SOLAR LAYOUT AND THE ACREAGE TO REMAIN IN AGRICULTURAL ACTIVITY;
4. AN AGRIVOLTAICS PLAN THAT INCLUDES:
 - A. THE ANTICIPATED AGRICULTURAL ACTIVITY TO BE CONDUCTED DURING OPERATION OF THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM;
 - B. ACCESS AND FEATURES NECESSARY TO CONDUCT THE ANTICIPATED AGRICULTURAL ACTIVITY; AND
 - C. HOW THE DESIGN OF THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM WILL ALLOW FOR THE ANTICIPATED AGRICULTURAL ACTIVITY;
5. AN ESTIMATED CONSTRUCTION SCHEDULE AND THE PROPOSED IN-SERVICE DATE;

6. EVIDENCE OF SITE CONTROL, INCLUDING:

A. AN EXECUTED LAND LEASE OR PURCHASE AGREEMENT BETWEEN THE LAND OWNER AND SOLAR OPERATOR;

B. AN EXECUTED OPTION TO LEASE OR PURCHASE BETWEEN THE LAND OWNER AND SOLAR OPERATOR; OR

C. A DEED INDICATING THE SOLAR OPERATOR OWNS THE LAND; AND

7. ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT THAT IS REASONABLY NECESSARY TO DETERMINE WHETHER THE LAND QUALIFIES FOR A FARM OR AGRICULTURAL USE ASSESSMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(iii) 1. WITHIN 90 DAYS AFTER RECEIVING A COMPLETED APPLICATION FOR A PRECONSTRUCTION DETERMINATION, THE DEPARTMENT SHALL REVIEW THE APPLICATION AND:

A. ISSUE A FAVORABLE PRECONSTRUCTION DETERMINATION;

B. ISSUE AN UNFAVORABLE PRECONSTRUCTION DETERMINATION; OR

C. NOTIFY THE APPLICANT THAT ADDITIONAL INFORMATION IS REQUIRED TO COMPLETE REVIEW.

2. THE DEPARTMENT MAY RESCIND A PRECONSTRUCTION DETERMINATION IF:

A. THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM, AS CONSTRUCTED OR OPERATED, MATERIALLY DIFFERS FROM THE DESCRIPTION PROVIDED IN THE APPLICATION;

B. THE SOLAR OPERATOR HAS FAILED TO NOTIFY THE DEPARTMENT OF THE COMPLETED CONSTRUCTION AND SUBMIT AN AGRICULTURAL USE APPLICATION;

C. AGRICULTURAL ACTIVITY IS NOT BEING MAINTAINED IN ACCORDANCE WITH THIS SECTION; OR

D. THE APPLICANT PROVIDED INACCURATE INFORMATION IN THE APPLICATION.

(IV) A FAVORABLE PRECONSTRUCTION DETERMINATION ISSUED BY THE DEPARTMENT QUALIFIES THE LAND FOR A FARM OR AGRICULTURAL USE ASSESSMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION FOR THE IMMEDIATELY SUCCEEDING TAXABLE YEAR IF:

1. THE SOLAR OPERATOR PROVIDES WRITTEN NOTICE TO THE DEPARTMENT THAT THE PROJECT'S CONSTRUCTION IS COMPLETED AND AGRICULTURAL USE ACTIVITY IS BEING CONDUCTED;

2. AN APPLICATION FOR A FARM OR AGRICULTURAL USE ASSESSMENT IS SUBMITTED TO THE DEPARTMENT THAT INCLUDES THE REQUIRED INFORMATION; AND

3. THE SOLAR OPERATOR PROVIDES ACCESS TO THE SOLAR FACILITY FOR THE DEPARTMENT TO VERIFY THE AGRICULTURAL USE ACTIVITY IS BEING CONDUCTED IN ACCORDANCE WITH THIS SECTION.

(v) THE DEPARTMENT MAY CHARGE AN APPLICATION FEE IN AN AMOUNT NECESSARY TO RECOVER THE DEPARTMENT'S COSTS TO ADMINISTER AND IMPLEMENT THE REQUIREMENTS OF THIS PARAGRAPH."