

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 729

Short Title: Farmland Protection Act. (Public)

Sponsors: Representatives Dixon, Howard, and Riddell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Agriculture and Environment, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

April 3, 2025

A BILL TO BE ENTITLED
AN ACT TO CHANGE THE PROPERTY TAX EXCLUSION FOR SOLAR ENERGY
ELECTRIC SYSTEMS, TO PROHIBIT THE CONSTRUCTION OF NEW
UTILITY-SCALE SOLAR FACILITIES THAT ARE NOT QUALIFYING FACILITIES
UNDER PURPA, AND TO REQUIRE FINANCIAL ASSURANCE FOR EXISTING
SOLAR ENERGY FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-275(45) reads as rewritten:

"§ 105-275. Property classified and excluded from the tax base.

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

...

(45) ~~Eighty percent (80%)~~ Forty percent (40%) of the appraised value of a solar energy electric system. For purposes of this subdivision, the term "solar energy electric system" means all equipment used directly and exclusively for the conversion of solar energy to electricity."

SECTION 1.(b) This section becomes effective July 1, 2025, and applies to taxes imposed for taxable years beginning on or after that date.

SECTION 2.(a) G.S. 62-110.1 is amended by adding a new subsection to read:

"(a1) The Commission shall not issue a certificate of public convenience and necessity for a utility-scale solar project, as defined in G.S. 130A-309.240(a)(6), that is not a qualifying small power production facility under the federal Public Utility Regulatory Policy Act, as defined in 18 C.F.R. § 292.203(a), unless the utility-scale solar project is to be sited on property meeting any of the following criteria:

(1) The property is a brownfields property as defined in G.S. 130A-310.31, and the developer of the project enters into a brownfields agreement with the Department of Environmental Quality pursuant to G.S. 130A-310.32.

(2) The property is not currently being used for agricultural or horticultural production.

(3) The property is timberland that has been clear-cut harvested and is not in production at the time of application."

SECTION 2.(b) This section is effective when it becomes law and applies to applications for a certificate of public convenience and necessity for a utility-scale solar project received on or after that date.



1 **SECTION 3.** Section 4 of S.L. 2023-58 reads as rewritten:

2 **"SECTION 4.** This act becomes effective as follows:

3 (1) Section 2(a) of this act is effective when it becomes law, except as follows:

- 4 a. The requirements for decommissioning and registration established
5 under G.S. 130A-309.240(b) and (e), respectively, as enacted by
6 Section 2(a) of this act, become effective November 1, 2025, and apply
7 to utility-scale solar projects constructed prior to or after that date. The
8 owner of a utility-scale solar project shall register with the Department
9 as follows: (i) by November 1, 2025, or at least 90 days prior to the
10 commencement of construction of the project if the project is
11 constructed after November 1, 2025; and (ii) at least 90 days prior to
12 commencement of rebuild or expansion of a utility-scale solar project.
- 13 b. The requirements for submittal of a decommissioning plan and
14 financial assurance established under G.S. 130A-309.240(c) and (d),
15 respectively, as enacted by Section 2(a) of this act, become effective
16 ~~November 1, 2025, December 1, 2026,~~ and shall ~~only~~ apply to ~~(i)~~
17 ~~utility-scale solar projects for which applications for certificates of~~
18 ~~public convenience and necessity are pending or submitted on or after~~
19 ~~the effective date of this act and (ii) utility-scale solar projects that are~~
20 ~~generating solar energy or are interconnected to a transmission facility~~
21 ~~on the date this act becomes effective, only if the project is rebuilt or~~
22 ~~expanded, as those terms are defined by G.S. 130A-309.240(a)(2) and~~
23 ~~(a)(4), after the effective date of this act, in which case the project shall~~
24 ~~be subject to the requirements of G.S. 130A-309.240(c) and (d).~~
25 utility-scale solar projects constructed prior to or after that date. The
26 owner of a utility-scale solar project shall submit a decommissioning
27 plan and establish financial assurance ~~(i) by November 1, 2025, or~~
28 ~~prior to commencement of construction of the project if the project is~~
29 ~~constructed after November 1, 2025, and (ii) prior to commencement~~
30 ~~of rebuild or expansion of a utility-scale solar project by December 1,~~
31 2026.

32 (2) The remainder of this act is effective when it becomes law."

33 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes

34 law.