

SB 74-FN-A - VERSION ADOPTED BY BOTH BODIES

03/14/2019 1054s
6Jun2019... 2329h

2019 SESSION

19-0843
10/05

SENATE BILL **74-FN-A**

AN ACT relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Rep. Tucker, Coos 5

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill increases the fee assessed in addition to register of deeds recording fees used to support the land and community heritage investment program. The bill also establishes a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

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Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Recording Fee; Surcharge; Land and Community Heritage Investment Program. Amend RSA 478:17-g, II(a) to read as follows:

II.(a) An additional charge of [~~\$25~~] **\$35** shall also be assessed for recording each deed, mortgage, mortgage discharge or plan, but shall not be assessed for the recording of any other document. The charge provided for herein shall be paid by the grantee in a deed, the grantor in a mortgage, the person or entity discharging a mortgage in the case of a discharge, and the primary owner of property shown on a plan. The charge provided for in this section shall not be assessed for the recording of any documents in

which the United States or any instrumentality thereof, the state, a state agency, a county, a municipality, a village district, or a school district is a party.

2 Committee to Study the Economic Impact of Land Conservation and to review the LCHIP Surcharge.

I. There is established a legislative committee to study the economic impact of land conservation on housing prices, whose purpose shall be to develop a strategy balancing the need for responsible housing with the need for responsible land conservation and to review the land and community heritage investment program (LCHIP) surcharge. Members of the committee shall be as follows:

(a) Two members of the senate, appointed by the senate president.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

II. The committee shall study issues related to the economic and demographic impact of land conservation on housing and development throughout New Hampshire and shall solicit testimony from housing, development, and conservation stakeholders. Its duties shall include, but not be limited to:

(a) Reviewing current patterns of land conservation of all types in New Hampshire, including state, municipal, federal, and private land preservation efforts such as, but not limited to, voluntary conservation easements, acquisition by land trusts, and coastal protection efforts;

(b) Analyzing the impact of conservation efforts on the affordability of housing;

(c) Analyzing the extent of land conservation in municipalities to determine if conservation and development is occurring equitably around the state so as not to place undue development burden on neighboring municipalities;

(d) Proposing a permanent state land conservation impact commission to report annually on the annual increase, respectively, in land under conservation and balanced-use housing by municipality and by county, and the effects of such increases on housing and rental prices by community and by county;

(e) Analyzing the impact of land conservation on each municipality's property valuation per pupil;

(f) Analyzing the impact of conservation and housing on local property taxation; and

(g) Proposing legislation derived from the work of the committee.

III. The committee shall also review the types of documents and the compensation to the registries of deeds for collection and remission of the land and community heritage investment program (LCHIP) surcharge under RSA 478:17-g, II.

IV. The committee shall elect a chair from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

V. The committee may engage the office of strategic initiatives, the legislative budget assistant, the department of revenue administration, and any other agencies within the state in formulating metrics and acquiring data, so long as such data is de-identified for use in computations and analysis.

VI. Committee members shall receive mileage at the legislative rate when attending to the duties of the committee.

VII. The committee shall submit an interim report of its progress, including any findings and recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2019; and shall submit a final report on or before November 1, 2020.

3 Effective Date.

I. Section 1 of this act shall take effect 90 days after its passage.

II. The remainder of this act shall take effect upon its passage.

LBAO
 19-0843
 Amended 6/10/19

SB 74-FN-A- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2019-2329h)

AN ACT relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	Potential Increase of \$1,500,000+	Potential Increase of \$1,500,000+	Potential Increase of \$1,500,000+	Potential Increase of \$1,500,000+
Expenditures	Potential Increase of \$1,500,000+	Potential Increase of \$1,500,000+	Potential Increase of \$1,500,000+	Potential Increase of \$1,500,000+
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Land and Community Heritage Investment Program (LCHIP) Recording Fee Surcharge (RSA 478:17-g, II(a))			

METHODOLOGY:

This bill would increase the additional recording fee assessed for certain documents at the registries of deeds to support the Land and Community Heritage Investment Program (LCHIP). The fee would increase by \$10, from \$25 to \$35. The Treasury calculated the increased fee amount from \$25 to \$35 as a 40% increase ($\$35 - \$25 = \$10$ $\$10 / \$25 = 40\%$). Treasury assumes the same level of activity in each fiscal year. Based on FY 2018 unaudited revenues from the \$25 fee of \$3,962,020, an estimated increase of 40% to \$35 would yield an additional \$1,584,808 per year ($\$3,962,020 \times 0.40 = \$1,584,808$).

The bill also creates a committee to study the economic impact of land conservation and to review the LCHIP surcharge with an interim report due on or before November 1, 2019 and a final report due on or before November 1, 2020.

The Treasury and New Hampshire Association of Counties indicate there is no fiscal impact on the counties for this increased surcharge as the funds are still remitted to the state.

AGENCIES CONTACTED:

Treasury Department and New Hampshire Association of Counties

