

HB 621-FN - AS INTRODUCED

2021 SESSION

21-0759

10/04

HOUSE BILL

***621-FN***

AN ACT                    allowing registers of deeds to retain a portion of the land and community heritage investment program surcharge.

SPONSORS:            Rep. McConkey, Carr. 3; Rep. Avellani, Carr. 5; Rep. Cordelli, Carr. 4; Rep. Umberger, Carr. 2

COMMITTEE:        Ways and Means

---

ANALYSIS

This bill allows registers of deeds to retain up to 10 percent of the surcharge assessed under the land and community heritage program for the sole purpose of archival restoration of the official land record.

-----

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                    allowing registers of deeds to retain a portion of the land and community heritage investment program surcharge.

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

1            1    Registers of Deeds; Land and Community Heritage Surcharge; Funding for Archival  
2 Restoration. Amend RSA 478:17-g, II(b) and (c) to read as follows:

3                    (b) The collection of the assessment provided for by this section shall be administered by  
4 the commissioner of the department of revenue administration, and all powers and duties available  
5 to the commissioner to enforce and administer laws under RSA 21-J and RSA 78-B shall apply to the  
6 administration and enforcement of this paragraph. The commissioner may adopt rules, pursuant to  
7 RSA 541-A, relative to the administration of this paragraph. ***From the additional charges***  
8 ***assessed under subparagraph (a)*** each register of deeds:

9                    (1) Shall retain 4 percent of the total additional charges collected as payment for the  
10 service of collecting the additional charges, which shall be deducted prior to remitting the revenue  
11 collected; ***and***

12                    (2) ***May retain up to 10 percent of the total additional charges collected to be***  
13 ***expended for the sole purpose of funding the archival restoration of the official land***  
14 ***record, which shall be deducted prior to remitting the revenue collected.***

15                    (c) Each register of deeds shall remit the additional charges collected under  
16 subparagraph (a) ***as adjusted under subparagraph (b)*** to the department of revenue  
17 administration monthly or more often. All funds received shall be paid over to the state treasurer  
18 for deposit in the trust fund for the land and community heritage investment program established  
19 under RSA 227-M:7.

20            2 Effective Date. This act shall take effect July 1, 2021.

LBA  
21-0759  
12/29/20

**HB 621-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT allowing registers of deeds to retain a portion of the land and community heritage investment program surcharge.

**FISCAL IMPACT:**    ☒ **State**                      ☒ **County**                      ☐ **Local**                      ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	(\$350,000)+	(\$350,000)+	(\$350,000)+
<b>Expenditures</b>	\$0	(\$350,000)+	(\$350,000)+	(\$350,000)+
<b>Funding Source:</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Land and Community Heritage Investment Trust Fund (RSA 227-M:7)			

**COUNTY:**

<b>Revenue</b>	\$0	\$350,000+	\$350,000+	\$350,000+
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill allows county registries of deeds to retain up to 10 percent of the total additional charges collected for the Land and Community Heritage Investment Program (LCHIP) to be expended for the sole purpose of funding the archival restoration of the official land record, which shall be deducted prior to remitting the revenue collected to the LCHIP program.

The LCHIP Program estimates between \$364,000-\$468,000 would be retained at the county level and not available to LCHIP for grant making, based on an estimated \$3.5 million to \$4.5 million income stream at the county level from these fees.

Treasury states the legislation would decrease expenditures of the Treasury, where the LCHIP program funding is located, by an indeterminable amount. Based on estimates of the proposed agency budget for the LCHIP program of \$3,500,000 per year in FY22-FY23, Treasury calculates a possible reduction of up to 10% of this amount, or \$350,000 per year for the program, with a corresponding increase in county revenues and expenditures.

The Department of Revenue Administration (DRA) assumes this new 10 percent retention is in addition to the existing 4 percent administrative allowance to the county registries. This provision will result in an indeterminable decrease in State revenues to the LCHIP Trust Fund

and a corresponding indeterminable increase in county revenues. DRA is unable to estimate the exact future impact based on future fee collections or how much of the allowable 10 percent fee each county would retain. Based on the FY20 LCHIP funds remitted to the State of \$4,411,154, DRA estimates \$459,495 would be retained by the counties, assuming all counties retain an additional 10% of such fees and calculated as follows

$\$4,411,154$  remitted to State in FY20 = 96 percent of revenue collected by county registries

$\$4,594,952$  total collected by county registries =  $\$4,411,154 / 0.96$

$\$459,495$  to be retained by counties =  $\$4,594,952 \times 0.10$

Utilizing revenues from prior years, the New Hampshire Association of Counties estimates the bill would yield increased county revenues of \$630,000 in FY21, \$675,000 in FY22, \$500,000 in FY23 and \$450,000 in FY24.

It is assumed the bill would be effective July 1, 2021.

**AGENCIES CONTACTED:**

Department of Revenue Administration, Treasury Department, NH Association of Counties, and the LCHIP Program