

HB 1310 – AS INTRODUCED

2014 SESSION

14-2454
10/03

HOUSE BILL **1310**

AN ACT allowing towns and cities to terminate the application of the property tax exemption for water and air pollution control facilities within the town or city.

SPONSORS: Rep. Cushing, Rock 21; Rep. Muns, Rock 21

COMMITTEE: Municipal and County Government

ANALYSIS

This bill enables a town or city to terminate, or subsequently readopt, the application of the property tax exemption for water and air pollution control facilities within the town or city.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT allowing towns and cities to terminate the application of the property tax exemption for water and air pollution control facilities within the town or city.

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

1 1 Property Taxation; Local Option; Termination of Exemption for Water and Air Control
2 Facilities. RSA 72:12-b is repealed and reenacted to read as follows:

3 72:12-b Procedure for Termination or Readoption.

4 I. Any town or city may terminate the application of the provisions of RSA 72:12-a within
5 such town or city in the following manner:

6 (a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the
7 question shall be placed on the warrant of a special or annual town meeting, by the governing body
8 or by petition pursuant to RSA 39:3.

9 (b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the
10 legislative body may consider and act upon the question in accordance with its normal procedures for
11 passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of
12 such municipality may vote to place the question on the official ballot for any regular municipal
13 election.

14 II. The vote shall specify the provisions of the property tax exemption for water and air
15 pollution control facilities under RSA 72:12-a. If a majority of those voting on the question vote
16 “yes,” the exemption under RSA 72:12-a shall be terminated within the town or city, on the date set
17 by the governing body, or in the tax year beginning April 1 following its termination, whichever shall
18 occur first.

19 III. A municipality may readopt the applicability of property tax exemption for water and air
20 pollution control facilities under RSA 72:12-a in the manner described in this section.

21 2 Water and Air Pollution Control Facilities; References Added. Amend RSA 72:12-a to read as
22 follows:

23 72:12-a Water and Air Pollution Control Facilities. ***Subject to local termination under***
24 ***RSA 72:12-b:***

25 I. Any person, firm, or corporation which builds, constructs, installs, or places in use in this
26 state any treatment facility, device, appliance, or installation wholly or partly for the purpose of
27 reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the
28 value of said facility and any real estate necessary therefor, or a percentage thereof determined in
29 accordance with this section, exempted from the taxes levied under this chapter for the period of
30 years in which the facility, device, appliance, or installation is used in accordance with the provisions

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1 of this section *unless terminated by the town or city pursuant to RSA 72:12-b*. This paragraph
2 shall not apply to privately-owned landfills or ancillary facilities located at such landfills or to
3 sewage disposal systems installed pursuant to RSA 485-A:29 through RSA 485-A:44 and rules
4 adopted pursuant thereto, except that any exemption for a sewage disposal system granted prior to
5 January 1, 2010 shall remain in effect *unless terminated by the town or city pursuant to*
6 *RSA 72:12-b*.

7 II. The party seeking the exemption shall file an application with the department of
8 environmental services if the exemption sought is for a water pollution control facility or an air
9 pollution control facility, with a copy to the taxing authorities in the municipality where the facility
10 is situated. Said application shall describe the facilities and their function or functions and shall
11 state the applicant's total investment therein and the portion allocable to each function.

12 III. The department shall investigate and determine whether the purpose of the facility is
13 solely or only partially pollution control. If the department finds that the purpose of the facility is
14 only partially pollution control it shall determine by an allocation of the applicant's investment in
15 the facility what percentage of the facility is used to control pollution. In making its investigation,
16 the department may inspect the facility and request such other information from the applicant as is
17 reasonably necessary to assist it in making its determination.

18 IV. Upon making its determination, the department shall notify the applicant and the taxing
19 authorities of the municipality where the facility is situated whether the purpose of the facility is
20 solely pollution control, or, if not, what percentage of the applicant's investment in the facility should
21 be allocated to pollution control.

22 V. The taxing authorities shall each year separately appraise and describe the facility and
23 related real estate and cause such appraisal and description to appear in their inventory. In
24 accordance with the provisions of this section *and RSA 72:12-b*, the taxing authority shall exempt
25 from the taxes levied under this chapter the appraised value of the facility and any real estate
26 necessary therefor, or the exempt percentage thereof, determined by the department. The exemption
27 period shall begin as of the April 1 next following the receipt of the department's determination.

28 VI. Either the municipality or the owner of the facility may request a rehearing or appeal
29 from such determination in accordance with the provisions of RSA 541.

30 3 Effective Date. This act shall take effect upon its passage.