

CHAPTER 277
HB 1549 – FINAL VERSION

19Mar2014... 0705h

2014 SESSION

14-2560
10/06

HOUSE BILL **1549**

AN ACT relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.

SPONSORS: Rep. Moffett, Merr 9; Rep. Grenier, Sull 7; Rep. Porter, Hills 1; Sen. Woodburn, Dist 1

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill clarifies assessment of renewable generation facility property provided for in a voluntary payment in lieu of taxes agreement.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.

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

1 277:1 Commissioner of Revenue Administration; Equalization of Property. Amend RSA 21-J:3,
2 XIII to read as follows:

3 XIII. Equalize annually by May 1 the valuation of the property as assessed in the several
4 towns, cities, and unincorporated places in the state including the value of property exempt pursuant
5 to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70, **and** property which is subject to tax relief
6 under RSA 79-E:4, [~~and property which is the subject of a payment in lieu of taxes under RSA 72:74~~]
7 by adding to or deducting from the aggregate valuation of the property in towns, cities, and
8 unincorporated places such sums as will bring such valuations to the true and market value of the
9 property, and by making such adjustments in the value of other property from which the towns,
10 cities, and unincorporated places receive taxes or payments in lieu of taxes, **including renewable**
11 **generation facility property subject to a payment in lieu of taxes agreement under**
12 **RSA 72:74**, as may be equitable and just, so that any public taxes that may be apportioned among
13 them shall be equal and just. In carrying out the duty to equalize the valuation of property, the
14 commissioner shall follow the procedures set forth in RSA 21-J:9-a.

15 277:2 Payment in Lieu of Taxes for Renewable Generation Facilities. Amend RSA 72:74, II to
16 read as follows:

17 II. A renewable generation facility subject to a voluntary agreement to make a payment in
18 lieu of taxes under this section shall be subject to the laws governing the utility property tax under
19 RSA 83-F. Payments made pursuant to such agreement shall satisfy any tax liability relative to the
20 renewable generation facility that otherwise exists under RSA 72. **The payment in lieu of taxes**
21 **shall be equalized under RSA 21-J:3, XIII in the same manner as other payments in lieu of**
22 **taxes**. In the absence of a payment in lieu of taxes agreement, the renewable generation facility
23 shall be subject to taxation under RSA 72.

24 277:3 Appraisal of Taxable Property; Renewable Generation Facility PILOT. Amend RSA 75:1
25 to read as follows:

26 75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5,
27 open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary
28 easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to
29 RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying

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1 farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying
2 historic buildings, residential rental property subject to a housing covenant under the low-income
3 housing tax credit program pursuant to RSA 75:1-a, ***renewable generation facility property***
4 ***subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined***
5 ***under said agreement***, and all other taxable property at its market value. Market value means
6 the property's full and true value as the same would be appraised in payment of a just debt due from
7 a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to
8 them relative to the value of property, the value of which cannot be determined by personal
9 examination.

10 277:4 Applicability. The provisions of this act shall apply beginning with the property tax year
11 ending March 31, 2015.

12 277:5 Effective Date. This act shall take effect upon its passage.

13 Approved: July 28, 2014

14 Effective Date: July 28, 2014