SENATE BILL 493-FN-A

AN ACT relative to register of deeds fees and voluntary contributions 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.


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 and allows for voluntary contributions, gifts, private grants, or other donations to be accepted for the program. The bill also establishes a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to register of deeds fees and voluntary contributions 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 New Paragraph; Land and Community Heritage Investment Program; Trust Fund. Amend RSA 227-M:7 by inserting after paragraph III the following new paragraph:

IV. In addition to the provisions of paragraph III, the authority may receive and accept for deposit in the trust fund voluntary contributions, gifts, private grants, or other donations and use such funds as provided in paragraph I to support the land and community heritage investment program.

3 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 a 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, 2020.

4 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.
SB 493-FN-A- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2020-1010s)

AN ACT relative to register of deeds fees and voluntary contributions 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:  [ X ] State  [ ] County  [ ] Local  [ ] None

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<th>STATE:</th>
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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 2019 unaudited revenues from the $25 fee of $3,977,219, an estimated increase of 40% to $35 would yield an additional $1,590,888 per year ($3,977,219 x 0.40 = $1,590,888). The Treasury indicates there is no fiscal impact on the counties for this increased surcharge as the funds are still remitted to the state.

It is assumed this bill will not take effect until FY 2021.

AGENCIES CONTACTED:
Treasury Department