

HB 419-FN-LOCAL - AS INTRODUCED

2017 SESSION

17-0369

04/10

HOUSE BILL

419-FN-LOCAL

AN ACT relative to real estate leased for a public charter school.

SPONSORS: Rep. Weyler, Rock. 13; Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. Seidel, Hills. 28; Sen. Reagan, Dist 17; Sen. Avard, Dist 12

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires the annual refund of the pro rata share of property taxes paid by a chartered public school pursuant to a lease of property from a non-exempt owner.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to real estate leased for a public charter school.

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

1 1 New Paragraph; Property Taxation; Exemption; Chartered Public School Refunds. Amend
2 RSA 72:23 by inserting after paragraph V-a the following new paragraph:

3 V-b. A chartered public school, established and operating under RSA 194-B and exempt
4 from property taxation under this section, leasing property from an owner which is not exempt from
5 property taxation under this chapter shall be entitled to a refund of the amount of a lease payment
6 attributable to duly assessed personal and real estate taxes paid by the lessor. Such refund shall be
7 made annually by the governing body of the taxing district upon application by the board of trustees
8 of the chartered public school, provided that the chartered public school is liable under the lease for
9 the pro rata share of lessor's property taxes and the lessor has paid the amount of property taxes
10 due. The refund of the pro rata share of tax paid shall be made to the board of trustees and used for
11 school purposes.

12 2 Appraisal of Taxable Property. Amend RSA 75:1 to read as follows:

13 75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5,
14 open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary
15 easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to
16 RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying
17 farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying
18 historic buildings, ~~[qualifying chartered public school property appraised under RSA 79-H,]~~
19 residential rental property subject to a housing covenant under the low-income housing tax credit
20 program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary
21 payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement,
22 telecommunications poles and conduits pursuant to RSA 72:8-c, and all other taxable property at its
23 market value. Market value means the property's full and true value as the same would be
24 appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and
25 consider all evidence that may be submitted to them relative to the value of property, the value of
26 which cannot be determined by personal examination.

27 3 Repeal. The following are repealed:

28 I. RSA 79-H, relative to taxation of certain chartered public school facilities.

29 II. RSA 74:4, VIII, relative to taxpayer inventory blanks for chartered public schools.

30 4 Effective Date. This act shall take effect April 1, 2017.

**HB 419-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to real estate leased for a public charter school.

FISCAL IMPACT: ☐ State ☐ County ☒ Local ☐ None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill would allow for an annual refund of the pro-rata share of property taxes paid by a chartered public school pursuant to a lease of property from a non-exempt owner. This bill may have a small indeterminable redistribution of property tax burden within certain municipalities and also may increase local expenditures to the extent municipalities that have qualifying charter schools may incur administration expenses to process refunds.

AGENCIES CONTACTED:

Department of Education and Department of Revenue Administration