

Amendment to HB 696-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the application of utility property taxes and statewide education property
4 taxes to electric generating facilities.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Paragraph; Taxation; Payment in Lieu of Taxes for Renewable Generation Facilities;
9 Transition to Payment of State Education Property Tax. Amend RSA 72:74 by inserting after
10 paragraph VII the following new paragraph:

11 VIII. In the case of an electric generating facility that is exempt from the utility property tax
12 pursuant to RSA 83-F:1, V(g) and making payments in lieu of taxes to a municipality pursuant to
13 RSA 72:74, if the payment in lieu of tax agreement was in effect as of July 1, 2027, then the facility
14 shall not be liable for payment of the state education tax under RSA 76:3 until that payment in lieu
15 of taxes agreement expires or until July 1, 2032, whichever occurs first. Once payment of the state
16 education tax under RSA 76:3 is required, it may be included in a payment in lieu of taxes
17 agreement pursuant to a new agreement reached under RSA 72:74, or be paid in addition to a
18 payment in lieu of taxes agreement if the underlying agreement has not expired or been reopened
19 and renegotiated. If, under RSA 76:3, the state education tax is paid separately from the payment in
20 lieu of taxes, then the amount of the state education tax owed by the facility shall be determined by
21 using the imputed value of the facility that is calculated and used by the department of revenue
22 administration for purposes of equalization under RSA 21-J:3, XIII.

23 2 New Subparagraph; Utility Property Tax; Definitions; Exemptions. Amend RSA 83-F:1, V by
24 inserting after subparagraph (f) the following new subparagraph:

25 (g) Property used for the purposes of generating electricity, except such property owned
26 by entities as defined in RSA 362:2, I that are engaged in the distribution or transmission of
27 electricity.

28 3 New Subparagraph; Taxation; Utility Property Taxation; Payment Forms. Amend RSA 83-
29 F:5, V by inserting after subparagraph (b) the following new subparagraph:

30 (c) As of May 1 of each year the owners of property exempted from the definition of
31 utility property under RSA 83-F:1, V(g) shall file a form, designated by the commissioner, that
32 collects sufficient information so that the department can identify utility and non-utility property

Amendment to HB 696-FN
- Page 2 -

1 and maintain an inventory of assets that are and are not subject to the utility property tax. The
2 form shall be signed by an authorized representative, subject to the pains and penalties of perjury.
3 If by May 1 the taxpayer is unable to file the form required under this subparagraph, the taxpayer
4 shall request an extension from the department. Such extension shall be valid only upon written
5 confirmation from the department, and shall not exceed 30 days per request. No more than 2
6 extensions shall be granted in a given tax year.

7 4 Utility Property Tax; Exemption from Education Tax; Reference Added. Amend RSA 83-F:9 to
8 read as follows:

9 83-F:9 Exemption From Education Tax. Persons and property subject to taxation under this
10 chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter
11 shall be construed to exempt such persons or property from local school, municipal, district, or
12 county taxation under RSA 76, ***except as provided in RSA 72:74, VIII.***

13 5 Applicability. This act shall apply to tax periods beginning on or after April 1, 2028.

14 6 Effective Date. This act shall take effect July 1, 2027.

Amendment to HB 696-FN
- Page 3 -

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AMENDED ANALYSIS

This bill provides:

I. That an electric generating facility exempt from the utility property tax and making a payment in lieu of taxes to the municipality shall not be responsible for payment of the state education tax until such agreement expires or until July 1, 2032, whichever occurs first.

II. For calculation and payment of the utility property tax in future agreements.