



- Home**
- Login**
Create account
Forgot password
- News**
Local headlines
Obituaries
Town by town
Politics
New England
Nation-World
We Went To War
Business
Associated Press
Concord Insider
Podcasts
RSS Feeds
- Sports**
High schools
Professional
College
Racing
- Opinion**
Editorials
Letters
Columns
Write a letter
- Blogs**
BlogsNH
Primary Monitor
- Photography**
Pulitzer Winner
PhotoExtra
Multimedia
Anthrozoology
Primary Circus
Teen Life
Web Cam
- Marketplace**
Classifieds
Jobs
Cars
Homes
Corner Cupboard
Yellow Pages
Monitor Openings
Place an ad
Best of 2008
- Community**
Town by town
Couples
Obituaries
Personals
- Entertainment**
Dining Deals
Books
Movies
Music
Tuned In
- Living**
Food
Health
Home-Family
Beliefs
Travel
- Newspaper**
Subscriptions
Advertising
Commercial Jobs
Contact us
Directions
History

Brown Street Furniture *Endicott*
SAVE NOW *Solid Cherry, Maple, Ash & Pine* Furniture Company



Judge: State tax unconstitutional Impact on school funding law unclear

By DANIEL BARRICK
Monitor staff

October 25, 2005 - 7:05 am

A superior court judge has ruled that the statewide property tax at the heart of New Hampshire's education funding system is unconstitutional. But it's unclear what impact the ruling will have on the larger school funding debate, since it applies only to taxes collected from a handful of people in a single tax year.

The ruling, issued on Friday by Judge Kenneth McHugh of Rockingham County Superior Court, came in a case brought by several property owners in Portsmouth and Rye, who challenged their 2002 property assessments. The plaintiffs argued that differing property values in different towns resulted in an unfair division of the statewide property tax burden.

McHugh agreed, but he limited his opinion to the 2002 tax year.

"For the tax year 2002, the statewide property tax assessments are disproportionate both within each municipality and between the various municipalities in the state," he wrote. "This disproportionality evidences a widespread scheme of intentional discrimination and is therefore unconstitutional."

Since individual towns assess property, which is then taxed at a statewide rate, the tax is not equally applied, McHugh wrote.

The ruling goes on to say that property tax assessments must be redone for 2002, with abatements for those property owners who were over-assessed. But McHugh acknowledges that the ruling will likely go before the state Supreme Court.

"The court recognizes that its findings herein will create a major procedural dilemma for the state," McHugh wrote. "... However, the court cannot ignore the constitutional mandate of the guarantee of a fair and reasonable property tax merely because the implementation of a proper tax structure will be difficult."

Associate Attorney General Anne Edwards, who argued the state's case, said she would appeal McHugh's ruling. She said the ruling, if upheld, would have little influence on the ongoing school funding debate.

"It doesn't apply at all to the current funding formula or the current system," she said. "And there have been significant changes since 2001 to the state's assessment method." She said the state has improved its oversight of town assessments in recent years.

Robert Shaines, the Portsmouth attorney representing the plaintiffs, envisioned a wider application of McHugh's ruling.

"This paves the way to strike down the statewide property tax altogether," he said.

He added: "Under any view, this is an unconstitutional tax. We weren't looking to particularly break the system. But if the tax is unconstitutional, it shouldn't have been paid by anybody."

- Font size: [A](#) [A](#) [A](#)
- [Print article](#)
 - [Letter to editor](#)
 - [Send and share](#)



McHugh
[Zoom](#)



CARLSON'S Motor Sales




AllCarsNH.com
Click to search our inventory online

Top Jobs

- OUTSIDE SALES REP**
PELLA WINDOWS AND DOORS
- BRANCH SPECIALIST**
GRANITE STATE CREDIT UNION
- RN DIRECTOR**
CHESHIRE MEDICAL CENTER

[View all Top Jobs](#)

grappone

Experience
The Difference.

AUTOMOTIVE
group

Local Advertising

[BlogsNH](#) **BlogsNH**
The Concord Monitor and Monadnock Ledger-Transcript's community blogging forum.
Read community blogs

 **Nothing sells like a photo!**
When you're trying to sell a house, car, or a dining room set, turn to the region's...
[ConcordMonitor.com/c...](#)

 **Real Estate Monitor**
Find your next home in the Real Estate Monitor, the largest marketplace for real es...
Read online.

 **LiveWell Guide**
Your guide to living the good life in New Hampshire.
Read it online.

Online

Newsletter
Archives
Help
Advertise Online
Our Advertisers
About us
Contact us

Special Sections



(All Special Sections)

The property owners, in suing their respective towns, did not claim that their individual assessments were excessive. Rather, they asked the court to find that the property tax system as a whole was irregular and unconstitutional.

The towns argued that they were mandated by the state to collect statewide property taxes, so the attorney general's office handled the defense.

In a written statement, Gov. John Lynch described the statewide property tax as "a gimmick that puts virtually no real money into New Hampshire's school system."

Single page | 1 | 2 | ▶

This article is: 1155 days old.

[Print article](#)

[Letter to editor](#)

[Send and share](#)

Comments

Post a new comment

Subject:

Message:

The Concord Monitor provides the opportunity for users to comment on material posted to the site as a way to encourage respectful community dialogue. The Concord Monitor does not screen or monitor user comments and is not responsible for their contents. The Monitor does, however, reserve the right to monitor content if it chooses and to remove comments that include profanity, personal attacks or antisocial behavior such as "spamming," "trolling" or any other inappropriate material at the Monitor's discretion. Please see our [Discussion Guidelines](#).

-->



NEWSPAPERS IN EDUCATION
Concord Monitor can deliver free newspapers to your local school's classrooms. Find out how.



[Subscribe](#) | [Advertiser Profiles](#) | [Jobs](#) | [Autos](#) | [Real Estate](#) | [Classifieds](#) | [Photo Reprints](#) | [Contact Us](#)

Copyright 1997-2008
Concord Monitor and New Hampshire Patriot
P.O. Box 1177
Concord NH 03302
603-224-5301
[Privacy policy](#)