

CONSENT CALENDAR

February 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 1552-FN,

AN ACT establishing a board for the certification of assessors. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Carol McGuire

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1552-FN
Title:	establishing a board for the certification of assessors.
Date:	February 7, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0519h

STATEMENT OF INTENT

This bill transfers assessor certification and regulation from the Department of Revenue Administration (DRA) to a new professional board under OPLC. DRA retains oversight of municipal assessing personnel and processes, but the licensing and certification will be done in a more transparent manner, controlled by the profession. This separation also prevents the appearance of a conflict of interest in that the DRA both employs and regulates assessors, and nearly all its actions are exempt from 91-A. The committee amendment simply confirms that the existing licenses are valid until their expiration date.

Vote 18-0.

Rep. Carol McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 1552-FN, establishing a board for the certification of assessors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill transfers assessor certification and regulation from the Department of Revenue Administration (DRA) to a new professional board under OPLC. DRA retains oversight of municipal assessing personnel and processes, but the licensing and certification will be done in a more transparent manner, controlled by the profession. This separation also prevents the appearance of a conflict of interest in that the DRA both employs and regulates assessors, and nearly all its actions are exempt from 91-A. The committee amendment simply confirms that the existing licenses are valid until their expiration date. **Vote 18-0.**

Rep. McGuire, Merr. 29
February 4, 2022
2022-0519h
10/08

Amendment to HB 1552-FN

1 Amend the bill by inserting after section 7 the following and renumbering the original section 8 to
2 read as 9:

3

4 8 Application; Current Certification. Any certificate issued by the department of revenue
5 administration in accordance with RSA 21-J:14-f shall be valid until its expiration date. At
6 expiration, such certificate may be renewed by the board in accordance with RSA 310-C:2 as inserted
7 by this act.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1552-FN

BILL TITLE: establishing a board for the certification of assessors.

DATE: February 7, 2022

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. McGuire Seconded by Rep. T. Lekas AM Vote: 18-0

Amendment # 2022-0519h

Moved by Rep. McGuire Seconded by Rep. Goley Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



1/22/2021 9:57:48 AM
Roll Call Committee Registers
Report

2021 SESSION

MCG-GOLEY

Executive Departments and Administration

Bill #: HB 1552 Motion: OTP/A AM #: _____ Exec Session Date: 2-7-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman <i>RHODES</i>	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Judy, Jean L.	X		
Schmidt, Peter B.			
Schultz, Kristina M. <i>MARSH</i>	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			



2021 SESSION

1552 AMEND MEG LEKAS AMEND

Executive Departments and Administration

Bill #: HB 1552 Motion: ADOPT AMENDMENT AM #: 0519H Exec Session Date: 2-7-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman RHODES	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeudy, Jean L.	X		
Schmidt, Peter B.			
Schultz, Kristina M. MARSH	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			

18-0

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1552-FN

BILL TITLE: establishing a board for the certification of assessors.

DATE: January 31, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 10:45 a.m.

Time Adjourned: 11:30 a.m.

Committee Members: Reps. McGuire, Rhodes, Sytek, Yakubovich, S. Pearson, T. Lekas, Alliegro, Bailey, Lanzara, Santonastaso, Goley, Schuett, P. Schmidt, Fellows, Grote, O'Brien and Marsh

Bill Sponsors:

Rep. Piemonte

Rep. P. Schmidt

Rep. J. Smith

Rep. Pauer

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Schmidt introduced the bill on behalf of the sponsor who was not present. He said he supported the bill.

Robert Gagne, V-Chair of the Assessing Standards Board, spoke in favor. The impetus behind the bill was transparency. The ASB did not want to be involved in discipline and the Department of Revenue Administration which does handle certification, de-certification has a confidentiality policy so that the results in proceedings are not made public. This bill would allow for transparency. He took Committee questions such as whether other remedies were available and the questioning/discussion was extensive. He went on that the ASB was never intended to be the policing agency but recent issues have come up. It was pointed out that this would be a complete board (modeled on the Real Estate Appraiser Board) with OPLC handling the administration.

Carolynn Lear, Ass't Commissioner DRA, spoke for information only and described the role DRA. She pointed out the importance of assessors since the greatest revenue stream in NH was the property tax and the importance of their being qualified. She pointed out that SB 53 was coming to make certain records public.

Scott Bartlett, Assessor Supervisor for the Town of Goffstown, took no position but pointed out several areas of concern such as too rapid a transition, grandfathering, definition of assessors on the board, number of public members, possible conflict of interest withing the DRA. He took Committee questions.

Laurie Ortolano, Nashua, a citizen representing herself, spoke in favor. She felt that her complaint against assessors in a recent re-evaluation were brushed aside by the City as minor and that confidentiality prevented her from finding out the disposition of her allegations. She also was concerned about the possibility of conflict of interest in the DRA vis-à-vis investigating their own internal assessor.

Jim Michaud, Town Assessor of Hudson, submitted written testimony neither supporting or opposing the bill. His concerns largely echoed those of Mr. Bartlett.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1552 on 2022-01-31

Support: 7 Oppose: 7 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	No	1/22/2022 11:34 AM
ploszaj, tom	Center Harbor, NH tom.ploszaj@gmail.com	An Elected Official	Myself	Support	No	No	1/22/2022 1:05 PM
Eldridge, Angela	Ossipee, NH angkrit15@aol.com	A Member of the Public	Myself	Support	No	No	1/24/2022 11:00 AM
Martin, Sandra	Ossipee, NH welfaredirector@ossipee.org	A Member of the Public	Myself	Support	No	No	1/24/2022 11:07 AM
Brown, Frank	Manchester, NH appsonap@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 6:45 AM
Ridings, Linda	Wolfeboro, NH mykids40@hotmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 10:18 AM
haywood, john	east wakefield, NH jbhaywood1@yahoo.com	A Member of the Public	Myself	Support	No	No	1/25/2022 10:20 AM
Martin, Loren	Boscawen, NH loren@avitarassociates.com	A Member of the Public	Myself	Support	No	No	1/25/2022 3:47 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	1/25/2022 11:03 PM
Smith, Jonathan	Ossipee, NH Jonathan.Smith@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/27/2022 7:04 AM
Ossipee, Town of	Ossipee, NH msawyer@ossipee.org	An Elected Official	Board of Selectmen	Support	No	No	1/27/2022 8:42 AM
BOARD OF SELECTMEN, TOWN OF WOLFEBORO	WOLFEBORO, NH TOWNMANAGER@WOLFEBORONH.US	An Elected Official	WOLFEBORO BOARD OF SELECTMEN	Support	No	No	1/27/2022 10:06 AM
HATCH, JACKLYN	NORTHFIELD, NH	A Member of the	Myself	Support	No	No	1/27/2022 10:25 AM

	JMHDA@YAHOO.COM	Public					
Haywood, Todd	Concord, NH granitehillmunisvs@hotmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 10:43 AM
Demetriou, Lexi	pembroke, NH lexidemetriou@keelerfamily.com	A Member of the Public	Myself	Support	No	No	1/27/2022 11:21 AM
Haywood, Connor	Concord, NH connorhaywood72@yahoo.com	A Member of the Public	Myself	Support	No	No	1/27/2022 11:22 AM
Haywood, Brennan	CONCORD, NH brennan.haywood@banksautos.com	A Member of the Public	Myself	Support	No	No	1/27/2022 11:33 AM
Haywood, Spencer	Bow, NH Spenserhaywood9@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 6:16 PM
Haywood, Judith	Nashua, NH jhaywd@aol.com	A Member of the Public	Myself	Support	No	No	1/28/2022 1:22 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/29/2022 3:44 PM
Walker, Kathleen	Concord, NH kwalker1951@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 3:06 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 4:01 PM
Cloutier, Suzanne	Hampton, NH shcloutier@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 10:25 PM
Robinson, Steven	Northwood, NH Nikkiandme@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 3:42 AM
Robinson, Karen	Northwood, NH Bdabng12@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 3:46 AM
Colquhoun, Laura	Nashua, NH lauracolquhoun2@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 7:36 AM
Wojtkiewicz, Jeffry	Boscawen, NH jeffwokie@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 7:41 AM
Gravel, Stacy	Boscawen, NH stacygravel49@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 7:42 AM
Beatrice, Donna	Nashua, NH dbjb1314@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2022 7:47 AM
Hamilton, Stephan	Salem, NH stephamilton.wcg@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 10:45 AM
Chester, Russan	Bedford, NH	A Member of the	Myself	Support	No	No	1/31/2022 8:04 PM

Loveless, Eric	russan.chester@gmail.com bedford, NH nassur34@protonmail.com	Public A Member of the Public	Myself	Support	No	No	1/31/2022 8:33 PM
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**PO Box 514
Salem, NH 03079
(603) 560-0629**

Stevehamilton.WCG@gmail.com

January 31, 2022

Honorable Carol McGuire, Chairman
Executive Departments and Administration
New Hampshire House of Representatives
107 North Main Street
Concord, NH 03301

Re: House Bill 1552 establishing a board for the certification of assessors

Dear Chairman McGuire,

I am writing today in support of the above referenced bill that will establish a board for the certification of certified property tax assessors in New Hampshire.

As a certified assessor in the state and having served in several roles including: municipality employed assessor; review appraiser for the Board of Tax and Land Appeals; a former member of the Assessing Standards Board; Director of the Municipal and Property Division at DRA; and for the last three years a contractor providing assessing services to the cities and towns of the state I have observed and experienced the certification process from as many angles as anyone can.

I tend to think that HB1552 is the best way for the process of certification of assessors to mature to the next level of effectiveness. While DRA has done their best, they are really not setup to handle certification issues with the same efficiency as the Joint Board of Certification and Licensure.

This change in the certification authority will not disturb the basic role of ASB and its authority to set assessing standards. Neither will it interfere with the DRA's primary role to enforce those standards and monitor and report on assessing progress in the municipalities of the state.

I hope that the committee looks favorably on this proposed legislation, and if you have any questions or would like any additional specific information that I could provide please feel free to contact me.

Sincerely,



Stephan W. Hamilton, President
Whitney Consulting Group, LLC

Archived: Thursday, May 19, 2022 9:57:09 AM
From: [Steve Hamilton](#)
Sent: Monday, January 31, 2022 10:47:53 AM
To: ~House Executive Departments and Administration
Subject: House Bill 1552
Importance: Normal

Please consider the attached testimony in support of HB1552.

-Steve

Stephan W. Hamilton
Whitney Consulting Group, LLC
P.O. Box 514
Salem, NH 03079
(603) 560-0629
www.whitneyconsultgroup.com



Sent from [Mail](#) for Windows 10

Archived: Thursday, May 19, 2022 9:57:10 AM
From: Tom Thomson
Sent: Sunday, January 30, 2022 9:05:07 PM
To: ~House Executive Departments and Administration
Subject: Letter of Support on HB 1552
Importance: Normal

Dear Chairman Carol McGuire and Committee Members,

Below is my letter of support for HB 1552. I wanted to be at the hearing tomorrow but I have an appointment at Dartmouth-Hitchcock Hospital that I could not change. Thank you for considering my testimony on this important House Bill 1552. Tom Thomson

Tom Thomson
173 Strawberry Hill Road
Orford, NH 03777

January 31, 2022

Representative Carol McGuire, Chairman
NH House of Representatives Executive Department & Administration
NH Legislative Office Building, Room 306
Concord, NH 03301

Dear Chairman McGuire and Committee Members,

My name is Tom Thomson from Orford, NH and I'm a member of the NH Assessing Standards Board (ASB) serving as a Public Member for over 15 years.

This past year I was asked to serve on the ASB Sub-Committee that worked on this proposed legislation and I am in support of the proposed HB 1552.

HB 1552 will simply move the over-site of Certification for NH Assessors from the Dept. of Revenue Administration (DRA) to the NH Joint Board of Certification and Licensure, which is set up to efficiently handle the Certification issues of our NH Assessing Community.

The NH Joint Board of Certification and Licensure oversees, over 55 Certified and Licensed professional groups in the State of NH and has done so for many years.

This will allow the DRA to concentrate on the important work they are tasked to do. It will also end the concern of Assessors that the DRA has total control over an assessor who may be accused of doing something wrong. The way the DRA is set up today is that they are Judge, Jury and Executioner for any Assessor who may be called out. Again, HB 1552 will give transparency to all concerned including our NH Taxpayers that I have represented for the past 15 years.

Please support HB 1552, which the ASB Sub-Committee supports.

Thank you for your time and consideration, and thank you for your willingness to serve our State.

Sincerely yours,

Tom Thomson
Public Member of the NH Assessing Standards Board

HB 1552-FN - AS INTRODUCED

2022 SESSION

22-2311

11/10

HOUSE BILL ***1552-FN***

AN ACT establishing a board for the certification of assessors.

SPONSORS: Rep. Piemonte, Rock. 4; Rep. P. Schmidt, Straf. 19; Rep. J. Smith, Carr. 5; Rep.
Pauer, Hills. 26

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes within the office of professional licensure and certification a board for the certification of assessors.

.....

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a board for the certification of assessors.

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

1 1 New Chapter; Assessing Certification Board. Amend RSA by inserting after chapter 310-B the
2 following new chapter:

3 CHAPTER 310-C

4 ASSESSING CERTIFICATION BOARD

5 310-C:1 Assessing Certification Board.

6 I. There is established an independent assessing certification board within the office of
7 professional licensure and certification. The board shall be composed of the following members,
8 appointed by the governor with the consent of council:

9 (a) Three assessors certified for municipal property taxation purposes with a minimum
10 of 5 years' experience.

11 (b) The commissioner of the department of revenue administration, or designee.

12 (c) Three members of the general public, 2 of whom are not associated directly or
13 indirectly with assessing or any related industry.

14 II. The term of each member shall be 3 years, except that, of the members first appointed, 3
15 shall serve for 3 years, 2 shall serve for 2 years, and two shall serve for one year.

16 III. Upon expiration of their terms, members of the board shall continue to hold office until
17 the appointment and qualification of their successors. No person, except the commissioner or
18 designee, shall serve as a member of the board for more than 2 consecutive full terms. The
19 appointing authority may remove a member for cause.

20 IV. The board shall meet at least once each calendar quarter to conduct its business and
21 more often on call of the chair, or when the chair is requested to do so by 4 or more members of the
22 board. The action of the majority of the members of the board present and voting shall be deemed
23 the action of the board, and at least 4 members shall be present and voting on every vote of the
24 board. Places of future meetings shall be decided by the vote of members at meetings or, in the
25 event of a special meeting, by the chair. Written notice shall be given by the chair to each member of
26 the time and place of each meeting of the board at least 10 days in advance.

27 V. The chairperson of the board shall be elected from the board's members. Neither the
28 commissioner of the department of revenue administration nor his or her designee shall serve as
29 chairman.

30 VI. No board member shall be entitled to a per diem allowance. Board members shall be
31 reimbursed for actual travel in the performance of official duties at the usual state employee rate.

1 VII. The members of the board shall be immune from any civil action or criminal
2 prosecution for actions taken in their capacity as members of the board, provided that such action is
3 taken in good faith and in the reasonable belief that the action was taken pursuant to the powers
4 and duties of the board under this chapter.

5 310-C:2 Certification Process.

6 I. Applications for original certification, renewal license or certification and examinations
7 shall be made in writing to the board on forms approved by the executive director of the office of
8 professional licensure and certification.

9 II. Appropriate fees, as established by the executive director of the office of professional
10 licensure and certification, shall accompany all applications for original license, certification,
11 renewal license, renewal certification, reciprocal license, and reciprocal certification.

12 III. At the time of filing an application for certification or licensure, each applicant shall sign
13 a pledge to comply with the standards set forth in this chapter and state that he or she understands
14 the types of misconduct for which disciplinary proceedings may be initiated against a certified
15 assessor, as set forth in this chapter.

16 310-C:3 Prohibited Conduct. A person certified by the board under this chapter, shall, after a
17 hearing, be subject to disciplinary action as provided in RSA 310-C:13 for being convicted in a court
18 of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement,
19 obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, sexual
20 crimes, drug distribution, arson, physical violence, or any similar offense or offenses; provided that,
21 for the purposes of this section being convicted shall include all instances in which a plea of guilty or
22 nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been
23 deferred or suspended.

24 310-C:4 Classes of Certification.

25 I. There shall be the following classifications of assessors which shall meet the criteria as
26 the board shall require by rules adopted under RSA 541-A:

- 27 (a) Certified building measurer and lister.
- 28 (b) Certified assessor assistant.
- 29 (c) Certified assessor.
- 30 (d) Certified assessor supervisor.

31 II. The application for original certification, or renewal certification shall specify the
32 classification of certification being applied for or previously granted.

33 310-C:5 Criminal History Record Checks.

34 I. Every applicant for initial certification shall submit to the executive director a criminal
35 history record release form, as provided by the New Hampshire division of state police, department
36 of safety, which authorizes the release of his or her criminal history record, if any, to the board.

1 II. Upon completion of the records check, the division of state police shall release copies of
2 the criminal history records to the board. The executive director shall maintain the confidentiality of
3 all criminal history records information received pursuant to this section.

4 III. The applicant shall bear the cost of a criminal history record check.

5 310-C:6 Examination Requirements. An original certification as a certified assessor supervisor
6 may be issued to any person who has demonstrated through a written examination process that he
7 or she meets the minimum requirements established by the board.

8 310-C:7 Examination Prerequisites. As prerequisites to taking the examination for certification
9 as a certified assessor supervisor, an applicant shall present evidence, satisfactory to the board, of
10 having completed the required classroom hours in subjects related to assessing for ad valorem
11 property taxation from an educational source approved by the board.

12 310-C:8 Experience Requirements.

13 I. An applicant for original certification shall possess such experience as the board shall
14 require by rules adopted under RSA 541-A, for each level of certification requested.

15 II. Each applicant for certification shall furnish a signed, detailed listing of assessing
16 experience for each year for which experience is claimed by the applicant pursuant to rules adopted
17 under RSA 541-A.

18 310-C:9 Term of Certification. All initial certificates issued by the board shall expire on the last
19 day of the month of the holder's birth in the year 2 years following the year of issuance. The renewal
20 term of a certificate issued under the authority of this chapter shall be 2 years from the date of
21 issuance, and shall expire on the last day of the month of the certificate holder's birth. The
22 expiration date of the certificate shall appear on the certificate and notice of its expiration shall be
23 given to its holder.

24 310-C:10 Nonresident Certification.

25 I. Every nonresident applicant for certification under this chapter shall submit, with the
26 application for certification, an irrevocable consent that service of process may be made by delivery
27 of the process to the secretary of state if, in an action against the applicant in a court of this state
28 arising out of the applicant's activities as a certified assessor, the plaintiff cannot, in the exercise of
29 due diligence, effect personal service upon the applicant.

30 II. A nonresident who has complied with paragraph I may obtain a certificate as a certified
31 assessor by conforming to all of the provisions of this chapter relating to licensed or certified
32 assessors.

33 310-C:11 Continuing Education.

34 I. As a prerequisite to renewal of certification, an applicant shall present evidence
35 satisfactory to the board of having met the continuing education requirements for this chapter.

1 II. The basic continuing education requirement for renewal of certification shall be the
2 completion by the applicant, during the immediately preceding term of certification, of those courses
3 and programs required by the board by rules adopted under RSA 541-A.

4 III. In lieu of meeting the requirements of paragraph II, an applicant for recertification may
5 satisfy all or part of the requirements by presenting evidence of the following:

6 (a) Completion of an educational program of study determined by the board to be
7 equivalent, for continuing education purposes, to courses approved by the board under paragraph II.

8 (b) Participation other than as a student in educational processes and programs
9 approved by the board which relate to assessing theory, practices or techniques, including, but not
10 necessarily limited to, teaching, program development and preparation of textbooks, monographs,
11 articles, and other instructional materials.

12 IV. The board shall give favorable consideration to courses of instruction, seminars, and
13 other assessing educational courses or programs previously or hereafter developed by or under the
14 auspices of professional assessing organizations or other approved educational resources.

15 V. No amendment or repeal of a rule adopted by the board relative to this section shall
16 operate to deprive a certified individual of credit toward renewal of certification for any course of
17 instruction completed by the applicant prior to the amendment or repeal of the rule which would
18 have qualified for continuing education credit under the rule as it existed prior to the repeal or
19 amendment.

20 VI. Certification as a certified individual that has been revoked as a result of disciplinary
21 action by the board shall not be reinstated unless the applicant presents evidence of completion of
22 the continuing education required by this chapter. This requirement of evidence of continuing
23 education shall not be imposed upon an applicant for reinstatement who has been required to
24 successfully complete the examination for certified individuals as a condition to reinstatement of
25 certification.

26 310-C:12 Assessor Certificate.

27 I. A certificate issued under authority of this chapter shall bear the signature of the board
28 chair or a designee who is a member of the board and a certificate number assigned by the executive
29 director of the office of professional licensure and certification.

30 II. Each certified individual shall place such assessor's certificate number adjacent to or
31 immediately below the assessor's signature whenever the assessor's signature is used in an
32 assessment or in a contract or other instrument used by the certificate holder in conducting
33 assessing activities.

34 310-C:13 Disciplinary Proceedings.

35 I. The board may undertake disciplinary proceedings:

36 (a) Upon its own initiative; or

1 (b) Upon written complaint of any person which charges that a person certified by the
2 board has committed misconduct under paragraph II and which specifies the grounds therefor.

3 II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

4 (a) Procuring or attempting to procure a certificate pursuant to this chapter by
5 knowingly making a false statement, submitting false information, refusing to provide complete
6 information in response to a question in an application for certification or through any form of fraud
7 or misrepresentation.

8 (b) Failing to meet the minimum qualifications established by this chapter.

9 (c) Paying compensation, including money or any other thing of value, other than as
10 provided for by this chapter, to any member of or employee of the board to procure a certificate under
11 this chapter.

12 (d) A conviction of a crime which is substantially related to the qualifications, functions,
13 and duties of a person developing assessments and communicating assessments to others.

14 (e) An act or omission involving dishonesty, fraud, or misrepresentation with the intent
15 to substantially benefit the license or certificate holder or another person or with the intent to
16 substantially injure another person.

17 (f) Violation of any of the standards for the development or communication of
18 assessment as provided in this chapter.

19 (g) Failure or refusal without good cause to exercise reasonable diligence in developing
20 an assessment, preparing an assessment or communicating an assessment.

21 (h) Negligence or incompetence in developing an assessment, in preparing an
22 assessment, or in communicating an assessment, as determined by the board.

23 (i) Disregarding or violating any of the provisions of this chapter or the rules adopted by
24 the board for the administration and enforcement of this chapter.

25 (j) Accepting an assignment when the employment itself is contingent upon the assessor
26 reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent
27 upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the
28 assignment.

29 (k) Violating the confidential nature of governmental records to which he or she gained
30 access through employment or engagement as an assessor by a governmental agency.

31 III. The board, upon making an affirmative finding under paragraph II, may take
32 disciplinary action in any one or more of the following ways:

33 (a) By written reprimand.

34 (b) By suspension, refusal to renew, limitation or restriction of a certification, or
35 probation for a period of time determined to be reasonable by the board.

36 (c) By revocation of a certificate.

1 (d) By requiring the person to participate in a program of continuing education in the
2 area or areas in which the person has been found deficient.

3 (e) By requiring the person to practice under the direct supervision of a certified
4 assessor for a period of time specified by the board.

5 (f) By assessing a fine of not more than \$2,000 per violation or, in the case of a
6 continuing violation, \$100 for each day the violation continues, whichever would be greater.

7 (g) By taking any combination of the preceding actions, relating to any certified
8 individual, in accordance with the provisions of this chapter.

9 IV. The board shall dismiss a complaint if not received within 12 months of the alleged
10 infraction.

11 V. The board shall dismiss a complaint if the investigation shows the allegations to be
12 without basis in law or fact or if the undisputed allegations do not warrant disciplinary proceedings.

13 310-C:14 Standards for Professional Conduct. For purposes of RSA 310-C:13, the Uniform
14 Standards of Professional Appraisal Practice (USPAP) ethical and professional conduct standards in
15 effect at the time of the assessing assignment shall be the ethical and professional conduct standards
16 to be followed at the time of any violation.

17 310-C:15 Hearings; Investigations. The board may undertake investigations of allegations of
18 misconduct. The form of an investigation is a matter of discretion of the board. The board shall take
19 no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a
20 disciplinary proceeding shall be served, either personally or by certified mail, return receipt
21 requested, with a written copy of the complaint filed and notice of the time and place for hearing. All
22 complaints shall be objectively received and fairly heard by the board, but no complaint shall be
23 acted upon unless in writing. A hearing shall be held on all written complaints not dismissed by the
24 board within one year after the date notice of a complaint was received by the accused, unless
25 otherwise agreed to by the parties. Disciplinary hearings shall be conducted within one year of
26 receipt of the complaint before at least 4 members of the board. Written notice of all disciplinary
27 decisions made by the board shall be given to all parties to the proceeding upon their issuance.

28 310-C:16 Fees. The executive director of the office of professional licensure and certification
29 shall adopt rules to establish fees for application and renewals of certification under this chapter,
30 and for transcribing and transferring records and other services.

31 310-C:17 Summons; Oaths; Witnesses.

32 I. The executive director shall have the power to administer oaths or affirmations, preserve
33 testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books,
34 records, files and documents, whether originals, copies, or in electronic or other form, and other
35 materials, relevant to its investigation of any complaint or disciplinary proceeding before the board.

36 II. The executive director may issue subpoenas with the approval of the office of the attorney
37 general.

1 III. A minimum of 10 business days' notice shall be given for compliance with a subpoena
2 under this chapter.

3 310-C:18 Rulemaking Authority.

4 I. The board shall adopt rules pursuant to RSA 541-A, relative to:

5 (a) The eligibility requirements for the issuance of any initial certificate issued under
6 this chapter, including the issuance of such certificates to applicants holding a currently valid
7 certificate from the department of revenue administration or other authorization to practice in
8 another jurisdiction.

9 (b) The eligibility requirements for the issuance of any temporary practice permit issued
10 under this chapter.

11 (c) How an applicant shall be examined.

12 (d) How a certificate shall be renewed.

13 (e) Ethical standards required to be met by each holder of a certificate issued under this
14 chapter and how such certificate may be revoked for violation of these standards.

15 (f) Standards for appraisal education programs and the issuance of evidence indicating
16 satisfactory completion of such program.

17 (g) Establishing continuing education and experience requirements which comport with
18 criteria set forth by the board.

19 (h) The conditions and requirements for granting a waiver to any rule adopted by the
20 board.

21 II. The executive director of the office of professional licensure and certification shall adopt
22 rules pursuant to RSA 541-A: relative to:

23 (a) The application procedure for the issuance of any initial or renewal certificate.

24 (b) The design and content of all forms required under this chapter.

25 (c) Establishing all fees required under this chapter.

26 (d) The conduct of investigations and procedures for the conduct of hearings consistent
27 with the requirements of RSA 541-A.

28 (e) The requirements for public requests for information.

29 2 New Subparagraph; Office of Professional Licensure and Certification; Assessing Certification
30 Board. Amend RSA 310-A:1-a, I by inserting after subparagraph (ss) the following new
31 subparagraph:

32 (tt) Assessing certification board under RSA 310-C.

33 3 Cessation of Unauthorized Appraisals. Amend RSA 21-J:14-k to read as follows:

34 21-J:14-k Cessation of Unauthorized Appraisals. The commissioner, or the commissioner's
35 authorized agents, may issue a written cease and desist order against any person, firm, corporation,
36 or municipality that does not comply with RSA 21-J:11, I ~~[or]~~, RSA 21-J:14-f, **or RSA 310-C**. Any
37 such act may be enjoined by the superior court, upon application of the attorney general.

1 4 Assessing; Criminal Penalties. Amend RSA 21-J:39, IV(a) and (b) to read as follows:

2 (a) No person, except elected officials making appraisals pursuant to RSA 75:1, shall
3 willfully engage in making appraisals of a municipality for tax assessment purposes, unless such
4 person is certified as provided in RSA ~~[21-J:14-f]~~ **310-C**.

5 (b) No person engaged in making appraisals of a municipality for tax assessment
6 purposes shall willfully fail to maintain and provide the department access to the records required to
7 be kept ~~[under RSA 21-J:14-e]~~ **pursuant to rules adopted by the assessing certification board**
8 **pursuant to RSA 310-C**.

9 5 Powers and Duties of Towns; Option to Assign Appraisal Responsibility; Reference Change.
10 Amend RSA 31:95-g to read as follows:

11 31:95-g Option to Assign Appraisal Responsibility. The legislative body of any municipality may
12 vote to authorize the elected officials to delegate the assessing functions imposed on them under RSA
13 75:1, 75:11, and 79-A:5 to a person certified by the ~~[department of revenue administration under~~
14 ~~RSA 21-J:14-f]~~ **assessing certification board under RSA 310-C**.

15 6 Current Use Advisory Board; Reference Change. Amend RSA 79-A:3, II(a) to read as follows:

16 (a) Three members who are assessing officials shall be appointed by the governor with
17 the advice and consent of the council, one of whom shall be an assessing official in a town with a
18 population of less than 5,000; one of whom shall be an assessing official in a town with a population
19 of more than 5,000; and one of whom shall be an assessing official in a city. Each member shall hold
20 office for a term of his or her position as assessing official or for 2 years, whichever is shorter, and
21 until a successor shall have been appointed and qualified, and any vacancy shall be filled for the
22 unexpired term, by the governor with the advice and consent of the council. No other members of
23 the board shall be or have been certified under RSA ~~[21-J:14-f, except for the commissioner of the~~
24 ~~department of revenue administration or the commissioner's designee]~~ **310-C**.

25 7 Certification of Assessors and Auditing Authority. Amend RSA 21-J:14-f and 14-g to read as
26 follows:

27 21-J:14-f Certification Required.

28 I. Every person, whether working individually, for a firm or corporation, or as a municipal
29 employee, making appraisals of a municipality for tax assessment purposes, except elected officials
30 making appraisals pursuant to RSA 75:1, shall be certified by the ~~[department]~~ **assessing**
31 **certification board** according to rules adopted by the assessing ~~[standards board as provided in~~
32 ~~paragraph II]~~ **certification board under RSA 310-C**. Department of revenue administration
33 employees shall be certified at the level appropriate to their duties.

34 II. ~~[The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to~~
35 ~~qualifications for certification, requirements for continuing education, and decertification of,~~
36 ~~suspension of, or other disciplinary actions against persons required to be certified in paragraph I.~~
37 Such rules shall specify the minimum qualifications with respect to education and training required

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1 ~~for certification according to the following functional job categories ranked in ascending hierarchical~~
2 ~~order:~~

3 ~~(a) Building measurer and lister.~~

4 ~~(b) Property assessor assistant.~~

5 ~~(c) Property assessor.~~

6 ~~(d) Property assessor supervisor.~~

7 ~~III.]~~ No person, except boards of assessors and selectmen making appraisals pursuant to
8 RSA 75:1, shall make appraisals without first obtaining the certification required by this section
9 **and RSA 310-C**. Certification is non-assignable and cannot be transferred. Any person who
10 willfully fails to obtain certification as provided in this section **and RSA 310-C** shall be subject to
11 the penalties imposed under RSA 21-J:39, IV.

12 21-J:14-g Decertification.

13 I. ~~[The commissioner may decertify, suspend, or take other disciplinary action against any~~
14 ~~person for failure to comply with the rules of the assessing standards board adopted pursuant to~~
15 ~~RSA 21-J:14-f, II.~~

16 ~~II.]~~ Any person aggrieved by a decertification, suspension, or other disciplinary action of the
17 ~~[commissioner]~~ **assessing certification board under RSA 310-C** may appeal from such decision
18 by application to the board of tax and land appeals or by petition to the superior court in the county
19 in which such person resides or maintains his or her business within 30 days after receiving written
20 notice of the commissioner's decision. The board of tax and land appeals or the court, as the case
21 may be, shall hear the appeal forthwith.

22 8 Effective Date. This act shall take effect January 1, 2023.

**HB 1552-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a board for the certification of assessors.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Office of Professional Licensure and Certification			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill creates a new Assessing Certification Board within the Office of Professional Licensure and Certification. The board would be composed of three certified assessors, three members of the public and the Commissioner of the Department of Revenue Administration (DRA). Certain duties previously assigned to the Assessing Standards Board and DRA are transferred to the new Assessing Certification Board. The bill does require reimbursement for actual travel by the new board members. This bill allows the new Assessing Certification Board to assess fines for violations within the statute. The fine may not be more than \$2,000 per a violation or \$100 each day if the violation continues.

The Office of Professional Licensure and Certification (OPLC) assumes and increase in State expenditures and State revenue as they assume the new board would initially license approximately 200 individuals, who would renew on a two-year basis. OPLC assumes these initial licenses would be issued in FY 2023. OPLC assumes an initial license fee of \$155 annually per an individual, bases on the average total shared costs per license, per biennium. They also assume an approximate 5% increase of licensees annual.

- FY 2023: \$31,000 (200 x \$155)
- FY 2024: \$1,550 (10 x \$155) (5% increase in initial number of licensees = 10)

- FY 2025: \$34,255 (221 x \$155)

OPLC state expenditures would be increased by an annual shared cost per license of \$77.50 annually.

- FY 2023: \$15,500 (200 x \$77.50)
- FY 2024: \$775 (10 x \$77.50)
- FY 2025: \$17,128 (221 x \$77.50)

The Department of Revenue Administration states transferring the duties from the existing Assessing Standards Board and/or DRA to the new Assessing Certification Board would have no material impact on DRA expenditures. No single DRA employee spends more than a de minimis fraction of their time supporting the Assessing Standards Board's operations and/or administering assessor certification, complaints, and discipline. Therefore, transferring these duties would not be anticipated to impact DRA expenditures. There could be a nominal indeterminable one-time cost associated with transferring the DRA's existing assessor certification records to the OPLC.

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		
Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of	\$54,386	\$54,386

Incarcerating an Individual		
FY 2021 Annual Marginal Cost of a General Population Inmate	\$5,715	\$5,715
FY 2021 Average Cost of Supervising an Individual on Parole/Probation	\$603	\$603
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification, Department of Revenue Administration, Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties