

LEGISLATIVE COMMITTEE MINUTES

HB1552

Bill as Introduced

HB 1552-FN - AS AMENDED BY THE HOUSE

16Feb2022... 0519h

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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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.

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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 ~~[e]~~, 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.

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

26 9 Effective Date. This act shall take effect January 1, 2023.

HB 1552-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-0519h)

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 Fund			

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) indicates an increase in State expenditures and State revenue as they assume the new board would license individuals as their certification expires. OPLC assumes out of the approximately 200 individuals, currently certified by the DRA, an equal number of individuals will recertify each year (equating to approximately 40 certification/license each year until all are fully licensed by OPLC). 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 annually.

- FY 2023: \$6,200 (40 x \$155)
- FY 2024: \$6,510 (42 x \$155) (5% increase in initial number of licensees = 2)
- FY 2025: \$13,020 (84 x \$155) (includes 5% increase in licenses)

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

These costs assume disciplined and investigative expenses that may be required of the board.

- FY 2023: \$15,500 (200 x \$77.50)
- FY 2024: \$15,655 (202 x \$77.50)
- FY 2025: \$15,810 (204 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
<p>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.</p>		

Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of Incarcerating an Individual	\$54,386	\$54,386
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

HB 1552-FN - AS AMENDED BY THE SENATE

16Feb2022... 0519h
04/28/2022 1747s

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COMMITTEE: Executive Departments and Administration

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12 (b) One member of the general public, who is not associated with assessing or any
13 related industry.

14 (c) One member representing municipalities who shall be a municipal governing body
15 official who shall not be an assessor.

16 II. The term of each member shall be 3 years, except that, of the members initially
17 appointed, 2 shall serve for 3 years, one shall serve for 2 years, and one shall serve for one year.

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

22 IV. The board shall meet at least once each calendar quarter to conduct its business and
23 more often on call of the chair, or when the chair is requested to do so by 2 or more members of the
24 board. The action of the majority of the members of the board present and voting shall be deemed
25 the action of the board, and at least 3 members shall be present and voting on every vote of the
26 board. Locations of future meetings shall be decided by the vote of members at meetings or, in the
27 event of a special meeting, by the chair. Written notice shall be given by the chair to each member of
28 the time and place of each meeting of the board at least 10 days in advance.

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

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

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

10 310-C:2 Certification Process.

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

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

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

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

29 310-C:4 Classes of Certification.

30 I. There shall be the following classifications of certified assessing persons which shall meet
31 the criteria set forth in the rules adopted by the assessing standards board or as may be adopted by
32 the assessing certification board pursuant to RSA 21-J:14-f, IV:

33 (a) Certified building measurer and lister.

34 (b) Certified assessor assistant.

35 (c) Certified assessor.

36 (d) Certified assessor supervisor.

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

3 310-C:5 Criminal History Record Checks.

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

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

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

11 310-C:6 Examination Requirements. An original certification as a certified assessor supervisor
12 may be issued to any person who has demonstrated through a written examination process that he
13 or she meets the minimum requirements established by the board.

14 310-C:7 Examination Prerequisites. As prerequisites to taking the examination for certification
15 as a certified assessor supervisor, an applicant shall present evidence, satisfactory to the board, of
16 having completed the required classroom hours in subjects related to assessing for ad valorem
17 property taxation from an educational source approved by the board.

18 310-C:8 Experience Requirements.

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

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

24 310-C:9 Term of Certification. All initial certificates issued by the board shall expire on the last
25 day of the month of the holder's birth in the year 2 years following the year of issuance. The renewal
26 term of a certificate issued under the authority of this chapter shall be 2 years from the date of
27 issuance, and shall expire on the last day of the month of the certificate holder's birth. The
28 expiration date of the certificate shall appear on the certificate and notice of its expiration shall be
29 given to its holder.

30 310-C:10 Nonresident Certification.

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

1 II. A nonresident who has complied with paragraph I may obtain certification under this
2 chapter by conforming to all of the provisions of this chapter relating to licensed or certified
3 assessing personnel.

4 310-C:11 Continuing Education.

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

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

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

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

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

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

21 V. No amendment or repeal of a rule adopted by the board relative to this section shall
22 operate to deprive a certified assessing person of credit toward renewal of certification for any course
23 of instruction completed by the applicant prior to the amendment or repeal of the rule which would
24 have qualified for continuing education credit under the rule as it existed prior to the repeal or
25 amendment.

26 VI. Certification that has been revoked as a result of disciplinary action by the board shall
27 not be reinstated unless the applicant presents evidence of completion of the continuing education
28 required by this chapter. This requirement of evidence of continuing education shall not be imposed
29 upon an applicant for reinstatement who has been required to successfully complete the examination
30 for certified individuals as a condition to reinstatement of certification.

31 310-C:12 Assessing Certificate.

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

35 II. Certified assessing personnel shall place their assessing certificate number adjacent to or
36 immediately below their signature whenever their signature is used in an assessment or in a
37 contract or other instrument used by the certificate holder in conducting assessing activities.

1 310-C:13 Disciplinary Proceedings.

2 I. The board may undertake disciplinary proceedings:

3 (a) Upon its own initiative; or

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

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

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

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

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

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

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

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

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

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

26 (i) Disregarding or violating any of the provisions of this chapter or the rules of the
27 assessing standards board or the rules adopted by the assessor certification board, or violating of any
28 applicable New Hampshire property assessing statutes, or violating the right-to-know law.

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

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

35 (l) Disregarding or violating the Code of Ethics and Standards of Professional Conduct,
36 Re-adopted by the New Hampshire Assessing Standards Board on March 9, 2018, or the Uniform

1 Standards of Professional Appraisal Practice (USPAP) ethical and professional conduct standards in
2 effect at the time of the assessing assignment.

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

5 (a) By written reprimand.

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

8 (c) By revocation of a certificate.

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

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

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

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

17 310-C:14 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:15 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:16 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:17 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 Assessing Personnel and Auditing Authority. Amend RSA 21-J:14-f 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 **or the assessing certification board under RSA 310-C as provided in paragraph**
33 **IV, as the case may be**. Department of revenue administration employees shall be certified at the
34 level appropriate to their duties.

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

1 Such rules shall specify the minimum qualifications with respect to education and training required
2 for certification according to the following functional job categories ranked in ascending hierarchical
3 order:

4 (a) Building measurer and lister.

5 (b) Property assessor assistant.

6 (c) Property assessor.

7 (d) Property assessor supervisor.

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

13 *IV. The assessing standards board rules shall remain in effect until such time as*
14 *they may be amended or modified by the assessing standards board or superseded by the*
15 *assessing certification board.*

16 8 Application; Current Certification. Any certificate issued by the department of revenue
17 administration in accordance with RSA 21-J:14-f shall be valid until its expiration date. At
18 expiration, such certificate may be renewed by the board in accordance with RSA 310-C:2 as inserted
19 by this act.

20 9 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, I to read as
21 follows:

22 I. The commissioner may decertify, suspend, or take other disciplinary action against any
23 person for failure to comply with the rules of the assessing standards board adopted pursuant to
24 RSA 21-J:14-f, II *or the assessing certification board adopted pursuant to 310-C*.

25 10 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, II to read as
26 follows:

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

33 11 Certification of Assessing Persons. The department of revenue administration shall continue
34 to issue certifications, and discipline certified assessing personnel pursuant to RSA 21-J:14-f and 21-
35 J:14-g, until the governor and council have confirmed 4 members of the assessing certification board
36 established pursuant to RSA 310-C as inserted by this act. Upon the confirmation of 4 members of

1 the board, the authority of the department of revenue administration to issue certifications and
2 discipline assessing personnel shall expire.

3 12 Extension to Complete Continuing Education Requirements. Notwithstanding any statute or
4 rule to the contrary, the commissioner of the department of revenue administration may, upon
5 request in writing by any department certified assessor personnel, prior to the expiration of his or
6 her certification, extend the period of time necessary to complete their continuing education hours
7 until August 31, 2023.

8 13 Effective Date.

9 I. Section 10 of this act shall take effect September 1, 2023.

10 II. Sections 1-9 of this act shall take effect January 1, 2023.

11 III. The remainder of this act shall take effect upon its passage.

HB 1552-FN- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-0519h)

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 Fund			

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) indicates an increase in State expenditures and State revenue as they assume the new board would license individuals as their certification expires. OPLC assumes out of the approximately 200 individuals, currently certified by the DRA, an equal number of individuals will recertify each year (equating to approximately 40 certification/license each year until all are fully licensed by OPLC). 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 annually.

- FY 2023: \$6,200 (40 x \$155)
- FY 2024: \$6,510 (42 x \$155) (5% increase in initial number of licensees = 2)
- FY 2025: \$13,020 (84 x \$155) (includes 5% increase in licenses)

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

These costs assume disciplined and investigative expenses that may be required of the board.

- FY 2023: \$15,500 (200 x \$77.50)
- FY 2024: \$15,655 (202 x \$77.50)
- FY 2025: \$15,810 (204 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
<p>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.</p>		

Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of Incarcerating an Individual	\$54,386	\$54,386
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

CHAPTER 267
HB 1552-FN - FINAL VERSION

16Feb2022... 0519h
04/28/2022 1747s

2022 SESSION

22-2311
11/10

HOUSE BILL **1552-FN**

AN ACT establishing a board for the certification of assessing persons.

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.

CHAPTER 267
HB 1552-FN - FINAL VERSION

16Feb2022... 0519h
04/28/2022 1747s

22-2311
11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a board for the certification of assessing persons.

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

1 267:1 New Chapter; Assessing Certification Board. Amend RSA by inserting after chapter 310-
2 B the 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 commissioner of the
8 department of revenue administration, or designee, and the following additional members, appointed
9 by the governor with the consent of council:

10 (a) Two certified assessor supervisors who are certified for municipal property taxation
11 purposes with a minimum of 5 years' experience.

12 (b) One member of the general public, who is not associated with assessing or any
13 related industry.

14 (c) One member representing municipalities who shall be a municipal governing body
15 official who shall not be an assessor.

16 II. The term of each member shall be 3 years, except that, of the members initially
17 appointed, 2 shall serve for 3 years, one shall serve for 2 years, and one shall serve for one year.

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

22 IV. The board shall meet at least once each calendar quarter to conduct its business and
23 more often on call of the chair, or when the chair is requested to do so by 2 or more members of the
24 board. The action of the majority of the members of the board present and voting shall be deemed
25 the action of the board, and at least 3 members shall be present and voting on every vote of the
26 board. Locations of future meetings shall be decided by the vote of members at meetings or, in the
27 event of a special meeting, by the chair. Written notice shall be given by the chair to each member of
28 the time and place of each meeting of the board at least 10 days in advance.

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

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

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

10 310-C:2 Certification Process.

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

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

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

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

29 310-C:4 Classes of Certification.

30 I. There shall be the following classifications of certified assessing persons which shall meet
31 the criteria set forth in the rules adopted by the assessing standards board or as may be adopted by
32 the assessing certification board pursuant to RSA 21-J:14-f, IV:

33 (a) Certified building measurer and lister.

34 (b) Certified assessor assistant.

35 (c) Certified assessor.

36 (d) Certified assessor supervisor.

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

3 310-C:5 Criminal History Record Checks.

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

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

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

11 310-C:6 Examination Requirements. An original certification as a certified assessor supervisor
12 may be issued to any person who has demonstrated through a written examination process that he
13 or she meets the minimum requirements established by the board.

14 310-C:7 Examination Prerequisites. As prerequisites to taking the examination for certification
15 as a certified assessor supervisor, an applicant shall present evidence, satisfactory to the board, of
16 having completed the required classroom hours in subjects related to assessing for ad valorem
17 property taxation from an educational source approved by the board.

18 310-C:8 Experience Requirements.

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

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

24 310-C:9 Term of Certification. All initial certificates issued by the board shall expire on the last
25 day of the month of the holder's birth in the year 2 years following the year of issuance. The renewal
26 term of a certificate issued under the authority of this chapter shall be 2 years from the date of
27 issuance, and shall expire on the last day of the month of the certificate holder's birth. The
28 expiration date of the certificate shall appear on the certificate and notice of its expiration shall be
29 given to its holder.

30 310-C:10 Nonresident Certification.

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

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1 II. A nonresident who has complied with paragraph I may obtain certification under this
2 chapter by conforming to all of the provisions of this chapter relating to licensed or certified
3 assessing personnel.

4 310-C:11 Continuing Education.

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

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

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

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

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

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

21 V. No amendment or repeal of a rule adopted by the board relative to this section shall
22 operate to deprive a certified assessing person of credit toward renewal of certification for any course
23 of instruction completed by the applicant prior to the amendment or repeal of the rule which would
24 have qualified for continuing education credit under the rule as it existed prior to the repeal or
25 amendment.

26 VI. Certification that has been revoked as a result of disciplinary action by the board shall
27 not be reinstated unless the applicant presents evidence of completion of the continuing education
28 required by this chapter. This requirement of evidence of continuing education shall not be imposed
29 upon an applicant for reinstatement who has been required to successfully complete the examination
30 for certified individuals as a condition to reinstatement of certification.

31 310-C:12 Assessing Certificate.

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

35 II. Certified assessing personnel shall place their assessing certificate number adjacent to or
36 immediately below their signature whenever their signature is used in an assessment or in a
37 contract or other instrument used by the certificate holder in conducting assessing activities.

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1 310-C:13 Disciplinary Proceedings.

2 I. The board may undertake disciplinary proceedings:

3 (a) Upon its own initiative; or

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

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

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

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

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

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

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

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

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

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

26 (i) Disregarding or violating any of the provisions of this chapter or the rules of the
27 assessing standards board or the rules adopted by the assessor certification board, or violating of any
28 applicable New Hampshire property assessing statutes, or violating the right-to-know law.

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

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

35 (l) Disregarding or violating the Code of Ethics and Standards of Professional Conduct,
36 Re-adopted by the New Hampshire Assessing Standards Board on March 9, 2018, or the Uniform

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1 Standards of Professional Appraisal Practice (USPAP) ethical and professional conduct standards in
2 effect at the time of the assessing assignment.

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

5 (a) By written reprimand.

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

8 (c) By revocation of a certificate.

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

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

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

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

17 310-C:14 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:15 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:16 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.

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

3 310-C:17 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.

29 267:2 New Subparagraph; Office of Professional Licensure and Certification; Assessing
30 Certification 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.

33 267:3 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 [œ], 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.

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1 267:4 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**.

9 267:5 Powers and Duties of Towns; Option to Assign Appraisal Responsibility; Reference
10 Change. 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**.

15 267:6 Current Use Advisory Board; Reference Change. Amend RSA 79-A:3, II(a) to read as
16 follows:

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

26 267:7 Certification of Assessing Personnel and Auditing Authority. Amend RSA 21-J:14-f to
27 read as follows:

28 21-J:14-f Certification Required.

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

36 II. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to
37 qualifications for certification, requirements for continuing education, and decertification of,

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1 suspension of, or other disciplinary actions against persons required to be certified in paragraph I.
2 Such rules shall specify the minimum qualifications with respect to education and training required
3 for certification according to the following functional job categories ranked in ascending hierarchical
4 order:

- 5 (a) Building measurer and lister.
- 6 (b) Property assessor assistant.
- 7 (c) Property assessor.
- 8 (d) Property assessor supervisor.

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

14 ***IV. The assessing standards board rules shall remain in effect until such time as***
15 ***they may be amended or modified by the assessing standards board or superseded by the***
16 ***assessing certification board.***

17 267:8 Application; Current Certification. Any certificate issued by the department of revenue
18 administration in accordance with RSA 21-J:14-f shall be valid until its expiration date. At
19 expiration, such certificate may be renewed by the board in accordance with RSA 310-C:2 as inserted
20 by this act.

21 267:9 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, I to read
22 as follows:

23 I. The commissioner may decertify, suspend, or take other disciplinary action against any
24 person for failure to comply with the rules of the assessing standards board adopted pursuant to
25 RSA 21-J:14-f, II ***or the assessing certification board adopted pursuant to 310-C.***

26 267:10 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, II to
27 read as follows:

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

34 267:11 Certification of Assessing Persons. The department of revenue administration shall
35 continue to issue certifications, and discipline certified assessing personnel pursuant to RSA 21-J:14-
36 f and 21-J:14-g, until the governor and council have confirmed 4 members of the assessing
37 certification board established pursuant to RSA 310-C as inserted by this act. Upon the

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1 confirmation of 4 members of the board, the authority of the department of revenue administration
2 to issue certifications and discipline assessing personnel shall expire.

3 267:12 Extension to Complete Continuing Education Requirements. Notwithstanding any
4 statute or rule to the contrary, the commissioner of the department of revenue administration may,
5 upon request in writing by any department certified assessor personnel, prior to the expiration of his
6 or her certification, extend the period of time necessary to complete their continuing education hours
7 until August 31, 2023.

8 267:13 Effective Date.

9 I. Section 10 of this act shall take effect September 1, 2023.

10 II. Sections 1-9 of this act shall take effect January 1, 2023.

11 III. The remainder of this act shall take effect upon its passage.

Approved: June 24, 2022

Effective Date:

I. Section 10 effective September 1, 2023

II. Sections 1-9 effective January 1, 2023

III. Remainder effective June 24, 2022

Amendments

Amendment to HB 1552-FN

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

2

3 AN ACT establishing a board for the certification of assessing officials.

4

5 Amend RSA 310-C:1-RSA 310-C:12 as inserted by section 1 of the bill by replacing them with the
6 following:

7

8 310-C:1 Assessing Certification Board.

9 I. There is established an independent assessing certification board within the office of
10 professional licensure and certification. The board shall be composed of the commissioner of the
11 department of revenue administration, or designee, and the following additional members, appointed
12 by the governor with the consent of council:

13 (a) Three certified assessors or assessor supervisors who are certified for municipal
14 property taxation purposes with a minimum of 5 years' experience.

15 (b) Three members of the general public, 2 of whom are not, at the time of their
16 appointment, associated directly or indirectly with assessing or any related industry.

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

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

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

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

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

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

7 310-C:2 Certification Process.

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

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

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

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

26 310-C:4 Classes of Certification.

27 I. There shall be the following classifications of assessing officials which shall meet the
28 criteria as the board shall require by rules adopted under RSA 541-A:

29 (a) Certified building measurer and lister.

30 (b) Certified assessor assistant.

31 (c) Certified assessor.

32 (d) Certified assessor supervisor.

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

35 310-C:5 Criminal History Record Checks.

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

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

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

8 310-C:6 Examination Requirements. An original certification as a certified assessor supervisor
9 may be issued to any person who has demonstrated through a written examination process that he
10 or she meets the minimum requirements established by the board.

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

15 310-C:8 Experience Requirements.

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

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

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

27 310-C:10 Nonresident Certification.

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

33 II. A nonresident who has complied with paragraph I may obtain a certificate as a certified
34 assessing official by conforming to all of the provisions of this chapter relating to licensed or certified
35 assessing officials.

36 310-C:11 Continuing Education.

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

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

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

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

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

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

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

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

28 310-C:12 Assessing Certificate.

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

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

36
37 Amend the bill by replacing section 7 with the following:

1 7 Certification of Assessing Officials and Auditing Authority. Amend RSA 21-J:14-f and 14-g to
2 read as follows:

3 21-J:14-f Certification Required.

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

10 II. ~~[The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to~~
11 ~~qualifications for certification, requirements for continuing education, and decertification of,~~
12 ~~suspension of, or other disciplinary actions against persons required to be certified in paragraph I.~~
13 ~~Such rules shall specify the minimum qualifications with respect to education and training required~~
14 ~~for certification according to the following functional job categories ranked in ascending hierarchical~~
15 ~~order:~~

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

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

18 ~~(c) Property assessor.~~

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

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

25
26 Amend the bill by inserting after section 8 the following and renumbering the original section 9 to
27 read as 10:

28
29 9 Certification of Assessing Officials. The department of revenue administration shall continue
30 to issue certifications of assessing officials until the governor and council have confirmed 4 members
31 of the assessing certification board established pursuant to RSA 310-C as inserted by this act. Upon
32 the confirmation of 4 members of the board, the authority of the department of revenue
33 administration to issue certifications of assessing officials shall expire.

2022-1391s

AMENDED ANALYSIS

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

UNAPPROVED

Amendment to HB 1552-FN

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

2

3 AN ACT establishing a board for the certification of assessing officials.

4

5 Amend RSA 310-C:1-RSA 310-C:12 as inserted by section 1 of the bill by replacing them with the
6 following:

7

8 310-C:1 Assessing Certification Board.

9 I. There is established an independent assessing certification board within the office of
10 professional licensure and certification. The board shall be composed of the commissioner of the
11 department of revenue administration, or designee, and the following additional members, appointed
12 by the governor with the consent of council:

13 (a) Three certified assessors or assessor supervisors who are certified for municipal
14 property taxation purposes with a minimum of 5 years' experience.

15 (b) Three members of the general public, 2 of whom are not, at the time of their
16 appointment, associated directly or indirectly with assessing or any related industry.

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

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

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

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

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

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

7 310-C:2 Certification Process.

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

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

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

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

26 310-C:4 Classes of Certification.

27 I. There shall be the following ~~classifications of assessing officials~~ which shall meet the
28 criteria as the board shall require by rules adopted under RSA 541-A:

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

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

35 310-C:5 Criminal History Record Checks.

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

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

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

8 310-C:6 Examination Requirements. An original certification as a certified assessor supervisor
9 may be issued to any person who has demonstrated through a written examination process that he
10 or she meets the minimum requirements established by the board.

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

15 310-C:8 Experience Requirements.

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

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

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

27 310-C:10 Nonresident Certification.

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

33 II. A nonresident who has complied with paragraph I may obtain a certificate as a certified
34 assessing official by conforming to all of the provisions of this chapter relating to licensed or certified
35 assessing officials.

36 310-C:11 Continuing Education.

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

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

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

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

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

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

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

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

28 310-C:12 Assessing Certificate.

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

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

36
37 Amend the bill by replacing section 7 with the following:

1 ~~7~~ Certification of Assessing Officials and Auditing Authority. Amend RSA 21-J:14-f and 14-g to
2 read as follows:

3 21-J:14-f Certification Required.

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

10 II. ~~The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to~~
11 ~~qualifications for certification, requirements for continuing education, and decertification of,~~
12 ~~suspension of, or other disciplinary actions against persons required to be certified in paragraph I.~~
13 ~~Such rules shall specify the minimum qualifications with respect to education and training required~~
14 ~~for certification according to the following functional job categories ranked in ascending hierarchical~~
15 ~~order:~~

- 16 (a) ~~Building measurer and lister.~~
- 17 (b) ~~Property assessor assistant.~~
- 18 (c) ~~Property assessor.~~
- 19 (d) ~~Property assessor supervisor.~~

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

*appeal process
3 steps in p 9 - lines
16-21*

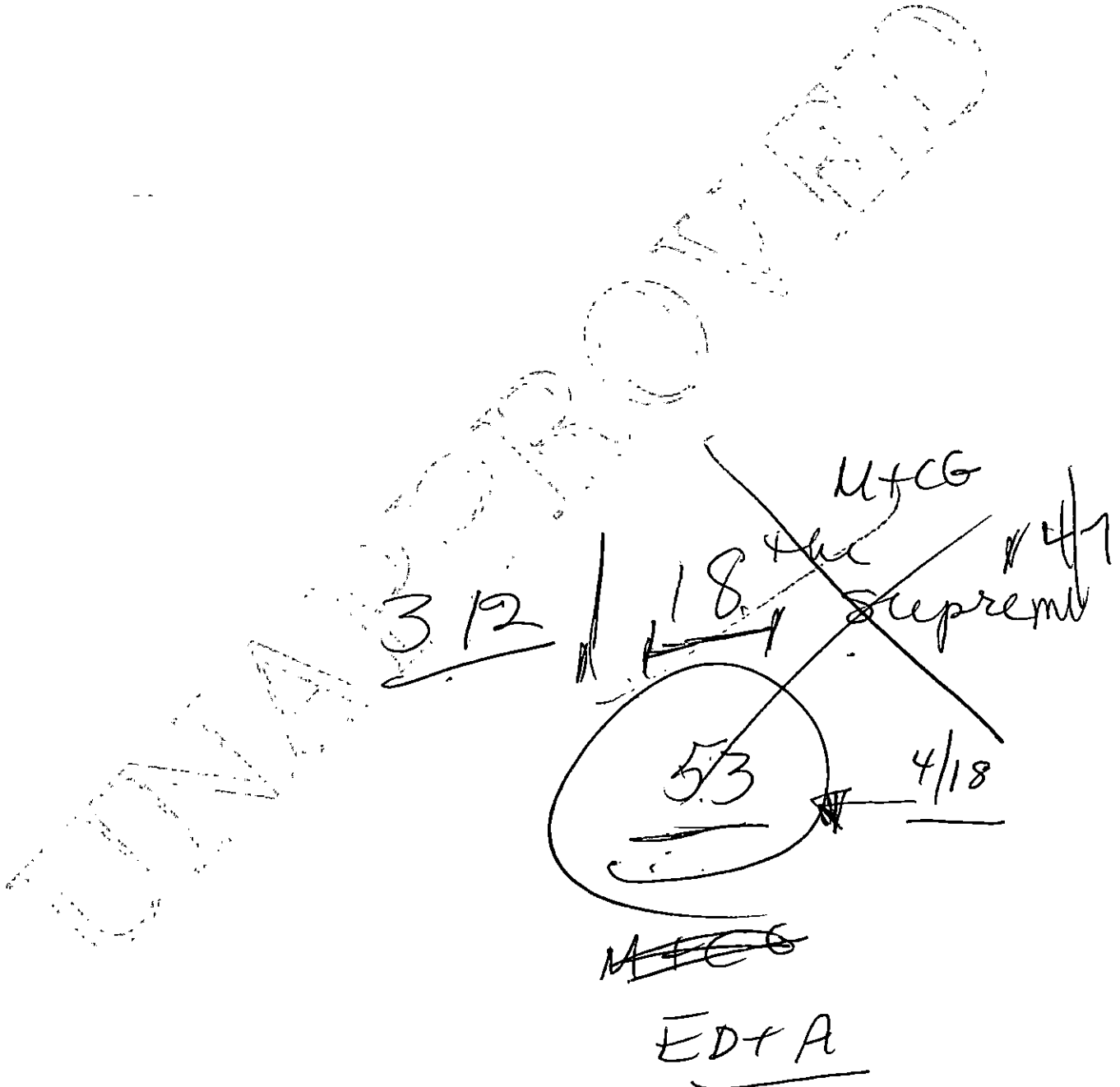
25
26 Amend the bill by inserting after section 8 the following and renumbering the original section 9 to
27 read as 10:

28
29 9 Certification of Assessing Officials. The department of revenue administration shall continue
30 to issue certifications of assessing officials until the governor and council have confirmed 4 members
31 of the assessing certification board established pursuant to RSA 310-C as inserted by this act. Upon
32 the confirmation of 4 members of the board, the authority of the department of revenue
33 administration to issue certifications of assessing officials shall expire.

2022-1391s

AMENDED ANALYSIS

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



Notwithstanding any other
certified prop assessor assistant

Amendment to HB 1552-FN

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

2

3 AN ACT establishing a board for the certification of assessing officials.

4

5 Amend RSA 310-C as inserted by section 1 of the bill by replacing it with the following:

6

7 310-C:1 Assessing Certification Board.

8 I. There is established an independent assessing certification board within the office of
9 professional licensure and certification. The board shall be composed of the commissioner of the
10 department of revenue administration, or designee, and the following additional members, appointed
11 by the governor with the consent of council:

12 (a) One certified assessor supervisor who is certified for municipal property taxation
13 purposes with a minimum of 5 years' experience.

14 (b) Two members of the general public, who are not associated with assessing or any
15 related industry.

16 (c) One member representing municipalities who shall be a municipal governing body
17 official who shall not be an assessor.

18 II. The term of each member shall be 3 years, except that, of the members initially
19 appointed, 2 shall serve for 3 years, one shall serve for 2 years, and one shall serve for one year.

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

24 IV. The board shall meet at least once each calendar quarter to conduct its business and
25 more often on call of the chair, or when the chair is requested to do so by 2 or more members of the
26 board. The action of the majority of the members of the board present and voting shall be deemed
27 the action of the board, and at least 3 members shall be present and voting on every vote of the
28 board. Locations of future meetings shall be decided by the vote of members at meetings or, in the
29 event of a special meeting, by the chair. Written notice shall be given by the chair to each member of
30 the time and place of each meeting of the board at least 10 days in advance.

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

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

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

10 310-C:2 Certification Process.

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

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

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

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

29 310-C:4 Classes of Certification.

30 I. There shall be the following classifications of certified assessing persons which shall meet
31 the criteria set forth in the rules adopted by the assessing standards board or as may be adopted by
32 the assessing certification board pursuant to RSA 21-J:14-f, IV:

- 33 (a) Certified building measurer and lister.
34 (b) Certified assessor assistant.
35 (c) Certified assessor.
36 (d) Certified assessor supervisor.

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

3 310-C:5 Criminal History Record Checks.

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

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

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

11 310-C:6 Examination Requirements. An original certification as a certified assessor supervisor
12 may be issued to any person who has demonstrated through a written examination process that he
13 or she meets the minimum requirements established by the board.

14 310-C:7 Examination Prerequisites. As prerequisites to taking the examination for certification
15 as a certified assessor supervisor, an applicant shall present evidence, satisfactory to the board, of
16 having completed the required classroom hours in subjects related to assessing for ad valorem
17 property taxation from an educational source approved by the board.

18 310-C:8 Experience Requirements.

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

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

24 310-C:9 Term of Certification. All initial certificates issued by the board shall expire on the last
25 day of the month of the holder's birth in the year 2 years following the year of issuance. The renewal
26 term of a certificate issued under the authority of this chapter shall be 2 years from the date of
27 issuance, and shall expire on the last day of the month of the certificate holder's birth. The
28 expiration date of the certificate shall appear on the certificate and notice of its expiration shall be
29 given to its holder.

30 310-C:10 Nonresident Certification.

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

1 II. A nonresident who has complied with paragraph I may obtain certification under this
2 chapter by conforming to all of the provisions of this chapter relating to licensed or certified
3 assessing personnel.

4 310-C:11 Continuing Education.

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

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

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

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

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

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

21 V. No amendment or repeal of a rule adopted by the board relative to this section shall
22 operate to deprive a certified assessing person of credit toward renewal of certification for any course
23 of instruction completed by the applicant prior to the amendment or repeal of the rule which would
24 have qualified for continuing education credit under the rule as it existed prior to the repeal or
25 amendment.

26 VI. Certification that has been revoked as a result of disciplinary action by the board shall
27 not be reinstated unless the applicant presents evidence of completion of the continuing education
28 required by this chapter. This requirement of evidence of continuing education shall not be imposed
29 upon an applicant for reinstatement who has been required to successfully complete the examination
30 for certified individuals as a condition to reinstatement of certification.

31 310-C:12 Assessing Certificate.

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

35 II. Certified assessing personnel shall place their assessing certificate number adjacent to or
36 immediately below their signature whenever their signature is used in an assessment or in a
37 contract or other instrument used by the certificate holder in conducting assessing activities.

1 310-C:13 Disciplinary Proceedings.

2 I. The board may undertake disciplinary proceedings:

3 (a) Upon its own initiative; or

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

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

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

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

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

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

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

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

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

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

26 (i) Disregarding or violating any of the provisions of this chapter or the rules of the
27 assessing standards board or the rules adopted by the assessor certification board, or violating of any
28 applicable New Hampshire property assessing statutes, or violating the right-to-know law.

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

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

35 (l) Disregarding or violating the Code of Ethics and Standards of Professional Conduct,
36 Re-adopted by the New Hampshire Assessing Standards Board on March 9, 2018, or the Uniform

1 Standards of Professional Appraisal Practice (USPAP) ethical and professional conduct standards in
2 effect at the time of the assessing assignment.

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

5 (a) By written reprimand.

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

8 (c) By revocation of a certificate.

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

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

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

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

17 310-C:14 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:15 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:16 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:17 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
30 Amend the bill by replacing section 7 with the following:

31
32 7 Certification of Assessing Personnel and Auditing Authority. Amend RSA 21-J:14-f to read as
33 follows:

34 21-J:14-f Certification Required.

35 I. Every person, whether working individually, for a firm or corporation, or as a municipal
36 employee, making appraisals of a municipality for tax assessment purposes, except elected officials
37 making appraisals pursuant to RSA 75:1, shall be certified by the [department] **assessing**

1 **certification board** according to rules adopted by the assessing standards board as provided in
2 paragraph II **or the assessing certification board under RSA 310-C as provided in paragraph**
3 **IV, as the case may be.** Department of revenue administration employees shall be certified at the
4 level appropriate to their duties.

5 II. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to
6 qualifications for certification, requirements for continuing education, and decertification of,
7 suspension of, or other disciplinary actions against persons required to be certified in paragraph I.
8 Such rules shall specify the minimum qualifications with respect to education and training required
9 for certification according to the following functional job categories ranked in ascending hierarchical
10 order:

- 11 (a) Building measurer and lister.
- 12 (b) Property assessor assistant.
- 13 (c) Property assessor.
- 14 (d) Property assessor supervisor.

15 III. No person, except boards of assessors and selectmen making appraisals pursuant to RSA
16 75:1, shall make appraisals without first obtaining the certification required by this section **and**
17 **RSA 310-C.** Certification is non-assignable and cannot be transferred. Any person who willfully
18 fails to obtain certification as provided in this section **and RSA 310-C** shall be subject to the
19 penalties imposed under RSA 21-J:39, IV.

20 **IV. The assessing standards board rules shall remain in effect until such time as**
21 **they may be amended or modified by the assessing standards board or superseded by the**
22 **assessing certification board.**

23
24 Amend the bill by replacing all after section 8 with the following:

25
26 9 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, I to read as
27 follows:

28 I. The commissioner may decertify, suspend, or take other disciplinary action against any
29 person for failure to comply with the rules of the assessing standards board adopted pursuant to
30 RSA 21-J:14-f, II **or the assessing certification board adopted pursuant to 310-C.**

31 10 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, II to read as
32 follows:

33 II. Any person aggrieved by a decertification, suspension, or other disciplinary action of the
34 [commissioner] **assessing certification board under RSA 310-C** may appeal from such decision
35 by application to the board of tax and land appeals or by petition to the superior court in the county
36 in which such person resides or maintains his or her business within 30 days after receiving written

Amendment to HB 1552-FN

- Page 9 -

1 notice of the commissioner's decision. The board of tax and land appeals or the court, as the case
2 may be, shall hear the appeal forthwith.

3 11 Certification of Assessing Officials. The department of revenue administration shall
4 continue to issue certifications until the governor and council have confirmed 4 members of the
5 assessing certification board established pursuant to RSA 310-C as inserted by this act. Upon the
6 confirmation of 4 members of the board, the authority of the department of revenue administration
7 to issue certifications of assessing officials shall expire.

8 12 Extension to Complete Continuing Education Requirements. Notwithstanding any statute or
9 rule to the contrary, the commissioner of the department of revenue administration may, upon
10 request in writing by any department certified assessor personnel, prior to the expiration of his or
11 her certification, extend the period of time necessary to complete their continuing education hours
12 until August 31, 2023.

13 13 Effective Date.

14 I. Section 10 of this act shall take effect September 1, 2023.

15 II. Sections 1-9 of this act shall take effect January 1, 2023.

16 III. The remainder of this act shall take effect upon its passage.

DRAFT

Floor Amendment to HB 1552-FN

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

2

3 AN ACT establishing a board for the certification of assessing persons.

4

5 Amend RSA 310-C as inserted by section 1 of the bill by replacing it with the following:

6

7 310-C:1 Assessing Certification Board.

8 I. There is established an independent assessing certification board within the office of
9 professional licensure and certification. The board shall be composed of the commissioner of the
10 department of revenue administration, or designee, and the following additional members, appointed
11 by the governor with the consent of council:

12 (a) Two certified assessor supervisors who are certified for municipal property taxation
13 purposes with a minimum of 5 years' experience.

14 (b) One member of the general public, who is not associated with assessing or any
15 related industry.

16 (c) One member representing municipalities who shall be a municipal governing body
17 official who shall not be an assessor.

18 II. The term of each member shall be 3 years, except that, of the members initially
19 appointed, 2 shall serve for 3 years, one shall serve for 2 years, and one shall serve for one year.

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

24 IV. The board shall meet at least once each calendar quarter to conduct its business and
25 more often on call of the chair, or when the chair is requested to do so by 2 or more members of the
26 board. The action of the majority of the members of the board present and voting shall be deemed
27 the action of the board, and at least 3 members shall be present and voting on every vote of the
28 board. Locations of future meetings shall be decided by the vote of members at meetings or, in the
29 event of a special meeting, by the chair. Written notice shall be given by the chair to each member of
30 the time and place of each meeting of the board at least 10 days in advance.

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

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

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

10 310-C:2 Certification Process.

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

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

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

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

29 310-C:4 Classes of Certification.

30 I. There shall be the following classifications of certified assessing persons which shall meet
31 the criteria set forth in the rules adopted by the assessing standards board or as may be adopted by
32 the assessing certification board pursuant to RSA 21-J:14-f, IV:

33 (a) Certified building measurer and lister.

34 (b) Certified assessor assistant.

35 (c) Certified assessor.

36 (d) Certified assessor supervisor.

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

3 310-C:5 Criminal History Record Checks.

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

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

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

11 310-C:6 Examination Requirements. An original certification as a certified assessor supervisor
12 may be issued to any person who has demonstrated through a written examination process that he
13 or she meets the minimum requirements established by the board.

14 310-C:7 Examination Prerequisites. As prerequisites to taking the examination for certification
15 as a certified assessor supervisor, an applicant shall present evidence, satisfactory to the board, of
16 having completed the required classroom hours in subjects related to assessing for ad valorem
17 property taxation from an educational source approved by the board.

18 310-C:8 Experience Requirements.

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

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

24 310-C:9 Term of Certification. All initial certificates issued by the board shall expire on the last
25 day of the month of the holder's birth in the year 2 years following the year of issuance. The renewal
26 term of a certificate issued under the authority of this chapter shall be 2 years from the date of
27 issuance, and shall expire on the last day of the month of the certificate holder's birth. The
28 expiration date of the certificate shall appear on the certificate and notice of its expiration shall be
29 given to its holder.

30 310-C:10 Nonresident Certification.

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

1 II. A nonresident who has complied with paragraph I may obtain certification under this
2 chapter by conforming to all of the provisions of this chapter relating to licensed or certified
3 assessing personnel.

4 310-C:11 Continuing Education.

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

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

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

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

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

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

21 V. No amendment or repeal of a rule adopted by the board relative to this section shall
22 operate to deprive a certified assessing person of credit toward renewal of certification for any course
23 of instruction completed by the applicant prior to the amendment or repeal of the rule which would
24 have qualified for continuing education credit under the rule as it existed prior to the repeal or
25 amendment.

26 VI. Certification that has been revoked as a result of disciplinary action by the board shall
27 not be reinstated unless the applicant presents evidence of completion of the continuing education
28 required by this chapter. This requirement of evidence of continuing education shall not be imposed
29 upon an applicant for reinstatement who has been required to successfully complete the examination
30 for certified individuals as a condition to reinstatement of certification.

31 310-C:12 Assessing Certificate.

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

35 II. Certified assessing personnel shall place their assessing certificate number adjacent to or
36 immediately below their signature whenever their signature is used in an assessment or in a
37 contract or other instrument used by the certificate holder in conducting assessing activities.

1 310-C:13 Disciplinary Proceedings.

2 I. The board may undertake disciplinary proceedings:

3 (a) Upon its own initiative; or

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

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

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

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

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

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

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

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

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

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

26 (i) Disregarding or violating any of the provisions of this chapter or the rules of the
27 assessing standards board or the rules adopted by the assessor certification board, or violating of any
28 applicable New Hampshire property assessing statutes, or violating the right-to-know law.

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

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

35 (l) Disregarding or violating the Code of Ethics and Standards of Professional Conduct,
36 Re-adopted by the New Hampshire Assessing Standards Board on March 9, 2018, or the Uniform

1 Standards of Professional Appraisal Practice (USPAP) ethical and professional conduct standards in
2 effect at the time of the assessing assignment.

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

5 (a) By written reprimand.

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

8 (c) By revocation of a certificate.

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

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

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

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

17 310-C:14 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:15 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:16 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:17 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.

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18 criteria set forth by the board.

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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:

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

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27 with the requirements of RSA 541-A.

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

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30 Amend the bill by replacing section 7 with the following:

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1 **certification board** according to rules adopted by the assessing standards board as provided in
2 paragraph II **or the assessing certification board under RSA 310-C as provided in paragraph**
3 **IV, as the case may be.** Department of revenue administration employees shall be certified at the
4 level appropriate to their duties.

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6 qualifications for certification, requirements for continuing education, and decertification of,
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8 Such rules shall specify the minimum qualifications with respect to education and training required
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10 order:

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15 III. No person, except boards of assessors and selectmen making appraisals pursuant to RSA
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17 **RSA 310-C.** Certification is non-assignable and cannot be transferred. Any person who willfully
18 fails to obtain certification as provided in this section **and RSA 310-C** shall be subject to the
19 penalties imposed under RSA 21-J:39, IV.

20 **IV. The assessing standards board rules shall remain in effect until such time as**
21 **they may be amended or modified by the assessing standards board or superseded by the**
22 **assessing certification board.**

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24 Amend the bill by replacing all after section 8 with the following:

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26 9 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, I to read as
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28 I. The commissioner may decertify, suspend, or take other disciplinary action against any
29 person for failure to comply with the rules of the assessing standards board adopted pursuant to
30 RSA 21-J:14-f, II **or the assessing certification board adopted pursuant to 310-C.**

31 10 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, II to read as
32 follows:

33 II. Any person aggrieved by a decertification, suspension, or other disciplinary action of the
34 [~~commissioner~~] **assessing certification board under RSA 310-C** may appeal from such decision
35 by application to the board of tax and land appeals or by petition to the superior court in the county
36 in which such person resides or maintains his or her business within 30 days after receiving written

1 notice of the commissioner's decision. The board of tax and land appeals or the court, as the case
2 may be, shall hear the appeal forthwith.

3 11 Certification of Assessing Persons. The department of revenue administration shall continue
4 to issue certifications, and discipline certified assessing personnel pursuant to RSA 21-J:14-f and 21-
5 J:14-g, until the governor and council have confirmed 4 members of the assessing certification board
6 established pursuant to RSA 310-C as inserted by this act. Upon the confirmation of 4 members of
7 the board, the authority of the department of revenue administration to issue certifications and
8 discipline assessing personnel shall expire.

9 12 Extension to Complete Continuing Education Requirements. Notwithstanding any statute or
10 rule to the contrary, the commissioner of the department of revenue administration may, upon
11 request in writing by any department certified assessor personnel, prior to the expiration of his or
12 her certification, extend the period of time necessary to complete their continuing education hours
13 until August 31, 2023.

14 13 Effective Date.

15 I. Section 10 of this act shall take effect September 1, 2023.

16 II. Sections 1-9 of this act shall take effect January 1, 2023.

17 III. The remainder of this act shall take effect upon its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Executive Departments and Administration

Sen Sharon Carson, Chair
 Sen John Reagan, Vice Chair
 Sen Denise Ricciardi, Member
 Sen Kevin Cavanaugh, Member
 Sen Suzanne Prentiss, Member

Date: April 6, 2022

HEARINGS

	Wednesday	04/13/2022
	(Day)	(Date)
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 1288	relative to the terms for certain officers and the names, duties, and funds of certain divisions within the department of administrative services.
9:15 a.m.	HB 1552-FN	establishing a board for the certification of assessors.
9:30 a.m.	HB 1535-FN	relative to a one-time allowance for certain state retirees.
9:45 a.m.	HB 1417-FN-LOCAL	relative to payment by the state of a portion of retirement system contributions of political subdivision employers.
10:05 a.m.	HB 1587-FN-A	relative to determination of average final compensation under the retirement system and making an appropriation therefor.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1288	Sen. Reagan		
Rep. McGuire			
HB 1552-FN	Rep. P. Schmidt	Rep. J. Smith	Rep. Pauer
Rep. Piemonte			
HB 1535-FN	Rep. Deshaies	Rep. Guthrie	Rep. Bordes
Rep. Merner			
HB 1417-FN-LOCAL	Rep. Edgar	Sen. Rosenwald	
Rep. Cote			
HB 1587-FN-A	Rep. Deshaies	Rep. Bordes	Rep. Trotter
Rep. Pratt			

Chantell Wheeler 271-1403

Sharon M Carson
Chairman

Senate Executive Departments and Administration Committee

Chantell Wheeler 271-1403

HB 1552-FN, establishing a board for the certification of assessors.

Hearing Date: April 13, 2022

Members of the Committee Present: Senators Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: Senator Carson

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

Sponsors:

Rep. Piemonte

Rep. P. Schmidt

Rep. J. Smith

Rep. Pauer

Who supports the bill: Senator Gray, Rep. McGuire, Rep. Cote, Jim Michaud, Town of Hudson, Betsey Patten, Assessing Standards Board, Robert Gagne, Assessing Standards Board, Joseph Lessard, Paula Grassie, Todd Haywood, Walter Kirsch, Loren Martin and Monique Newcomb from Avitar Associates, Tom Thompson

Who opposes the bill: Cindy Kudlik.

Who is neutral on the bill: Commissioner Lindsey Stepp, N.H. Department of Revenue (DRA), Lindsey Courtney, Executive Director of the Office of Professional Licensure and Certification (OPLC)

Summary of testimony presented in support:

Rep. McGuire introduced the bill which moves

- Under the DRA there is a built-in conflict of interest that separates the technical assessing,
- The house committee added the continuation of the license so that no licenses would be lost during the transition. The board proceedings will be open and public which addresses one issue that was part of the reason for this bill.

Senator Gray introduced amendment 1391s which addressed concerns raised by the ASB and OPLC.

- The chair of the ASB reported that there are 3 assistant assessors whose terms will end at the this year. The classes they need to be licensed will not start prior

to the end of the year. There is a special carve out for these assistant assessors that reduces the number of hours from 50 to 10.

Senator Cavanaugh asked if the certification standards are changing.

Senator Gray said the 50 hour requirement is new, as is going through OPLC.

Betsey Patten, Chair of the ASB

- This bill came about because of the DRA ruling that assessing records are not open and it was never the intention that this information should not be public.
- Senator Gray's amendment takes care of the issues presented by Commissioner Stepp.
- Ms. Patten summarized the changes in the amendment presented by Senator Gray.
 - The commissioner would have to be reappointed by the Governor and Council, the commissioner is now a member.
 - The general public members are not attached to the assessing process at the time of appointment.
 - The language "assessor" is changed to "assessing official"; there are 4 classes of assessors that are all assessing officials.
 - The appeal process on page 9 line 16 was removed, but they would like to leave that in.
 - Page 9 includes language that allows DRA will continue to issue certifications during the transition.
 - There is the carve out for the 3 existing assessors.
- Suggests ought to pass as amended.

Senator Prentiss confirmed that the ASB wants to move forward as amended.

Senator Prentiss asked if Senator Gray's amendment was reviewed by the ASB and if they need time to review.

Senator Ricciardi said there would be no executive action today.

Ms. Patten said there is an ABS meeting on April 22nd.

Senator Ricciardi said that because this is a FN bill, executive action will need to be taken soon.

Senator Cavanaugh asked if all the stakeholders and Lindsey Courtney could get together to assure a smooth transition.

Ms. Patten stated that OPLC can incorporate the rules to avoid a year of rule research.

Ms. Patten submitted written documents that were distributed to the committee by the committee aide.

Robert Gagne, Board of Assessors, City of Manchester, ASB

- The ASB voted to move forward with this bill because it was the wild west out there prior to 2000. There were lawsuits and ultimately resulted in the General Court determining the establishment of the ASB and the role of the DRA.
- Assessing in NH is running well.
- Commissioner Stepp made great points and made their case.
- This bill will free up DRA to monitor and review assessing practices without the burden of also being police and prosecutor.
- When looking at the make-up of all 50 plus boards currently under OPLC; there are very few boards where the board composition majority is not made up of industry professionals.
- There can be friction between DRA and the assessors.
- OPLC has a professional staff that can do certification and investigation and hearings before the ACB, as is done with all other boards.
- There is a conflict with the DRA in that they certify their own staff.
- Complaints are not open to the public.

Tom Thompson, Orford, NH

- Public member of the ASB for the past 6 years.
- The full ASB voted to put this legislation forward this year.
- This bill will bring fairness, transparency and accountability to NH assessing.
- Mr. Thompson submitted written testimony that was distributed to the committee.
- Taxpayers must have confidence in the system.

Loren Martin, Avitar Associates, ASB member

- Written testimony was provided by email.
- Supports this bill and everything that Mr. Gagne stated.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Commissioner Lindsey Stepp, DRA

- DRA takes no position on this bill but suggests that interim study would allow for further consideration.
- Assessments are important because they determine who pays the tax.
- Property tax is the largest tax in NH at approximately \$4 billion paid per year.
- Assessments are completed by assessing firms, or municipal employees who are assessors.
- DRA's role is to assist and supervise municipalities and appraisers in appraisals/valuations.
 - General supervision over all assessing officers

- o Advise and instruct local assessing officers
- o Assure appraisers comply with contracts and state laws and rules
- o Review appraisals for accuracy
- Certification is required for tax assessment appraisals.
- The ASB is administratively attached to DRA and sets the rules for certification, education, and discipline. DRA performs the certification and discipline.
- The DRA commissioner receives and investigates charges of misconduct and attempts to reach a settlement with the assessor. Barring a settlement, a hearing will be held with the hearing officer. The decision can be appealed.
- DRA has a broad confidentiality provision.
- Certification files are not available for public review. SB53 would make this information public; DRA is not opposed to this.
- The bill passed by the House will move the certification and discipline function to the OPLC.
- There will be a new board with 3 assessors, 3 public members and the DRA commissioner or designee.
- The Assessing Standard Board will continue to exist, but no longer sets the certification, education and discipline standards.
- The ASB board membership includes municipal officials, the new board does not have any municipal officials.
- The ASB has 3 vacant seats and has trouble finding members of the public to serve.
- The new board is effective January 2023 and will need time to form rules as it will be starting from scratch.
- Assessor certification is important and should not be taken lightly.
- Will work with ASB and OPLC to make sure the transition happens responsibly.

cbw

Date Hearing Report completed: April 13, 2022

Speakers

Senate Executive Departments and Administration Committee

Date: 04/13/2022

Time: 9:15 a.m.

Public Hearing on: **HB 1552-fn**

Please check box(es) that apply.
SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Betsy Patten	Assessing Standards
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robert Gagne	Assessing Standards Board
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lindsey Stepp	NH Dept. of Revenue Admin.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Peter Roth	NH DRA
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Carol W. Guire	House ED & A
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jim Michaud	Town of Hudson
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOSEPH LESSARD	S&CF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sen. Gira	S. D. Co #13915
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tom Thirion	
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Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1552 on 2022-04-13

Support: 4 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
michaud, jim	A Member of the Public	Myself	Support
Grassie, Paula	A Member of the Public	Myself	Support
Kudlik, Cindy	An Elected Official	Myself	Oppose
Haywood, Todd	A Member of the Public	Myself	Support
kirsch, walter	A Member of the Public	Myself	Support

Testimony

Chantell Wheeler

From: loren martin <loren@avitarassociates.com>
Sent: Tuesday, April 12, 2022 8:37 AM
To: Sharon Carson; Kevin Cavanaugh; Denise Ricciardi; Suzanne Prentiss; John Reagan; Chantell Wheeler
Subject: HB 1552

Dear Committee members;

My name is Loren Martin and I am the Director of Assessing Operations at Avitar Associates of NE, Inc. We provide assessing services to approximately 70 communities throughout the State and we offer software solutions to about 160 communities. I am also a member of the Assessing Standards Board, the Board that voted unanimously to bring this legislation forward as we believe there are some issues in the current process that could be improved upon.

This bill seeks to remove the certification/decertification process of Assessors from the control of the Department of Revenue Administration (DRA) to the Office of Professional Licensure and Certification (OPLC). They currently oversee about 50 professional boards in the State. The DRA has an inherent conflict of interest as they currently have authority to certify/decertify their own employees. This was an issue years ago when they were overseeing Assessors and the revaluation process but also acting as a participant providing the same services. To resolve this the Department "got out of" the revaluation business". This move is the next evolution in the process.

Another issue of concern that this bill will solve is the transparency of certification records and Assessor discipline and sanctions. The Assessing Standards Board developed the rules for certification and decertification of Assessors and these records were always intended to be transparent and available to the public, however, the DRA is maintaining all of their records (with very few exceptions) are not available for public review and in fact confidential under RSA 21-J:14. This move will ensure transparency across the field is maintained. Also, this will allow for a fair appeals process. The current process within the DRA is currently described as difficult, costly and without due process. Establishing the Board within the OPLC will allow for a disciplinary process that includes hearings, an appeals process, AND transparency for decertification.

Under the OPLC (Office of Professional Licensing and Certification), the Board of Certification of Assessors would be self-funded by fees - just like other boards NOW under the OPLC -- for example: home inspectors, land surveyors, real estate appraisers and real estate brokers -- AND transparency of certification and decertification would be required -- again as with other boards under the OPLC now. The fees are nominal and will have no impact on taxpayers.

Bottom line is that the Board of Certification of Assessors should not be treated differently from other certification boards.

I am hoping to be at the public hearing on Wednesday to testify in person and answer any questions the committee may have. I strongly urge you to support HB 1552 this week. I can't stress enough the importance of this bill. It will give the citizens of the State of New Hampshire the confidence this process is being handled openly, honestly with due process as we have come to expect our system of justice to operate. This will separate power and provide balance.

I welcome any questions you may have.
Loren Martin

**Tom Thomson
173 Strawberry Hill Road
Orford, New Hampshire 03777**

April 13, 2022

**Senator Sharon Carson, Chairman
Executive Departments and Administration
State House, Room 103
Concord, New Hampshire 03301**

**Dear Madam Chairman and Members of the Executive Departments
and Administration,**

My name is Tom Thomson and I have served as a member of the Assessing Standards Board (ASB) for the past 16 years in the position of a "Public Member". I support HB 1552 with amendments and would ask all members of the Senate Executive Departments and Administration to vote in favor (OTP) of this important House Bill, which will help both our Taxpayers and the Assessing members.

Today, the Department of Revenue (DRA) controls Certification, Decertification, Discipline and Transparency of all Assessors records and there is only one person who has control over NH Assessors and that is the Commissioner of DRA.

The full board of the ASB voted to put this legislation forward this year which would simply move the certification and oversight process from DRA to the Office of Professional Licensure and Certification (OPLC) which would give more transparency and fairness along with an independent board to oversee certification and discipline of NH Assessors, which would be similar to all the other Professional groups in NH, which as a member of the ASB I have encouraged for many years.

HB 1552 will help bring fairness, transparency and accountability to NH assessing and most importantly to our Taxpayers who must have confidence in the system.

I hope you will support the ASB who voted unanimously to move this legislation forward and just recently the full House of Representatives passed overwhelmingly HB 1552 to send onto the New Hampshire Senate.

Thank you for your time and thank you for serving the citizens of New Hampshire.

Sincerely yours,


**Tom Thomson
ASB Public Member**

Chantell Wheeler

From: David Cote
Sent: Tuesday, April 12, 2022 4:24 PM
To: Sharon Carson; John Reagan; Kevin Cavanaugh; Denise Ricciardi; Suzanne Prentiss
Cc: Chantell Wheeler
Subject: Testimony- HB 1417

Honorable Members of the Senate Executive Departments and Administration Committee:

I am submitting my written support of HB 1417, the "Property Tax Relief Act of 2022" both as a co-sponsor of the bill and as House Democratic Leader.

New Hampshire has the second highest property tax burden in the United States, second only to the District of Columbia. Granite Staters are struggling now more than ever to make ends meet. In 1967, the legislature promised to pay a portion of the accrued liability contribution of retirement costs of our hardworking teachers, firefighters and local police. In 2011, the legislature reneged on this promise and our local property taxpayers have since been picking up the tab. Today, 10 years later, municipalities across the state bear the burden of a promise that the legislature broke. This is an unacceptable and unsustainable downshifting to our local taxpayers.

Our dedicated public servants risk their lives daily for the betterment of our society and deserve to retire comfortably without our municipalities going bankrupt to pay for it. The state's obligation to pay a portion of the retirement costs of public employees remains as it has for over 50 years. This bill increases the state's contribution from 0% to 7.5%, providing cities and towns across New Hampshire with millions of dollars in property tax relief.

My late predecessor, Rep. Renny Cushing, filed this bill because he believed that it is far past time that the legislature live up to its promises to provide property tax relief while enhancing our education system and public safety across the state. In his honor and in emphatic agreement I ask that the committee recommend Ought to Pass on HB 1417.

Thank you.

Rep. David E. Cote
House Democratic Leader

Fw: ASB Request

James Gray <James.Gray@leg.state.nh.us>

Tue, Apr 12, 9:19 PM

To: Sharon Carson <Sharon.Carson@leg.state.nh.us>, John Reagan <john.reagan111@gmail.com>, Denise Ricciardi <denise.ricciardi@leg.state.nh.us>, Kevin Cavanaugh <Kevin.Cavanaugh@leg.state.nh.us>, Suzanne Prentiss <Suzanne.Prentiss@leg.state.nh.us>, Chantell Wheeler <chantell.wheeler@leg.state.nh.us>

The ASB would like you to address one additional item in HB 1552. See below.

Jim
James P Gray
NH State Senator District 6
Office (603) 271-3479
Home (603) 332-7144

From: Betsey Patten <betseypatten@gmail.com>**Sent:** Tuesday, April 12, 2022 6:58 PM**To:** James Gray <James.Gray@leg.state.nh.us>; Peter Schmidt <peterbarrettschmidt@gmail.com>; RGagne@ManchesterNH.gov <RGagne@manchesternh.gov>; Tony Piemonte <Tony.Piemonte@leg.state.nh.us>**Subject:** Amendment

This is a proposal to either attach to HB 1552 or SB 53:

Notwithstanding any provision of law to the contrary, each DRA-certified property assessor assistants whose certification expired in 2021 shall provide documentation that he or she has completed a total of 10 hours of approved continuing education, as defined in ASB 301.05(a), in order to re-certify for a 5-year term beginning in 2022.

HB1552 is being heard tomorrow at 9:00 and SB 53 is being heard on the 18th.
We need advise from you, Tony, Peter and Jim.

Thanks. Betsey

Fw: ASB Request

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To: Sharon Carson <Sharon.Carson@leg.state.nh.us>, John Reagan <john.reagan111@gmail.com>, Denise Ricciardi <denise.ricciardi@leg.state.nh.us>, Kevin Cavanaugh <Kevin.Cavanaugh@leg.state.nh.us>, Suzanne Prentiss <Suzanne.Prentiss@leg.state.nh.us>, Chantell Wheeler <chantell.wheeler@leg.state.nh.us>

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Chantell Wheeler

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Sent: Tuesday, April 12, 2022 9:20 PM
To: Sharon Carson; John Reagan; Denise Ricciardi; Kevin Cavanaugh; Suzanne Prentiss; Chantell Wheeler
Subject: Fw: ASB Request

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Thanks. Betsey

Todd B. Haywood, RES, CNHA
PO Box 1484
Concord NH 03302
603-496-7293
granitehillmunisvs@hotmail.com

April 12, 2022

NH Senate, Executive Departments and Administration Committee

Re: HB 1552

Dear Members of the Committee,

I am sending you this letter supporting the proposed legislation creating an autonomous Assessing Certification Board, identified as HB 1552. The Assessing Standards Board unanimously voted to move this legislation forward. The House with more than a two thirds majority agreed and passed this overwhelmingly.

I am a former assessor member of the NH Assessing Standards board. I served four terms from 2007-2015. During my time on the ASB we developed and implemented rules for the certification and revocation for NH assessors. At that time, the ASB decided to leave the entire process in the hands of the Department of Revenue Administration. I had reservations about putting all the authority under one umbrella for obvious reasons. However, at the time I was in the minority and for ease of implementation the process stayed with the DRA. This legislation is merely completing the process as it should have been when rules for de-certification were adopted nine years ago.

Nine years have passed since this procedure was adopted. It has become apparent to the ASB there is a need to change the process to be more transparent, allow for due process and separate the powers as we have come to expect throughout our system of justice.

I was happy to serve on the ASB sub-committee that developed the proposed legislation. The Sub-committee and full ASB have spent hours on this issue and the majority believe this legislation as amended would eliminate any conflicts of interest that currently exist administering this function. It would add transparency to the process and should give comfort to all NH taxpayers that the \$223,000,000,000 in equalized value is developed by competently trained individuals in an unbiased manner.

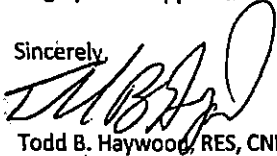
This bill if passes would NOT add additional unfunded costs to the State or Municipalities because it is self-funded through fees collected from the certified professionals. The individuals are those being certified. If the State agency or municipality chooses to include the licensing fee for their employees that is their option. In fact this legislation will save the state money because currently the Department of Revenue performs this task at the agency's expense.

Finally, I'm certain this is the best path forward to increase the effectiveness of the administration of certification of assessors. As I'm sure you are aware, the Office of Professional Licensing and Certification's sole purpose is to administer the licensing of the various professional boards in the state.

This would treat the assessing profession the same as 55+ other professionally regulated functions in the State.

This proposal is a non-partisan effort to improve a system that currently isn't working as it was intended. I urge you to support this bill.

Sincerely,



Todd B. Haywood, RES, CNHA

Chantell Wheeler

From: Todd Haywood <granitehillmunisvs@hotmail.com>
Sent: Wednesday, April 13, 2022 12:36 PM
To: ~Senate Executive Departments and Administration
Cc: Jonathan Smith; Town of Bridgewater NH; Janice Pack; Amy Capone-Muccio
Subject: HB1552
Attachments: Wolfeboro Support for HB 1552.pdf; WILTON BOS SUPPORT FOR HB 1552.pdf; BRIDGEWATER BOS SUPPORT FOR HB 1552 22-0204.pdf

Dear Members of the Senate E d & A committee. Attached are letters of support for HB 1552 from the towns of Wilton, Bridgewater & Wolfeboro. These were written for the House E D & A committee but are still relevant.

I was at the hearing this morning and had previously submitted written testimony to you.

As I was driving to work after the hearing rehashing the testimony submitted, I was prompted to give you these additional comments.

This bill doesn't create a new government activity it merely moves the function of assessing certification from the DRA to the Office of Professional Licensing and Certification. Please note it doesn't change the remaining duties of the ASB and DRA. They will still administer the performance standards of the assessing function.

This bill has had extensive time put in my the ASB and the subcommittee assigned the task to develop the solution to the inherant conflicts of interest having the DRA be the sole authority regulating this activity since the DRA's staff are also among those who are regulated. You may see how this might lead to mischeif.

The amendments submitted by Senator Gray have been well thought out and should suffice. There is no need to send this to interem study. This bill is a good piece of legislation which merely completes the path forward for the assessing community and all of the states citizens who own the State's \$220,000,000,000 + in equalized assessed value.

Another item I would like to stress is, this bill has no fiscal impact to the state or any municipality. It is self funded by the individuals who are certified just like all other professional boards in NH. If the state agency or the municipality wants to include the payment of the licensing fee as part of the employee compensation package that is at their discretion.

Finally, I strongly urge you to support this bi-partisan legislation which has seen overwhelming support at every level, it was unanimous coming from the ASB it was unanimous out of the house E D & A committee and received over two thirds support among the full house.

Please feel free to contact me with questions. I have included the towns of Wolfeboro, Bridgewater & Wilton in the CC box if you need to contact them.

Kindest regards
Todd Haywood

Todd Haywood, RES, CNHA
Granite Hill Municipal Services
PO Box 1484 Concord NH, 03302
Phone: Office (617) 528-9738, Cell Phone 603-496-7293

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January 22, 2022

NH House of Representatives, Executive Departments and Administration Committee

Re: HB 1552

Dear Members of the Committee,

We are sending you this letter supporting the proposed legislation creating an autonomous Assessing Certification Board, identified as HB 1552.

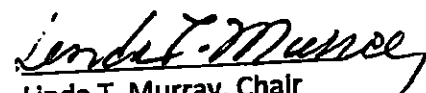
Nine years have passed since this procedure was implemented. It has become apparent the need to change the process to be more transparent, allow for due process and separate the powers as we have come to expect throughout our system of justice.


We believe this legislation as proposed would eliminate any conflicts of interest that currently exist administering this function. It would add transparency to the process and should give comfort to all NH taxpayers that the \$223,000,000,000 in equalized value is developed by competently trained individuals in an unbiased manner.

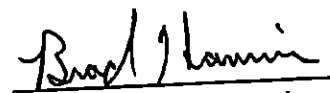
Finally, this would treat the assessing profession the same as 55+ other professionally regulated functions in the State.

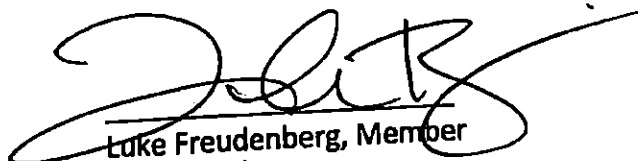
This proposal is a non-partisan effort to improve a failing system, I urge you to support this bill however you see fit.

Sincerely,
Wolfeboro Board of Selectmen


Linda T. Murray, Chair


David Senecal, Vice-Chair


Brad Harriman, Member


Luke Freudenberg, Member


Brian Deshaies, Member



January 22, 2022

TO: NH House of Representatives, Executive Departments and Administration Committee

RE: HB 1552

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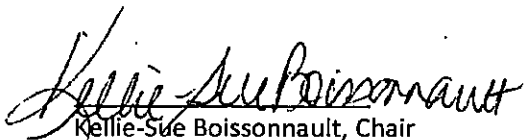
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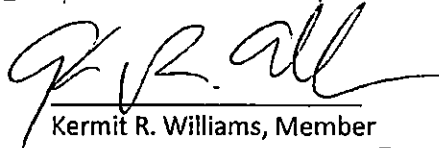
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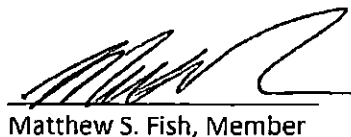
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Sincerely,
Wilton Board of Selectmen


Kellie-Sue Boissonnault, Chair


Kermit R. Williams, Member


Matthew S. Fish, Member

Office of the Selectmen

TOWN OF BRIDGEWATER

297 Mayhew Turnpike
Bridgewater, NH 03222

January 22, 2022

NH House of Representatives,
Executive Departments and Administration Committee

Re: HB 1552

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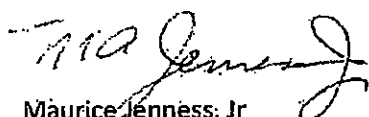
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Finally, this would treat the assessing profession the same as 55+ other professionally regulated functions in the State.

This proposal is a non-partisan effort to improve a failing system, I urge you to support this bill however you see fit.

Sincerely,
Bridgewater Board of Selectmen


Maurice Jenness, Jr.
Selectman


Terrence Murphy
Selectman


P. Wesley Morrill, Jr.
Selectman



Lindsey M. Stepp
Commissioner

State of New Hampshire Department of Revenue Administration

109 Pleasant Street
PO Box 457, Concord, NH 03302-0457
Telephone 603-230-5005
www.revenue.nh.gov



Carolynn J. Lear
Assistant Commissioner

Testimony of Commissioner Lindsey M. Stepp

April 13, 2022

Senate Executive Departments and Administration Committee

HB 1552, establishing a board for the certification of assessors

The Department of Revenue Administration (DRA) does not take a position for or against the bill, but rather, I would encourage the Committee to consider a motion of Interim Study as I believe that the bill needs additional consideration before passage. I appreciate the time to explain some background on the bill and some of the concerns I have.

What is Assessing and Why is it Important?

Property tax assessment determines the value of a piece of property and this value is used to calculate the local, county, school district, etc. tax due for that property. Property assessments determine who pays the property taxes in a municipality.

Property tax is the largest tax in NH at approximately \$4 billion dollars a year paid by property owners, and therefore you can understand the important role of property tax assessing.

Assessments are completed either by assessors employed by the municipality or by assessing firms that are contracted by the municipality.

DRA's role through the Municipal and Property Division is to assist and supervise municipalities and appraisers in appraisals and valuations (as provided in RSA 21-J:3, RSA 21-J:10 and RSA 21-J:11).

Specifically, the DRA monitors appraisals of property and supervises appraisers/assessors as follows:

- (a) Exercise general supervision over the administration of the assessment and taxation laws of the state and over all assessing officers in the performance of their duties;
- (b) Confer with, advise, and give the necessary instructions and directions to local assessing officers throughout the state as to their duties;
- (c) Assure that appraisals comply with all applicable statutes and rules;
- (d) Assure that appraisers are complying with the terms of the appraisal contract or agreement;
- (e) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers;
- (f) Report to the governing body on the progress and quality of the municipality's appraisal process; and
- (g) Petition the board of tax and land appeals to issue an order for reassessment of property (pursuant to the board's powers under RSA 71-B:16-19) whenever the valuation of property in a particular city, town, or unincorporated place is disproportionate, or whenever the municipality has not complied with the revaluation timetable.

TDD Access: Relay NH 1-800735-2964

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.

How Does the Assessing Standards Board and DRA Currently Certify Assessors?

No person can make appraisals for tax assessment purposes without being certified to do so in accordance with law.

Currently the Assessing Standards Board (administratively attached to the DRA) adopts rules for the qualifications for certification, requirements for continuing education, and decertification of, suspension of, or other disciplinary actions against certified assessors and the DRA performs the certification and the discipline.

The Commissioner of the Department of Revenue certifies individuals to make appraisals on behalf of municipalities for taxation purposes (RSA 21-J:14-f) and receives misconduct charges for violations of the standards contained in the Assessing Standards Board Administrative Rule Asb 307. Misconduct charges are received via the form PA-71 and the DRA investigates those charges through interviews, document requests, etc. If DRA believes that discipline is warranted, DRA will engage with the assessor to discuss possible discipline and attempt to reach a settlement. If no settlement is reached, DRA will conduct a hearing with DRA's Hearing Office for a determination. The ASB's rules contain detailed descriptions of the types of misconduct that may subject an assessor to discipline, the factors to be considered by the DRA in deciding on a form of discipline, and the level of discipline to be given for different types of misconduct. If the assessor is not satisfied with the Hearing Officer's determination they can then appeal to the Board of Tax and Land Appeals or the Superior Court.

Given the confidentiality restrictions of DRA records, there have been concerns raised regarding the transparency of certification and discipline records. While a full list of assessors and their certification level is posted on our website and updated regularly, actual certification files are considered confidential. The DRA has made available publically data concerning misconduct resolutions in an anonymized format. SB 53, which passed the Senate and is currently in the House, would make assessor certification and discipline records public, subject to any applicable exceptions in RSA 91-A. The DRA is not opposed to this legislation.

HB 1552

HB 1552 moves the certification and discipline function from the DRA to a board at the Office of Professional Licensure and Certification.

The new board is made up of three assessors with a minimum of 5 years' experience, three members of the public (2 of whom are not associated directly or indirectly with assessing or any related industry) and the Commissioner of DRA (or designee).

The Assessing Standards Board remains in place, although the ASB no longer sets the certification, education and discipline standards as those functions also move to the new board. The new board will need to adopt new rules for these functions as the existing rules based on the work of the ASB over many years will no longer be applicable.

Concerns with HB 1552

These concerns are with the version of HB 1552 amended by the House. I have not seen the amendment that Senator Gray introduced, so I am not able to comment on whether or not that amendment addresses any of these concerns.

While in theory the board make up attempts a balance between assessors and members of the public, it has proven difficult to recruit public members. While the ASB itself has municipal officials as members, the new board would not have any. Currently the ASB itself has 3 vacant seats—2 municipal officials and one public member. If this were to become law, given the ASB will still be operational, the State will have to recruit 6 members of the public to serve on the ASB/OPLC Boards.

If the board is dominated by assessors, there could be issues with conflicts of interest and the structural risk that market participants might confuse their own interests with the State's policy goals. For example, if a contract assessor is on the board they would be certifying and/or disciplining their own employees, clients, potential clients or their competition. I would defer to Executive Director Lindsey Courtney as to her views on proper board make up.

The current division of responsibilities between the ASB and the DRA, where the ASB adopts the rules for the certification, continuing education and discipline, for enforcement by the DRA, would go away under this new board. The board would both adopt the rules and perform the work, thus removing the separation of duties and the direct state control that currently exists.

The timing and mechanics of the transition between the DRA performing certification and the new board assuming certification duties is not clear to me. While the legislation states that current certifications remain valid until their expiration date and will then be renewed by the new board, the new board is not in effect until January 1, 2023 and also once in effect they will need to adopt rules for certification, which will likely take some time.

In addition, with the new board taking on both the ASB functions of developing rules for certification, education and discipline and the DRA's function of enforcing those rules, the new board is essentially starting from scratch and needs to conduct significant rulemaking, thus making the transition difficult. I wonder if there is a better solution that would result in a smoother transition and would also not necessarily abandon all of the hard work of the ASB over the years around certification, education and discipline.

Thank you for letting me speak today. As you have heard the work of assessors is extremely important and the subject of assessor certification should not be taken lightly. Again, I am not opposed to creating an assessor certification board at OPLC, I just want to be sure that all aspects have been considered.

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2022 Session**

Bill # HB 1552 fm

Hearing date: 4/13/2022

Executive Session date: 4/20/2022

Motion of: Amend 16665 STP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: int study Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Carson

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 20, 2022

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, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill moves assessor certification and regulation from the Department of Revenue Administration (DRA) to its own board within the Office of Professional Licensure and Certification (OPLC). The Committee considered an amendment to this bill and determined that this bill and amendments should be reviewed in a future study committee that includes the OPLC.

Chantell Wheeler 271-1403

General Court of New Hampshire - Bill Status System

Docket of HB1552

Docket Abbreviations

Bill Title: (New Title) establishing a board for the certification of assessing persons.**Official Docket of HB1552.:**

Date	Body	Description
12/14/2021	H	Introduced 01/05/2022 and referred to Executive Departments and Administration
1/31/2022	H	Public Hearing: 01/31/2022 10:45 a.m. LOB302-304
2/8/2022	H	Executive Session: 01/31/2022 10:45 am LOB302-304
2/8/2022	H	Committee Report: Ought to Pass with Amendment #2022-0519h (Vote 18-0; CC)
2/24/2022	H	Amendment #2022-0519h: AA VV 02/16/2022 HJ 3
2/16/2022	H	Ought to Pass with Amendment 2022-0519h: MA VV 02/16/2022 HJ 3
3/4/2022	H	Referred to Finance 02/16/2022 HJ 3
3/14/2022	H	Division Work Session: 03/14/2022 10:00 am LOB 212
3/9/2022	H	Executive Session: 03/23/2022 10:00 am LOB 210-211
3/24/2022	H	Majority Committee Report: Inexpedient to Legislate (Vote 12-9; RC)
3/24/2022	H	Minority Committee Report: Ought to Pass
3/31/2022	H	Lay HB1552 on Table (Rep. Leishman): MF RC 124-221 03/31/2022 HJ 9
3/31/2022	H	Inexpedient to Legislate: MF DV 88-258 03/31/2022 HJ 9
3/31/2022	H	Ought to Pass: MA VV 03/31/2022 HJ 9
4/5/2022	S	Introduced 03/31/2022 and Referred to Executive Departments and Administration; SJ 8
4/6/2022	S	Hearing: 04/13/2022, Room 103, SH, 09:15 am; SC 15
4/20/2022	S	Committee Report: Referred to Interim Study, 04/28/2022; Vote 5-0; CC; SC 17
4/28/2022	S	Sen. Gray Moved to Remove HB 1552 from the Consent Calendar; 04/28/2022; SJ 10
4/28/2022	S	Refer to Interim Study, MF, VV; 04/28/2022; SJ 10
4/28/2022	S	Sen. Gray Moved Ought to Pass; 04/28/2022; SJ 10
4/28/2022	S	Sen. Gray Floor Amendment #2022-1747s , AA, VV; 04/28/2022; SJ 10
4/9/2022	S	Ought to Pass with Amendment 2022-1747s, MA, VV; OT3rdg; 04/28/2022; SJ 10
5/13/2022	H	House Concurs with Senate Amendment (Rep. McGuire): MA VV 05/12/2022 HJ 13
6/13/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/14/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/29/2022	H	Signed by Governor Sununu 06/24/2022; Chapter 267; I. Sec 10 eff 9/1/2023 II. Sec 1-9 eff 01/01/2023 III. Rem eff. 06/24/2022 HJ 14

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1552 fn

Senate Committee: EDTA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1391s - amendment # _____
- amendment # 1666s - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 1747 - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

CTB02
Committee Aide

5 13 2002
Date

Senate Clerk's Office AK