

HOUSE BILL NO. 422

INTRODUCED BY HOFFMAN
BY REQUEST OF THE DEPARTMENT OF
ADMINISTRATION AND THE STATE TAX APPEAL BOARD

IN THE HOUSE

JANUARY 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

JANUARY 29, 1991 FIRST READING.

FEBRUARY 8, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 9, 1991 PRINTING REPORT.

FEBRUARY 11, 1991 SECOND READING, DO PASS.

FEBRUARY 12, 1991 ENGROSSING REPORT.

FEBRUARY 13, 1991 THIRD READING, PASSED.
AYES, 99; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 14, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
AYES, 48; NOES, 1.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 422
 2 INTRODUCED BY Hoffman
 3 BY REQUEST OF THE DEPARTMENT OF
 4 ADMINISTRATION AND THE STATE TAX APPEAL BOARD

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE STATE
 7 TAX APPEAL BOARD TO USE HEARING OFFICERS TO EXPEDITE ITS
 8 WORK; AMENDING SECTION 15-2-301, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 15-2-301, MCA, is amended to read:

13 **"15-2-301. Appeal of county tax appeal board decisions.**

14 (1) The county tax appeal board shall mail a copy of its
 15 decision to the taxpayer and to the property assessment
 16 division of the department of revenue. Any person or the
 17 department ~~in~~ on behalf of the state or any municipal
 18 corporation aggrieved by the action of the county tax appeal
 19 board may appeal to the state board by filing with the state
 20 tax appeal board a notice of appeal within 30 calendar days
 21 after the receipt of the decision of the county board, ~~7~~
 22 ~~which~~ The notice ~~shall~~ must specify the action complained of
 23 and the reasons assigned for ~~such~~ the complaint. Notice of
 24 acceptance of an appeal must be given to the county tax
 25 appeal board by the state tax appeal board. The state board

1 shall set ~~such~~ the appeal for hearing either in its office
 2 in the capital or ~~such~~ the county seat as the board
 3 considers advisable to facilitate the performance of its
 4 duties or to accommodate parties in interest, ~~and~~ The board
 5 shall give to the appellant and to the respondent at least
 6 15 calendar days' notice of the time and place of ~~such~~ the
 7 hearing.

8 (2) At the time of giving notice of acceptance of an
 9 appeal, the state board may require the county board to
 10 certify to it the minutes of the proceedings resulting in
 11 ~~such~~ the action and all testimony taken in connection
 12 ~~therewith~~ with its proceedings. The state board may, in its
 13 discretion, determine the appeal on ~~such~~ the record if all
 14 parties receive a copy of the transcript and are permitted
 15 to submit additional sworn statements, or the state board
 16 may hear further testimony. For the purpose of expediting
 17 its work, the state board may refer any appeal to one of its
 18 members or to a designated hearing officer, ~~and the person~~
 19 ~~so-designated shall have and~~ The board member or hearing
 20 officer may exercise all the powers of the board in
 21 conducting ~~such--hearings~~ a hearing and shall, as soon as
 22 possible ~~thereafter~~ after the hearing, report the
 23 proceedings, together with a transcript or a tape recording
 24 of the hearing, to the board, ~~7--and--the~~ The state board
 25 shall determine ~~such~~ the appeal on the record ~~so-made~~.

1 (3) On all hearings at county seats throughout the
2 state, the state board or the member or hearing officer
3 designated to conduct a hearing may employ the local court
4 reporter or other competent stenographer to take and
5 transcribe the testimony received. ~~and the~~ The cost thereof
6 of taking and transcribing testimony may be paid out of the
7 general appropriation for the board.

8 (4) In connection with any appeal under this section,
9 the state board ~~shall~~ is not be bound by common law and
10 statutory rules of evidence or rules of discovery and may
11 affirm, reverse, or modify any decision. The decision of the
12 state tax appeal board ~~shall be~~ is final and binding upon
13 all interested parties unless reversed or modified by
14 judicial review. To the extent this section is in conflict
15 with the Montana Administrative Procedure Act, this section
16 ~~shall--supersede~~ supersedes that act. The state tax appeal
17 board may not amend or repeal any administrative rule of the
18 department. The state tax appeal board ~~must~~ shall give an
19 administrative rule full effect unless the board finds any
20 such a rule arbitrary, capricious, or otherwise unlawful."

21 NEW SECTION. Section 2. Effective date. [This act] is
22 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0422, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the State Tax Appeal Board to use hearing officers to expedite its work; amending section 15-2-301, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. HB0422 is enabling legislation to allow the State Tax Appeal Board to use hearing officers in order to expedite the adjudication of appeals.
2. The State Tax Appeal Board does not currently employ hearing officers.
3. In the event that the board must address 1,000 or more appeals, the board will enter into service contracts with approximately three hearing officers.
4. Each hearing officer will be compensated \$90 per day plus expenses. Attorneys hired as hearing officers will be paid \$45 per hour plus expenses.
5. The hearing officer will provide the board with a transcript of the testimony received during each hearing. The board will reimburse the hearing officer for secretarial services at a rate not to exceed \$8.50 per hour.
6. If the projected number of appeals filed in FY92-93 is similar to the actual number of appeals filed in FY88-89, the cost for contracted hearing officers will be approximately \$24,000 per year.
7. The executive budget recommendation for the State Tax Appeal Board is sufficient to afford the proposed hearing officers should the board need them.

FISCAL IMPACT:

None

Rod Sundsted
ROD SUNDSTED, BUDGET DIRECTOR

2-91
DATE

Office of Budget and Program Planning

David Hoffman
DAVID HOFFMAN, PRIMARY SPONSOR

2-4-91
DATE

Fiscal Note for HB0422, as introduced.

HB 422

APPROVED BY COMMITTEE
ON TAXATION

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22 which The notice shall must specify the action complained of
23 and the reasons assigned for such the complaint. Notice of
24 acceptance of an appeal must be given to the county tax
25 appeal board by the state tax appeal board. The state board

1 shall set such the appeal for hearing either in its office
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3 considers advisable to facilitate the performance of its
4 duties or to accommodate parties in interest, and The board
5 shall give to the appellant and to the respondent at least
6 15 calendar days' notice of the time and place of such the
7 hearing.

8 (2) At the time of giving notice of acceptance of an
9 appeal, the state board may require the county board to
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18 members or to a designated hearing officer, and the person
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1 (3) On all hearings at county seats throughout the
2 state, the state board or the member or hearing officer
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5 transcribe the testimony received, ~~and the~~ The cost thereof
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THIRD READING

HB 422



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