

SENATE BILL 375

Introduced by B. Brown

2/13	Introduced
2/14	First Reading
2/14	Referred to Taxation
2/14	Fiscal Note Requested
2/18	Fiscal Note Received
2/19	Fiscal Note Printed
2/20	Hearing
2/20	Committee Report--Bill Passed as Amended
2/21	2nd Reading Passed
2/22	3rd Reading Passed
	Transmitted to House
3/04	First Reading
3/04	Referred to Taxation
4/04	Hearing
4/12	Tabled in Committee

1 *Senate* BILL NO. 315  
 2 INTRODUCED BY *Paul Brown*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PROPERTY  
 5 APPRAISAL INSTRUCTION CONDUCTED BY THE DEPARTMENT OF  
 6 REVENUE; PROVIDING THAT MEMBERS OF THE STATE TAX APPEAL  
 7 BOARD SHALL SATISFACTORILY COMPLETE THE TRAINING WITHIN 1  
 8 YEAR OF APPOINTMENT OR FORFEIT THEIR OFFICE; PROVIDING THAT  
 9 THE INSTRUCTION MUST BE CONDUCTED IN COOPERATION WITH THE  
 10 INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS; AND  
 11 AMENDING SECTIONS 15-2-102 AND 15-7-106, MCA."  
 12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 15-2-102, MCA, is amended to read:

15 "15-2-102. Qualification and compensation. (1) To be  
 16 appointed a member of the state tax appeal board, a person  
 17 must possess knowledge of the subject of taxation and skill  
 18 in matters pertaining thereto. No person so appointed may  
 19 hold any other office under the laws of this state or any  
 20 other state or any office under the government of the United  
 21 States or under the government of any other state. He shall  
 22 devote his entire time to the duties of the office and shall  
 23 not hold any other position of trust or profit or engage in  
 24 any occupation or business interfering or inconsistent with  
 25 his duties. The state tax appeal board is transferred to the

1 department of administration for administrative purposes  
 2 only as is specified in 2-15-121. However, the board may  
 3 hire its own personnel, and 2-15-121(2)(d) does not apply.

4 (2) Within 1 year of his date of appointment, each  
 5 member of the state tax appeal board shall take the courses  
 6 of instruction conducted by the department of revenue  
 7 pursuant to 15-7-106. A member shall satisfactorily complete  
 8 the courses of instruction in the categories set forth in  
 9 15-7-106, but the member is not required to take the  
 10 examination or be certified. A member of the board forfeits  
 11 his office for failure to satisfactorily complete the  
 12 courses within 1 year of appointment.

13 (3) The member designated chairman as provided for  
 14 in 15-2-103 shall receive a salary of \$29,082 in fiscal year  
 15 1990 and \$29,809 in fiscal year 1991 and thereafter. The  
 16 remaining state tax appeal board members shall be paid a  
 17 salary of \$28,326 in fiscal year 1990 and \$29,034 in fiscal  
 18 year 1991 and thereafter. All members of the board shall  
 19 receive travel expenses as provided for in 2-18-501 through  
 20 2-18-503, as amended, when away from the capital on official  
 21 business."

22 **Section 2.** Section 15-7-106, MCA, is amended to read:

23 "15-7-106. Courses of instruction, examination, and  
 24 certification. (1) The In cooperation with the international  
 25 association of assessing officers, the department of revenue

1 shall offer courses in the principles, methods, and  
2 techniques of appraising for property tax purposes property  
3 in three fields:

4 (a) residential property;

5 (b) agricultural land; and

6 (c) commercial and industrial property.

7 (2) Twice each year the department shall conduct an  
8 examination for those who have completed a course of  
9 instruction in any of the three fields listed in subsection  
10 (1).

11 (3) The department shall issue a certificate to each  
12 appraiser successfully completing a course of instruction  
13 and passing an examination in any of these fields.

14 (4) No person may take the examination for appraising  
15 commercial and industrial property unless he holds a  
16 certificate in appraising residential property."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0375, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act relating to property appraisal instruction conducted by the Department of Revenue; providing that members of the State Tax Appeal Board shall satisfactorily complete the training within 1 year of appointment or forfeit their office; providing that the instruction must be conducted in cooperation with the International Association of Assessing Officers.

ASSUMPTIONS:

1. The three current board members will complete the required training and no new board members will be appointed.
2. Tuition costs will be \$550 for each board member.
3. Meal and lodging costs will be \$592 for each board member.
4. Mileage expenses will total \$246 for all three board members.


FISCAL IMPACT:

State Tax Appeal Board:


	FY '92			FY '93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	0	3,672	3,672	0	0	0
<u>Funding:</u>						
General Fund	0	3,672	3,672	0	0	0
General Fund Impact			(3,672)	0	0	0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Each time a new board member is appointed to the board, an expenditure of at least \$1,388 can be expected in the first year of the appointment to complete this training.

  
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 ROD SUNDSTED, BUDGET DIRECTOR  
 Office of Budget and Program Planning

2-18-91  
 \_\_\_\_\_  
 DATE

  
 \_\_\_\_\_  
 ROBERT (BOB) BROWN, PRIMARY SPONSOR

2-19-91  
 \_\_\_\_\_  
 DATE

Fiscal Note for SB0375, as introduced

SB 375

APPROVED BY COMMITTEE  
ON TAXATION

SENATE BILL NO. 375  
INTRODUCED BY B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PROPERTY APPRAISAL INSTRUCTION CONDUCTED BY THE DEPARTMENT OF REVENUE; PROVIDING THAT MEMBERS OF THE STATE TAX APPEAL BOARD SHALL SATISFACTORILY COMPLETE THE TRAINING WITHIN 1 YEAR OF APPOINTMENT OR FORFEIT THEIR OFFICE; PROVIDING AN EXCEPTION FOR MEMBERS OF THE BOARD APPOINTED BEFORE OCTOBER 1, 1991; PROVIDING THAT THE INSTRUCTION MUST BE CONDUCTED IN COOPERATION WITH THE INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS; AND AMENDING SECTIONS 15-2-102 AND 15-7-106, MCA."

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

**Section 1.** Section 15-2-102, MCA, is amended to read:

"15-2-102. **Qualification and compensation.** (1) To be appointed a member of the state tax appeal board, a person must possess knowledge of the subject of taxation and skill in matters pertaining thereto. No person so appointed may hold any other office under the laws of this state or any other state or any office under the government of the United States or under the government of any other state. He shall devote his entire time to the duties of the office and shall not hold any other position of trust or profit or engage in any occupation or business interfering or inconsistent with

his duties. The state tax appeal board is transferred to the department of administration for administrative purposes only as is specified in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(2) Within (A) EXCEPT AS PROVIDED IN SUBSECTION (2)(B), WITHIN 1 year of his date of appointment, each member of the state tax appeal board shall take the courses of instruction conducted by the department of revenue pursuant to 15-7-106. A member shall satisfactorily complete the courses of instruction in the categories set forth in 15-7-106, but the member is not required to take the examination or be certified. A member of the board forfeits his office for failure to satisfactorily complete the courses within 1 year of appointment.

(B) A PERSON APPOINTED TO THE STATE TAX APPEAL BOARD BEFORE OCTOBER 1, 1991, SHALL SATISFACTORILY COMPLETE THE COURSES PRESCRIBED IN SUBSECTION (2)(A) BEFORE OCTOBER 1, 1992. A MEMBER OF THE BOARD APPOINTED BEFORE OCTOBER 1, 1991, FORFEITS HIS OFFICE FOR FAILURE TO SATISFACTORILY COMPLETE THE COURSES BEFORE OCTOBER 1, 1992.

(2)(3) The member designated chairman as provided for in 15-2-103 shall receive a salary of \$29,082 in fiscal year 1990 and \$29,809 in fiscal year 1991 and thereafter. The remaining state tax appeal board members shall be paid a salary of \$28,326 in fiscal year 1990 and \$29,034 in fiscal

**SECOND READING**



1 year 1991 and thereafter. All members of the board shall  
2 receive travel expenses as provided for in 2-18-501 through  
3 2-18-503, as amended, when away from the capital on official  
4 business."

5 **Section 2.** Section 15-7-106, MCA, is amended to read:

6 \*15-7-106. Courses of instruction, examination, and  
7 certification. (1) The In cooperation with the international  
8 association of assessing officers, the department of revenue  
9 shall offer courses in the principles, methods, and  
10 techniques of appraising for property tax purposes property  
11 in three fields:

12 (a) residential property;

13 (b) agricultural land; and

14 (c) commercial and industrial property.

15 (2) Twice each year the department shall conduct an  
16 examination for those who have completed a course of  
17 instruction in any of the three fields listed in subsection  
18 (1).

19 (3) The department shall issue a certificate to each  
20 appraiser successfully completing a course of instruction  
21 and passing an examination in any of these fields.

22 (4) No person may take the examination for appraising  
23 commercial and industrial property unless he holds a  
24 certificate in appraising residential property."

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