

HOUSE BILL 683

Introduced by Fisher

3/15	Introduced
3/15	Referred to Appropriations
3/15	First Reading
3/15	Fiscal Note Requested
3/18	Hearing
3/19	Fiscal Note Received
3/19	Fiscal Note Printed
3/19	Committee Report--Bill Passed as Amended
3/23	2nd Reading Do Pass Motion Failed

House BILL NO. 683

INTRODUCED BY Fain
BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT DEPUTY COUNTY ASSESSOR POSITIONS FILLED ON OR AFTER JULY 1, 1993, BE PAID SOLELY FROM COUNTY FUNDS; AMENDING SECTION 7-4-2505, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2505, MCA, is amended to read:

"7-4-2505. Amount of compensation for deputies and assistants. (1) Subject to subsection (2), the boards of county commissioners in the several counties in the state shall have the power to fix the compensation allowed any deputy or assistant of the following officers:

(a) clerk and recorder;

(b) clerk of the district court;

(c) treasurer;

(d) assessor;

(e) county attorney;

(f) auditor.

(2) (a) The salary of a deputy or an assistant listed in subsection (1), other than a deputy county attorney, may not be more than 90% of the salary of the officer under whom

such deputy or assistant is serving. The salary of a deputy county attorney, including longevity payments provided in 7-4-2503(3)(d), may not exceed the salary of the county attorney under whom he the deputy is serving.

(b) ~~Where-any~~ When a deputy or assistant is employed for a period of less than 1 year, the compensation of such the deputy or assistant ~~shall~~ must be for the time ~~so~~ employed, provided the rate of such compensation ~~shall~~ may not be in excess of the rates now provided by law for similar deputies and assistants except as provided herein in this part.

(c) Deputy assessors' salaries ~~shall~~ must be the same as paid the deputy clerk and recorder. If a deputy assessor vacates a position on or after July 1, 1993, the position, if filled, must be supported entirely with county funds."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0683, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing that deputy county assessor positions filled on or after July 1, 1993, be paid solely from county funds; and providing an effective date.

ASSUMPTIONS:

1. There are currently 48 counties with an elected and deputy assessor. Eight counties have consolidated the assessment function with the state.
2. The Department of Revenue is currently budgeted for approximately 68% of total salary and benefits (including health insurance) of elected and deputy assessors not including the 5% personal services efficiency reductions of approximately \$86,000 per year. Inclusion of the 5% personal services reduction leaves the department budgeted for approximately 64.5% of total costs.
3. The department currently has no reliable information regarding how many deputy assessor positions will become vacant in the 1995 biennium.
4. There is no statutory requirement that a county have a deputy assessor position. If a deputy assessor position becomes vacant, counties may exercise one of three options: 1) fund 100% of the deputy position; 2) eliminate the deputy position; or 3) consolidate the assessment function with the state.

FISCAL IMPACT:

The cost or savings per year to the state for each of the three options outlined under assumption #4 above based on average costs per county is as follows:

- | | |
|--|------------|
| 1) County to fund 100% of deputy position: | (\$17,101) |
| 2) Eliminate deputy position: | (\$17,101) |
| 3) Consolidate assessment function: | \$16,893 |

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The cost or savings per year to a county for each of the three options outlined under assumption #4 above based on average costs per county is as follows:

- | | |
|--|------------|
| 1) County to fund 100% of deputy position: | \$17,101 |
| 2) Eliminate deputy position: | (\$7,812) |
| 3) Consolidate assessment function: | (\$16,893) |

David Lewis 3-19-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Majorie I. Fisher 3-19-93
MAJORIE I. FISHER, PRIMARY SPONSOR DATE

Fiscal Note for HB0683, as introduced.

HB 683

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 683

INTRODUCED BY FISHER

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING
ASSESSMENT LAWS; PROVIDING THAT DEPUTY COUNTY ASSESSOR
POSITIONS FILLED ON OR AFTER JULY 1, 1993, BE PAID SOLELY
FROM COUNTY FUNDS; ALLOWING DEPARTMENT OF REVENUE DISCRETION
ON WHEN TO CONDUCT APPRAISAL SCHOOLS; ELIMINATING MANDATORY
6-MONTH NOTICE FOR APPRAISAL SCHOOLS; MAKING REVIEW OF
COMMERCIAL PERSONAL PROPERTY ASSESSMENTS PERMISSIVE;
AMENDING SECTION SECTIONS 7-4-2505, 15-7-106, 15-7-107,
15-8-103, AND 15-8-104, MCA; AND PROVIDING AN EFFECTIVE
DATE."

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

Section 1. Section 7-4-2505, MCA, is amended to read:

"7-4-2505. Amount of compensation for deputies and
assistants. (1) Subject to subsection (2), the boards of
county commissioners in the several counties in the state
shall have the power to fix the compensation allowed any
deputy or assistant of the following officers:

- (a) clerk and recorder;
- (b) clerk of the district court;
- (c) treasurer;

(d) assessor;

(e) county attorney;

(f) auditor.

(2) (a) The salary of a deputy or an assistant listed
in subsection (1), other than a deputy county attorney, may
not be more than 90% of the salary of the officer under whom
such deputy or assistant is serving. The salary of a deputy
county attorney, including longevity payments provided in
7-4-2503(3)(d), may not exceed the salary of the county
attorney under whom he the deputy is serving.

(b) Where--any When a deputy or assistant is employed
for a period of less than 1 year, the compensation of such
the deputy or assistant shall must be for the time so
employed, provided the rate of such compensation shall may
not be in excess of the rates now provided by law for
similar deputies and assistants except as provided herein in
this part.

(c) Deputy assessors' salaries shall must be the same
as paid the deputy clerk and recorder. If a deputy assessor
vacates-a position IS VACATED on or after July 1, 1993, the
position, if filled, must be supported entirely with county
funds."

SECTION 2. SECTION 15-7-106, MCA, IS AMENDED TO READ:

"15-7-106. Courses of instruction, examination, and
certification. (1) The department of revenue shall offer

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

- 4 (a) residential property;
- 5 (b) agricultural land; and
- 6 (c) commercial and industrial property.

7 ~~Twice-each-year-the~~ 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 that person
16 holds a certificate in appraising residential property."

17 **SECTION 3. SECTION 15-7-107, MCA, IS AMENDED TO READ:**

18 "15-7-107. Certification required. (1) ~~Within-i-year~~
19 ~~after-his-employment-by-the-department-or-by-July--17--1980,~~
20 ~~whichever--occurs--later,--any~~ Any appraiser employed by the
21 department to appraise:

- 22 (a) residential property must obtain a certificate in
- 23 appraising residential property;
- 24 (b) agricultural land must obtain a certificate in
- 25 appraising agricultural land; and

1 (c) commercial and industrial property must obtain a
2 certificate in appraising commercial and industrial
3 property.

4 (2) The department may promulgate rules requiring
5 appraisers to complete continuing education courses in laws,
6 rules, and methods relating to appraisal."

7 **SECTION 4. SECTION 15-8-103, MCA, IS AMENDED TO READ:**

8 "15-8-103. ~~Department to conduct assessing schools.~~ The
9 department of revenue shall schedule and hold area schools
10 within the state for appraisers and assessors as often as it
11 considers necessary. The costs of such appraisers and
12 assessors attending shall be borne by the state. The
13 department shall notify all assessors and appraisers at
14 ~~least--6--months--before~~ when such school is scheduled. All
15 assessors and appraisers shall attend."

16 **SECTION 5. SECTION 15-8-104, MCA, IS AMENDED TO READ:**

17 "15-8-104. Department audit and review of taxable value
18 -- costs of audit and review paid by department. (1) When in
19 the judgment of the director of revenue it is necessary,
20 audits may be made for the purpose of determining the
21 taxable value of net proceeds of mines and oil and gas wells
22 and all other types of property subject to ad valorem
23 taxation.

24 (2) The department of revenue ~~shall-conduct-audits-of~~
25 may conduct reviews to verify the accuracy of the assessment

1 of all commercial personal property to assure that the value
2 of the property in those classes reflects market value.
3 Because the assessed value of commercial personal property
4 is defined as market value under 15-8-111(2), the audits
5 review conducted by the department shall may be primarily
6 directed toward ensuring that all taxable personal property
7 is reported to the department.

8 (3) The cost of any audit or review performed under
9 subsection (1) or (2) shall be paid by the department."

10 NEW SECTION. **Section 6.** **Effective date.** [This act] is
11 effective July 1, 1993.

-End-