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INTRODUCED BY Wm Ryan *House* BILL NO. 379 *John Johnson*

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO CONTINUING EDUCATION FOR APPRAISERS AND ASSESSORS; REQUIRING THE DEPARTMENT OF REVENUE TO OFFER A GREATER VARIETY OF SUBJECTS; REQUIRING THE DEPARTMENT TO OFFER CONTINUING EDUCATION TO APPRAISERS, ASSESSORS, AND OTHER DEPARTMENT EMPLOYEES WHO CHOOSE TO PARTAKE IN THE TRAINING; AND AMENDING SECTIONS 7-4-3007 AND 15-7-106, MCA."

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

Section 1. Section 7-4-3007, MCA, is amended to read:

"7-4-3007. Qualifications for office of county assessor -- forfeiture of office. (1) In addition to the qualifications set forth in 7-4-2201, each assessor, before entering the duties of office, shall:

(a) take and file with the county clerk the constitutional oath of office; and

(b) certify to the county clerk that:

(i) the assessor has satisfactorily completed the assessor certification training as provided in 15-7-106(4); or

(ii) the assessor intends to take the assessor certification training at the next offering.

(2) An assessor forfeits office for failure to take and satisfactorily complete the assessor certification training within 36 months after taking office by election or appointment or for failure to satisfactorily complete continuing education when conducted by the department of revenue, unless the board of county commissioners finds that:

(a) the assessor is excused for reasons beyond the assessor's control, including illness, a death in the family, or other good cause; or

(b) there is no other qualified person available for appointment as assessor.

(3) Subsections (1)(b) and (2) do not apply to county officers who are county assessors because their county office has been consolidated with the office of county assessor and who are not contractually required to perform property assessment duties for the department."

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

2 "**15-7-106. Courses of instruction, examination, and certification -- additional courses.** (1) The
3 department shall offer courses in the principles, methods, and techniques of appraising for property tax
4 purposes property in three fields:

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

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

10 (3) A person may not take the examination for appraising commercial and industrial property unless
11 the person holds a certificate in appraising residential property.

12 (4) The department ~~may schedule~~ shall offer and conduct other courses within the state for
13 department-certified appraisers, and assessors, and other department personnel for training in the following
14 subjects:

- 15 (a) personal property assessment;
16 (b) property tax administration; ~~and~~
17 (c) personnel management, fiscal management, public relations, professional ethics, and related
18 management principles;
19 (d) advanced appraisal theory, methodology, and technique;
20 (e) office management; and
21 (f) technical operations.

22 (5) The curriculum for the instruction and training courses for department-certified appraisers must
23 be approved by the board of real estate appraisers provided for in 2-15-1868.

24 ~~(5)(6)~~ (6) The department shall issue a certificate to each appraiser, assessor, or other person
25 successfully completing a course of instruction and passing an examination in any of the fields provided
26 for in subsection (1) or any subject provided for in subsection (4).

27 (7) After an employee has met position training requirements, the department shall provide the
28 employee with the opportunity to take 30 hours of continuing education as provided in subsection (4) over
29 3-year cycles.

30 (8) The department shall provide to a person employed by the department as an appraiser the

1 opportunity to take an additional 15 hours of educational training related to the standards of professional
2 appraisal practice.

3 (9) The department shall bear all costs associated with the instruction and training opportunities
4 in this section, including, when relevant, the travel, lodging, and per diem costs of each employee."

5 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0379, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act relating to continuing education for appraisers and assessors; requiring the Department of Revenue to offer a greater variety of subjects; requiring the department to offer continuing education to appraisers, assessors, and other department employees who choose to partake in the training.

ASSUMPTIONS:

1. The present law base in the 1999 biennium for the Property Assessment Division (PAD) in the Department of Revenue (MDOR) contains 375.56 FTE.
2. There are 6 elected assessors and one contract employee working for PAD (MDOR).
3. It is assumed that this bill requires that one-third of the PAD positions (127.5 FTE) would receive 30 hours of training each year so that all employees receive 30 hours of continuing education over 3-year cycles (MDOR).
4. The present law base in the 1999 biennium for PAD contains 115.00 FTE appraisers (MDOR).
5. It is assumed that the bill requires that all 115.00 FTE PAD appraisers would receive 15 hours of training each year (MDOR)
6. It is assumed that all training would be provided via external instruction at a rate of \$10 per hour per FTE (MDOR). The total annual training expenses are estimated to be \$55,505 ([127.50 FTE x \$300] + [115.00 FTE x \$150]).
7. It is assumed that all of the continuing education required in the bill will be in addition to the present law training and continuing education expenses included in the Governor's Executive Budget.
8. Lodging and per diem expenses are estimated to average \$46.70 per day. It is estimated that the total annual lodging and per diem expenses will be \$34,581 ([127.50 FTE x \$46.70 x 4 days] + [115.00 FTE x \$46.70 x 2 days]).
9. It is estimated that the additional fuel expenses to travel to the training sessions in division vehicles will be \$2,910 per year.
10. The bill can be interpreted to require additional training to be provided to all department staff in addition to those in the Property Assessment Division. Because the costs of the expanded courses and number of employees who would take advantage of the expanding training outside of the Property Assessment Division is unknown, the additional potential expenditure impact is not estimated. The bill requires that the curriculum for the instruction and training courses for department-certified appraisers must be approved by the Board of Real Estate Appraisers. The additional time and expense for the Department to obtain board course approvals is unknown and is assumed to be immaterial.

FISCAL IMPACT:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
Department of Revenue:	<u>Difference</u>	<u>Difference</u>
Operating expenses	93,000	93,000

Funding:

General fund (01)	93,000	93,000
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Dave Lewis 2-1-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 BILL RYAN, PRIMARY SPONSOR DATE