

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 23, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales, January 23, 1985 at 9:00 a.m. in Room 317 of the State Capitol.

ROLL CALL: Seventeen members present with Rep. Clyde Smith excused.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 8: Rep. Les Kitselman, District #95, sponsor of the bill told the Committee that on March 10th marks the 100th anniversary of the Montana National Guard. He explained the different paragraphs of the Resolution covering the Indian confrontations from 1865-67 to the present time. He introduced several members of the National Guard that were present, including several women and one gentleman who is going through the State program for officer. Rep. Kitselman is also a member of the National Guard and remarked that it is no longer for men alone.

PROPONENTS: Joe Upshaw, Helena, read a plaque from the 28th Legislative Session of 1943 commending the National Guard. He said he was very proud and happy to be a member of the National Guard and would be most happy to see proper recognition of the Guard.

OPPONENTS: There were no opponents.

There being no questions from the Committee, Rep. Kitselman closed his presentation of HJR 8.

The hearing on HJR 8 was closed.

CONSIDERATION OF HOUSE BILL NO. 197: Rep. Joe Quilici, District #71, sponsor of the bill, said it was introduced at the request of the Volunteer Firefighters of Montana. It increases the amount that dependents or surviving spouses can receive. In the present law, in the event of a death, the spouse or surviving child receives \$2,000. This was passed in 1965 and is no longer adequate. In some cases it is not enough to cover the burial. There would be no money from the general fund. This money comes from a fund paid into by the firefighters. The law says they can spend 95% of the earnings from this fund which is presently around \$3.7 million. Larry Natschein of PERS suggested an amendment that would say "on or after July 1, 1985" so it is not made retroactive as that would drain the fund and that is not the intent of the bill.

PROPONENTS: Larry Natschein, Administrator of PERS, did not take any particular position on this bill but explained the proposed amendments he turned in to the Committee, Exhibit #1. He said the current \$71 per month retirement benefits would have been reduced by \$21 if this was retroactive and that was the reason

for the amendments.

Art Korn, Secretary-Treasurer of the Montana State Firemen's Association said that they did accept the amendment as proposed and gave the Committee several letters written by members showing their support of the bill.

Robert A. Ellis, West Helena Valley Volunteer Fire Department, said he was retired and receiving benefits from this fund. He said it would be an incentive to present and future firemen.

OPPONENTS: There were none.

Rep. Quilici closed his presentation of HB 197.

DISCUSSION OF HOUSE BILL NO. 197: Rep. Cody asked if this was a one time payment. Mr. Natscheim said it is a one time payment on a monthly basis. Rep. Cody wanted to know how this was paid to the family. Mr. Natscheim said that if the retired firemen had not received \$4,000 in benefits for 20 years of service then it is paid on the same monthly basis to the dependants on the number of years of service.

Rep. Garcia asked what type of benefits a fireman receives. Mr. Natscheim said they receive \$71 per month for 20 years of service, \$35 for 10 years of service, etc. Last year it was \$114 each month, however, the benefits are recalculated each year. They have not been calculated for this year. They won't know until approximately May what they will be for the coming year. Mr. Natscheim passed out a spread sheet for the Committee members covering all of the retirement systems under PERS except the firefighters.

There being no further questions from the Committee, Rep. Quilici closed his presentation of HB 197. He said this was a decent bill and asked that the Committee put the proper amendments in the bill and give it a Do Pass.

The hearing was closed on HB 197.

CONSIDERATION OF HOUSE BILL NO. 204: Rep. Pistoria, District #36, sponsor of the bill, said that this would put the appraisers under the supervision of the county assessors. He said he has been receiving complaints since approximately 1979 that the appraisers have been moonlighting on the side. He said that handling the appraisers from the State level is a tough job. Last session they asked for 24 more appraisers and he didn't think they were doing their work and opposed that request. This bill would not take away the assessors from the Department of Revenue in any way. The assessors would simply supervise the appraisers and in this way they would not have to have more appraisers. The moonlighting has not happened only in Great Falls but in other areas of the state as well. Rep. Pistoria passed out various information to the members, attached as Exhibit #3, and said that this pointed out that the State itself cannot supervise the appraisers,

especially in the larger counties. Rep. Pistoria also remarked that Charles Graveley who represents the County Assessors was also in support of this bill but was not present as a proponent.

PROponents: Edith Barker, President of the Montana Assessors Association, said that the members of this Association had been polled and the majority were in support of HB 204.

OPponents: Claire Wilken, representing the Montana Appraisal Association and President of the Association, read her prepared testimony which is included as Exhibit #3 and handed out several other exhibits for the Committee, which are also included with these minutes.

"Swede" Shock, Helena, said he had assisted in the management of both offices and with the staffing level he said they could never complete the reappraisal without being able to move staff from county to county. Movement of staff has proven to be very helpful and he said it was essential that they be able to move their staff between counties.

Greg Groepper, Administrator of the Property Assessment Division of the Department of Revenue, agreed with Rep. Pistoria's concern about moonlighting but didn't feel that this legislation took care of the problem and suggested that a bill be introduced which would address itself to the conflict of interest problem. He said the law is very confusing. The appraisers are not sure who they are to take orders from. It is not a great system but at the present it is working. They will need more people if the appraisers are restricted to working in only one county. He had two suggestions for the Committee: (1) give this bill a Do Not Pass, and (2) introduce legislation clarifying the conflict of interest. He said the majority of the appraisers and assessors are good people and are doing a good job and said the bill does not address Rep. Pistoria's primary concern.

There were no further opponents.

DISCUSSION OF HOUSE BILL NO. 204: Rep. O'Connell asked Mr. Groepper if the Legislature could tell people what they can do with their own personal time. Mr. Groepper said this could be done simply by saying they cannot work for the State and sell real estate in the evening.

Rep. Cody asked who hires the appraisers. Mr. Groepper said they are hired by the Department of Revenue. The assessors are elected. The qualifications for appraisers vary a little depending on what they do. They are required to have graduated from high school and have 2 years experience in related fields. Montana law requires they be certified to be appraisers which requires them to pass a test before they are certified. There are additional requirements for agricultural, commercial and industrial property appraisers. Rep. Cody asked if these qualifications have been adopted recently.

Mr. Groepper said that he joined the Department of Revenue in 1981 and none of them were in effect at that time so they have been adopted since that time.

Rep. Moore asked the salary of the appraisers and when Mr. Groepper said it was \$14,000, Grade 10, she wondered if maybe that was the reason for moonlighting. A residential appraiser starts out at a Grade 10, Grade 11 for timber and Grade 12 for a commercial appraiser. Mr. Groepper said that he agreed they should have more pay as well, but pay is not the only thing that keeps people working. He said they had a very low turnover in the state last year.

Rep. Garcia asked the assessor from Yellowstone County how he felt about this bill but the gentleman from Yellowstone deferred to Mr. Bob Hoffman from Madison County who said that he had mixed emotions about the bill. He said that the responsibility for this belongs in the county but also said this was not the time to get into this.

Rep. Moore asked Mr. Groepper if they had quotas for the appraisers. Mr. Groepper said that in 1981 it started out they would do 10 residential, 2 commercial and 3 farms per day. That number has gone up considerably at this time to 15-18 per day.

There being no further questions from the Committee, Rep. Pistoria closed his presentation saying that the bill will not take anything over from the Department of Revenue. They will still have control. It only says that the appraisers will be supervised by the county assessors. He also said that if the Committee wishes they could amend the bill so the appraisers were not restricted from working in more than one county. This was only included because some of the assessors thought that would save money. The Department of Revenue is not going to lose any control under this bill.

The hearing was closed on HB 204.

CONSIDERATION OF HOUSE BILL NO. 218: Rep. Jan Brown, District #46, said this bill was introduced at the request of her constituents who are mainly State employees. She and Rep. Harper felt the only way they could create the Friday following Thanksgiving as a holiday would be to trade an existing holiday. Columbus Day was picked arbitrarily. She said that no proponents were asked to appear on this bill.

PROPOSERS: There were no proponents.

OPPOSERS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 218: Rep. Peterson asked who has Columbus Day as a holiday. Rep. Phillips said he thought it was a Federal holiday. Rep. Brown said that this would only affect the State employees. She suggested that they have someone from

the Personnel division appear before the Committee to answer questions. Rep. Brown said that most State offices work with a skeleton crew the Friday following Thanksgiving Day and this could possibly save the State money but she was not able to compile any figures supporting this.

The hearing was closed on HB 218.

The Committee then went into executive session for action on these bills.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 8: Rep. O'Connell moved that HJR 8 DO PASS, seconded by Rep. Peterson. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 197: Rep. O'Connell moved that HB 197 DO PASS, seconded by Rep. Moore. Rep. Phillips moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Fritz. Motion CARRIED UNANIMOUSLY. The motion DO PASS AS AMENDED CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSEBILL NO. 204: Rep. Jenkins moved to place HB 204 in a subcommittee for study on needed changes, seconded by Rep. Pistoria. Motion CARRIED with Reps. Hayne, Fritz, Nelson, Holliday, Campbell and Cody voting "no". Chairman Sales appointed a subcommittee of Reps. Moore, Chairman; Pistoria and Jenkins.

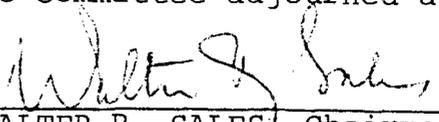
DISPOSITION OF HOUSE BILL NO. 218: Rep. Cody moved that HB 218 DO NOT PASS, seconded by Rep. Garcia.

Rep. Fritz objected to trading Columbus day for the day following Thanksgiving. He said that holidays should honor something or someone. Rep. Nelson felt there should also be uniformity with the federal holidays.

The motion DO NOT PASS CARRIED 15-3 with Reps. Kennerly, Campbell and O'Connell voting "no".

FURTHER CONSIDERATION OF HOUSE BILL NO. 146: Chairman Sales told the Committee that Rep. Lory had asked that HB 146 be brought back to Committee after it received a Do Not Pass on January 22 in Committee. Rep. Bardanouve is now satisfied with the amendments but Rep. Fritz said he would like Rep. Lory to present the amended bill to the Committee. Chairman Sales agreed to hold the bill until Rep. Lory could be present.

There being no further business, the Committee adjourned at 10:40.


WALTER R. SALES, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/23/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cođy, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliđay, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde			✓

STANDING COMMITTEE REPORT

January 23

19 75

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 197

First reading copy (White)
color

INCREASING PENSION PAID TO VOLUNTEER FIRE-FIGHTER'S SPOUSE AND DEPENDENT CHILDREN

Respectfully report as follows: That HOUSE Bill No. 197

BE AMENDED AS FOLLOWS:

- 1) Title, line 3
Strike: "IMMEDIATE"
- 2) Page 1, line 21.
Following: "death"
Insert: "on or after July 1, 1965."
- 3) Page 1, line 24.
Following: "death"
Insert: "on or
Strike: "February 27, 1971"
Insert: "July 1, 1965"
- 4) Page 2, line 2.
Following: "death"
Insert: "on or after July 1, 1965."

~~DO PASS~~

CONTINUED ON PAGE 2

HB 197
State Administration Committee

January 23 1985

5) Page 2, line 5.

Following: "death"

Insert: "on or after July 1, 1985."

6) Page 2, lines 5 and 6.

Strike: "after" on line 5 through "and" on line 6

7) Page 2, line 24.

Strike: "on" through "approval"

Insert: "July 1, 1985"

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

January 23

19 35

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE JOINT RESOLUTION Bill No. 3

First reading copy (White)
color

RESOLUTION HONORING THE CENTENNIAL OF THE MONTANA NATIONAL GUARD

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 3

DO PASS

STANDING COMMITTEE REPORT

..... January 23 19 95

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 219

First reading copy (White)
color

**ABOLISH COLUMBUS DAY HOLIDAY; DESIGNATE FOURTH FRIDAY NOVEMBER
LEGAL HOLIDAY**

Respectfully report as follows: That HOUSE Bill No. 219

DO NOT PASS

~~KIDD:PASS~~

EX. # 1
HB-197
1/23/85
Larry Hartsheim

SUGGESTED AMENDMENTS TO HOUSE BILL NO. 197

- Page 1 Line 21 after the word death add "on or after July 1, 1985"
- Page 1 Line 24 after the word death strike "after February 27, 1971"
- Page 1 Line 24 after the word death add "on or after July 1, 1985"
- Page 2 Line 2 after the word death add "on or after July 1, 1985"
- Page 2 Line 5 after the word fire-fighter strike "after February 27, 1971"
- Page 2 Line 5 after the word fire-fighter add "on or after July 1, 1985"
- Page 2 Line 24 after the word effective strike "on passage and approval"
- Page 3 Line 21 after the word effective add "July 1, 1985"

Joe Moriarity Shelby President
Lyle Nagel Simms Vice President at Large
Art Korn Butte Secretary-Treasurer

Lyle Hooke Libby Vice-Pres. Dist. #1
Bob Loveless Florence Vice-Pres. Dist. #2
Bill Habel Dutton Vice-Pres. Dist. #3
Ron Mailey Twin Bridges Vice-Pres. Dist. #4
Doug Hamilton Hogeland Vice-Pres. Dist. #5
Kelly Gebhardt Roundup Vice-Pres. Dist. #6
Glenn Cook Glasgow Vice-Pres. Dist. #7
Gene Vennes Plevna Vice-Pres. Dist. #8

Ex. #

Montana State Volunteer Firemen's Association

From the Office of

RON MAILEY

Mr. Joe Quilici
Montana State Representative
Helena, MT 59601

Representative Quilici:

As Vice-President, District #4, of the Montana State Volunteer Firemen's Association, I am writing, asking you, on behalf of myself as well as those volunteer firefighters whom I represent, for your continued support of HB-197, "Increasing pension benefits that may be paid to a volunteer firefighter's surviving spouse or dependent child."

Thank you for your consideration and support.

Respectfully



Ron Mailey
V-P District #4

Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

Joe Moriarity Shelby President
Lyle Nagel Simms Vice President at Large
Art Korn Butte Secretary-Treasurer

Lyle Hacke Libby Vice-Pres. Dist. #1
Bob Loveless Florence Vice-Pres. Dist. #2
Bill Habel Cutton Vice-Pres. Dist. #3
Ron Mailey Twin Bridges Vice-Pres. Dist. #4
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Kelly Gebhardt Roundup Vice-Pres. Dist. #6
Glenn Cook Glasgow Vice-Pres. Dist. #7
Gene Vennes Plevna Vice-Pres. Dist. #8

Montana State Volunteer Firemen's Association

From the Office of

GLASGOW, MONTANA
P. O. BOX 102
GLASGOW, MONTANA 59202

Dear Rep. Oulici

As representative from this North east corner
of our state for the Volunteer Firefighters Assoc. I
speak for everyone in expressing our gratitude
for your sponsoring of H.B. 193.

We are in support of it fully and are
hoping for passage of this Bill

Thank You
Glenn Cook
V.P. Dist #7
M.V.F.A.

Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

MELROSE VOLUNTEER FIRE DEPARTMENT
MELROSE, MT 59743

January 18, 1985

Representative Joe Quilici
MT House of Representatives
Helena, MT 59601

The Melrose Volunteer Fire Department is very much in favor of the House Bill changing the amount of insurance from \$2,000.00 to \$ 4,000.00 for Volunteer Firemen's spouses.

Harley Norris

Harley Norris
Fire Chief
Box 4
Melrose, MT 59743



Belgrade Rural Fire District

BELGRADE, MONTANA 59714

January 17, 1985

Representative Quilici
Montana House of Representatives
Capitol Building
Helena, MT 59601

Dear Mr. Quilici:

The Belgrade Rural Fire District Fire Department want to inform You that we support House Bill 197 and urge that it be passed. Members of other rural departments in the area that I have talked to are in favor of its passage.

We would like to thank you for your sponsorship of this bill.

Sincerely,


Jim Balke

ROCKER VOLUNTEER FIRE DEPARTMENT

ROUTE #2 - BOX 268-A
BUTTE, MONTANA 59701

January 2, 1985

Rep. Joe Quilici
House of Rep.
State Capitol
Helena, Mt.

Dear Mr. Quilici:

In behalf of the Rocker Vol. Fire Department and myself, I want to inform you that we are in favor of House Bill #197, increasing the Fireman's Widow's Pension from \$2,000.00 to \$4,000.00.

Thanking you for your co-operation on this bill and past bills concerning volunteer fire departments, I remain

Sincerely



Chief
Rocker Vol.
Fire Dept.

LEWIS & CLARK COUNTY RURAL FIRE COUNCIL

January 19, 1985

TO WHOM IT MAY CONCERN:

On behalf of the West Helena Valley Volunteer Fire Department, I would like to express our support to passage of HB197. This House Bill raising survivorship benefits from \$2000.00 - \$4000.00 has been needed for sometime now in today's inflationary world.

Yours truly,



TIM M. MURPHY
Fire Chief
West Helena Valley
Volunteer Fire Dept.

dh

Joe Moriarity Shelby President
Lyle Nagel Simms Vice President at Large
Art Korn Butte Secretary-Treasurer

Lyle Hacke Libby Vice-Pres. Dist. #1
Bob Loveless Florence Vice-Pres. Dist. #2
Bill Habel Dutton Vice-Pres. Dist. #3
Ron Mailey Twin Bridges Vice-Pres. Dist. #4
Doug Hamilton Hogeland Vice-Pres. Dist. #5
Kelly Gebhardt Roundup Vice-Pres. Dist. #6
Glenn Cook Glasgow Vice-Pres. Dist. #7
Gene Vennes Plevna Vice-Pres. Dist. #8

Montana State Volunteer Firemen's Association

January 15, 1985

From the Office of
JOE MORIARITY, PRESIDENT

Representative Joe Quillici
State Capitol Building
Helena, MT

Dear Mr. Quillici:

I am writing in support of the bill increasing the Firefighters Widows pension from \$2,000.00 to \$4,000.00. As you know, our Association passed this resolution unanimously at our State Convention in June of last year. Since that time, I have polled the members of our Association in my area, which consists of Toole, Pondera, Glacier, Liberty and Teton counties, and have found overwhelming support from them also. On behalf of those members and the Association as a whole, I sincerely ask for your help in the passage of this important bill. Thank you for your consideration and attention.



JOSEPH D. MORIARITY, President
MONTANA STATE VOLUNTEER FIREFIGHTERS ASSOCIATION

Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

Terra Verde Heights

VOLUNTEER FIRE DEPARTMENT

BUTTE, MONTANA 59701

January 16, 1985

Representative Joe Quilici
State Capitol
Helena, MT 59620

Dear Joe:

The members of the Terra Verde Heights Volunteer Fire Department support the passage of the bill increasing the benefit of the spouse of a deceased Fireman. The proposed bill will increase the maximum amount to \$4,000.00.

Thank you for your consideration on this legislation.

Yours very truly,



Angelo Petroni
Chief



Race Track Volunteer Fire Department

2344 GRAND AVENUE
BUTTE, MONTANA

January 17, 1985

Representative Joe Quilici
Montana House of Representatives
Helena, Montana.

Dear Joe,

I would like to express how pleased this department and I are regarding your introduction and sponsorship of House Bill 197.

We appreciate your efforts in behalf of all Volunteer Fire Departments, and any additional support you are able to generate among your associates, both in the House and Senate regarding this measure would also be appreciated.

In the event this department can be of assistance in regard to this matter, don't hesitate to let me know.

very truly yours,

R. P. Williams
Chief

RPW/flc

Joe Moriarity	Shelby	President	Lyle Hacke	Libby	Vice-Pres. Dist. #1
Lyle Nagel	Simms	Vice President at Large	Paul Krahn	Hamilton	Vice-Pres. Dist. #2
Art Korn	Butte	Secretary-Treasurer	Bill Habel	Dutton	Vice-Pres. Dist. #3
			Ron Mailey	Twin Bridges	Vice-Pres. Dist. #4
			Doug Hamilton	Hogeland	Vice-Pres. Dist. #5
			Kelly Gebhardt	Roundup	Vice-Pres. Dist. #6
			Glenn Cook	Glasgow	Vice-Pres. Dist. #7
			Gene Vennes	Plevna	Vice-Pres. Dist. #8

Montana State Volunteer Firemen's Association

From the Office of
PAUL KRAHN

Dear Representative Cuilici:

As the Vice President for District #2 we wish to thank you for sponsoring House Bill #197, we are very much in favor of this bill.

Sincerely yours,



Paul Krahn

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Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

Jan. 17, 1985

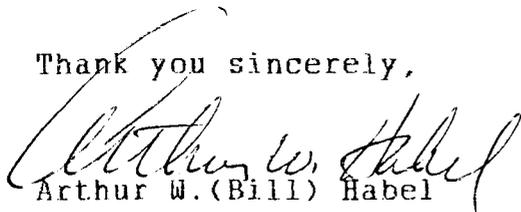
Representative Quilici
State Capital Bldg.
Montana House of Representatives
Helena, Mt. 59601

Representative Quilici;

This letter is to ask your continued support of H.B.#197,
which you recently introduced into our House of
Representatives.

As you probably already know, this bill was passed by a
large majority at our State Vol.Firefighters Association
meeting and convention this past June. We, the officers and
respective members of our Association, felt at that time,
and still do feel, that this is a much needed benefit for
the surviving dependents of a volunteer firefighter.
Your attention to this matter will be greatly appreciated.

Thank you sincerely,



Arthur W. (Bill) Habel

Dist. #3 Vice-President
Montana State Volunteer Firefighters Assn.
Box 324
Dutton, Mt. 59433

cc: Rep. Rex Manuel

Ross Fitzgerald, Lobbyist M.S.V.F.A.

Art Korn, Sec. Treas. M.S.V.F.A

Joe Moriarity, Pres. M.S.V.F.A.

Joe Moriarity	Shelby	President	Lyle Hacke	Albany	Vice-Pres. Dist. #1
Lyle Nagel	Simms	Vice President at Large	Bob Loveless	Florence	Vice-Pres. Dist. #2
Art Korn	Butte	Secretary-Treasurer	Bill Habel	Dutton	Vice-Pres. Dist. #3
			Ron Mailey	Twin Bridges	Vice-Pres. Dist. #4
			Doug Hamilton	Hogeland	Vice-Pres. Dist. #5
			Kelly Gebhardt	Roundup	Vice-Pres. Dist. #6
			Glenn Cook	Glasgow	Vice-Pres. Dist. #7
			Gene Vennes	Plevna	Vice-Pres. Dist. #8

Montana State Volunteer Firemen's Association

From the Office of

Doug Hamilton

1-16-85

Dear Rep Quilici,

As DISTRICT VICE PRESIDENT FOR
THE NORTH CENTRAL MONTANA DISTRICT, OF
THE VOLUNTEER FIRE FIGHTERS ASSOCIATION. We
WOULD APPRECIATE YOUR SUPPORT OF HOUSE
BILL #197.

OUR FIRE FIGHTERS WOULD LIKE TO
GO ON RECORD AS SUPPORTING THE INCREASE
OF SURVIVING SPOUSE BENEFITS FROM \$2000.00
TO \$4000.00. THANK YOU,

Sincerely,

Doug Hamilton

Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

January 18, 1985

Dear Representative Quilici:

I am an active member of The Boulevard Volunteer Fire Department and I would appreciate everything possible you can do for the passage of the House Bill increasing the benefit for the surviving spouse of a volunteer firemen from \$2,000.00 to \$4,000.00.

Very truly yours,

Robert J. O'Bill
Robert O'Bill
1917 So. Washington
Butte, Montana 59701

1911 So. Washington
Butte, Montana 59701
Jan. 17, 1985

Dear Representative Quilici:

In regards to the House Bill for increasing the benefit of a surviving spouse of a volunteer firemen from \$2,000.00 to \$4,000.00, I thank you for sponsoring this fine piece of legislation.

A handwritten signature in cursive script that reads "Jack Tresidder".

Jack Tresidder

Member: Boulevard Volunteer Fire Department

January 18, 1985

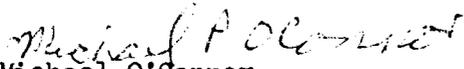
1909 So. Washington

Butte, Mont. 59701

Dear Rep. Quilici:

As you are the sponsor of the house bill to increase the benefit of the surviving spouse from \$2,000.00 to \$4,000.00, I would like to thank you for your efforts in getting this bill passed.

Sincerely yours,


Michael O'Connor

Member of the Boulevard Vol. Fire Dept.

Joe Moriarity	Shelby	President	Lyle Hacke	Libby	Vice-Pres. Dist. #1
Lyle Nagel	Simms	Vice President at Large	Paul Krahn	Hamilton	Vice-Pres. Dist. #2
Art Korn	Butte	Secretary-Treasurer	Bill Habel	Dutton	Vice-Pres. Dist. #3
			Ron Mailey	Twin Bridges	Vice-Pres. Dist. #4
			Doug Hamilton	Hogeland	Vice-Pres. Dist. #5
			Kelly Gebhardt	Roundup	Vice-Pres. Dist. #6
			Glenn Cook	Glasgow	Vice-Pres. Dist. #7
			Gene Vennes	Plevna	Vice-Pres. Dist. #8

Montana State Volunteer Firemen's Association

From the Office of
ARTHUR J. KORN, Sec'ty-Treas.
1914 Sherman
Butte, Montana 59701

Jan 21, 1985

Walter Sales, Chairman
State Administration Committee
Capitol Station
Helena, Mont. 59620-0201

Representative Sales, Mr. Chairman:

As mentioned in a previous letter to you in regards to our Volunteer Firemen's Pension, and also saying that we would have a bill to increase the amount paid to a spouse of a retired firefighter from \$2,000.00 to \$4,000.00.

H. B. 197 is the number of that bill and the State Volunteer firemen's association unanimously voted for its adoption, and ask for your support, and the support of your committee.

Sincerely,



Arthur J. Korn,
Secretary-treasurer.

Thank you Representative Sales for all your assistance in the past years.

*THERE WILL BE AN AMENDMENT. AND WE SUPPORT THIS AMENDMENT.
AS THAT SHOULD HAVE BEEN THE WAY THE BILL SHOULD HAVE BEEN
DRAFTED BY OUR ATTORNEY*



Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association



Belgrade Rural Fire District

BELGRADE, MONTANA 59714

January 17, 1985

Representative Walter Sales
Chairman, State Administration Committee
Montana House of Representatives
Capitol Building
Helena, MT 59601

Dear Mr. Sales:

As delegate to Montana Vol. Firemen's Association, representing Belgrade Rural Fire District Fire Department and Belgrade Vol. Dept., I wish to inform you that we support House Bill 197 and urge that it be passed. Members of other rural departments in the area that I have talked to are in favor of its passage.

Any support you can give to this bill will be gratefully appreciated.

Thank you.

Sincerely,

Jim Balke

Belgrade Rural Fire Dist.

date for U.S. Senate.

"People come to the fair to look at chickens, eat candy and go on rides." Williams said earlier this week. "They don't want to talk politics at fairs."

But that didn't prevent Williams from showing up at the fair Thursday in Great Falls and asking passersby about what issues interested them. Williams appeared at the Republican booth at the fair, sandwiched between a Stretch and Sew booth and one selling oriental scrolls.

Just like the insurance company across the aisle, Republicans were offering free chances to win a colorful quilt.

...tell the customer to spend the beans any way he chooses. A display contains 12 receptacles representing such issues as tax relief, public education, highways and foreign aid.

Not surprisingly, tax relief attracted the most lima beans, while foreign aid was the big loser.

U.S. Senate candidate Larry Dodge's handmade canoe is another conversation piece at the booth, Fyfe said.

At the Democratic booth, free hand-held fans bearing the name of congressional candidate Howard Lyman are hot items. And Republican Congressman Ron Marlenee has a separate booth, offering a video-

come by and complain about Reaganomics, especially farmers and ranchers.

And McKenna slams Marlenee for representing "the party of privilege" and having his own booth, while his Democratic challenger, Howard Lyman, has to share a booth with the Democrats.

"That's what Democrats have been saying for a long, long time," responds volunteer Deborah Gilbert at Marlenee's booth. Persons who drop by the booth are asked to fill out an issues survey.

Meanwhile, Fyfe claimed his party best addresses the issues and said he's had "some good discus-

Pistori
HB 204

* Tribune Fri Aug. 6, 1982 Page 5-A Appraisers' grievance denied

By RICHARD ECKE
Tribune Staff Writer

Criticizing an independent panel's decision as incorrect, State Revenue Department Director Ellen Feaver has denied a grievance by three state appraisers from Great Falls seeking to hang onto off-duty jobs.

Appraisers Shannon Wadsworth, George Tyner and Mike Maurantonio still may go to district court in the moonlighting dispute, according to John Clark, the Revenue Department's deputy director.

The three wouldn't comment, and referred questions to Kenneth Olson, their attorney, who was not available for comment.

In June, a three-member grievance panel slammed the Revenue Department for creating an "unreasonable and unnecessary" ethics code preventing state appraisers from holding outside real estate jobs. In ethics orders issued late last year, the Revenue Department ordered the appraisers to quit apprais-

ing or selling property privately or risk dismissal.

The panel, in a 2-1 vote, found no evidence of actual misconduct by appraisers, and said that "the mere possibility for a conflict of interest" was not enough reason to ban the off-duty work.

Feaver's opinion, dated July 27, sharply disagreed with the panel's findings.

Feaver argued the panel erroneously assumed that appraisers have

a vested right to work as they choose in their off-hours. Rather, she said holding a job with the state is a privilege.

She also disagreed with the panel that conflicts of interest can easily be avoided because each appraisal supervisor would be able to watch appraisers for any conflicts.

"That's not what we're here to do," Clark said. Clark conceded that the ethics actions were taken as a precaution.

Attorney faces charges

STANFORD — B. Miles Larson, a Stanford attorney running unopposed for county attorney in Judith Basin County, has been charged in district court here with two felonies and a misdemeanor in his handling of an estate.

Citing court records filed with the Judith Basin County clerk of court

Wednesday, Great Falls attorney Wade Taleff said Larson is being charged with felony counts of theft and issuing a bad check, and a misdemeanor count of deceit.

Taleff said he was appointed special deputy county attorney for the case by the Judith Basin County commissioners about two or three months ago.

Taleff, again citing the court records filed Wednesday, said the charges stem from Larson's handling of an estate. The charges allege the estate received an Internal Revenue Service refund that wasn't refunded to the estate's heirs. When the heirs later demanded the refund, Larson allegedly issued a bad check.

Larson's arraignment is tentatively set for Aug. 10 in district court at Stanford, according to Taleff.

Larson had defeated the present county attorney, John Christensen, during the primary election and is unopposed on the ballot in November's general election.

Christensen, when contacted by the Tribune, refused to comment on the charges except to say the case was being handled by a special deputy county attorney.

Larson also refused to comment on the charges, saying he would make a statement today.

United Way director named

Maurine Dyer Stevens, executive director of the Great Falls Voluntary Action Center, has been named executive director of the Cascade County United Way, effective Sept. 1.

Stevens, according to United Way president Larry Geske, replaces Dick Lawrence, who resigned to take an out-of-state position.

As VAC executive director for the past three years, Stevens has been responsible for administering the Community Resource Center, Volunteer Income Tax program, Childcare information and referral service, Court Referral program, regular volunteer recruitment, the People Care Fair, and the World's Largest Garage Sale.

A graduate of Rocky Mountain College with degrees in social work, psychology and education, Stevens is



Maureen Dyer Stevens

a Glendive native. Prior to moving to Great Falls, she was director of a community pre-school in Stevensville and worked in the education field for six years, including three years on the Blackfeet Indian Reservation. She is married and has two children.

* TRIBUNE, WED. JUNE 30, 1982. PAGE 1-B. *Appraisers to put in more field time*

HELENA (AP) — The state Revenue Department has authorized its appraisers to cut office hours so they can spend more time appraising property. The new policy is part of the department's stepped-up effort to get the state's 2½ million parcels of real property reappraised by 1986.

"We're trying to manage the heck out of it to get the job done," said Greg Groepper, who took over administration of the problem-plagued Property Assessment Division last year. He said reappraisal is way behind schedule, although it's hard to say just how far behind. He said he'll have a better idea later this summer.

* The cyclical reappraisal program has been behind schedule for years. It was supposed to end in 1983, but the Legislature last year extended it to 1986. Groepper said that as of

May 1, the department had about 8.5 percent of its residential appraisals done, and 7.3 percent of commercial and 3.9 percent of agricultural appraisals finished.

To speed things up, Groepper has shifted 28 employees from assessment to appraisal, moved the appraisal managers away from the central office to the areas for which they are responsible, required appraisers to develop plans to meet quotas, monitored production reports to see what actually gets done, and set up a job-performance evaluation process.

And, most recently, Groepper has told appraisers they can spend as little as one hour a day in the office. "We just can't afford the luxury of sitting around answering questions all day long," he said, so appraisers will post sign-up sheets to arrange appointments with the pub-

lic. Clerks should also be available four hours a day, he said.

One problem Groepper has not overcome is the lack of a final, complete appraisal manual. The appraisers are working with draft versions.

He said the department has had trouble developing "pricing ladders" for residential and agricultural property, and wants to be careful to avoid a repetition of the thousands of so-called "34-percent cases." They are appeals by property owners who claim that earlier pricing ladders resulted in property evaluations being 34 percent too high, and the appeals process has tied up state resources.

But Groepper said appraisers don't have to have the manuals because a computer will calculate the prices.

Pistoria
HB-204

BOZEMAN (AP) — Thefts from vehicles and dormitory rooms at Montana State University are the most serious problem facing the campus police, said Harold Pettys, manager of MSU safety and security.

About \$7,700 worth of items has been stolen on campus since the beginning of the school year in late September, Pettys said, but a string of dorm thefts last month accounted for \$2,200 of that amount.

The thefts occurred during a week of fraternity pledge activity, and Pettys said the coincidence is nothing new.

"This has happened every year that I've been here, he said of his 18 years experience at MSU. "We've caught them (fraternities) many, many times.

"And most years, we've recovered all the stuff. I have a good idea we'll recover most of the stuff by the time the year's out," Pettys said.

"We don't have anywhere near the problems with fraternities that

we used to have," he said. "I can remember when I was on the night shift, we didn't have a night that went by without a problem with fraternities."

Rolf Groseth, assistant dean of student affairs and services, recently sent a letter to fraternity presidents giving them a one-week grace period to return any missing items with no questions asked.

Eleven wastebaskets and three mops were returned, Groseth said.

Still missing are 150 feet of elevator cable worth \$300, three carpet mats worth \$288, toilet seats worth \$270 and nine shower heads valued at \$162, among other items.

Groseth said he has since sent another letter to fraternities saying investigation of the still-missing stolen items will be pursued by police.

Pettys said a list of any items stolen on campus is given to the Gallatin County Sheriff's Department and Bozeman police as a standard procedure.

* TRIBUNE - Wed. Feb. 24, 1982 No hearing set yet for 3 appraisers

No date has been scheduled for a second hearing into whether Cascade County real estate appraisers have the right to sell property in their off-hours, according to John Clark, deputy director of the state Revenue Department.

That issue was the subject of a closed-door hearing in Great Falls Monday.

In November, all county tax appraisers were told by the state Revenue Department to quit their private real estate businesses or be fired.

Four Cascade County appraisers are appealing the order. A grievance hearing for appraiser Jack Toy was held Monday.

No date had been scheduled for another hearing for the other three appraisers, Shannon Wadsworth, George Tyner and Mike Maurantono. The three are appealing jointly.

In November's department order, Greg Groepper, state property assessment division administrator, said an appraiser could have a direct conflict of interest if he adjusted the tax value of a house that he sells privately.

He also said the holding of the two jobs might appear to the public to be a conflict, whether one actually exists or not.

Wadsworth, however, contends the state policy "violates my constitutional rights to make a living."

The appeals are to be heard by three-member panels.

A Tribune reporter was ejected from Toy's hearing Monday at the Cascade County Courthouse.

Jack Calhoun, a labor mediator for the State Board of Personnel Appeals, said Toy had asked the meeting be closed. Calhoun declined to cite what section of state law was used to close the meeting.

Calhoun called the hearing a "personnel" matter, although he didn't directly respond when told that exclusion was removed from the state Open Meetings Law several years ago.

The Open Meetings Law allows meetings of public agencies to be closed only for reasons of individual privacy or strategy with respect to collective bargaining or litigation.

Bob Jensen, administrator of the state personnel appeals division, said the hearing may have been closed because it was the "same kind of a thing as an arbitration" rather than a formal hearing. He said he would be taking a look at the matter.

Court eyes question of road safety standard

Pistoria
HB-304

DEPARTMENT OF REVENUE



REVENUE DIVISION

STATE OF MONTANA

STATE OF MONTANA

REVENUE DIVISION

REC'D - THUR - Nov. 12, 1981

November 10, 1981

Representative Paul Pistoria
2421 Central Avenue
Great Falls, Montana 59401

Dear Paul:

In response to your letter of November 3, 1981, relative to our employee's distributing business cards while on the job, we have reviewed the situation and determined that if this process had gone on in the past it is not happening now and hasn't occurred in the recent past.

Regarding my opinion on this matter, my position has not changed. Selling real estate and/or doing fee appraisals while employed by the Property Assessment Division of the Department of Revenue is not an appropriate activity. We are taking the necessary steps to end this activity. The approach we are using to end this activity is one that puts the Department in the most defensible position. I hope you will bear with us for the next 30 days or so while we get the Department out of this business. You can rest assured that during this time period appropriate controls will be in place to ensure that illegal or inappropriate activities are not carried out by employees of the Property Assessment Division.

* Thank you for bringing this matter to my attention. If you have additional questions please let me know.

*I gave Ellen
Feaver the appraisals
Business cards
selling real estate
Paul Pistoria*

Sincerely,

ELLEN FEAVER
Director

EF/dlk

Pistoria/
HB-204/



STATE OF MONTANA

DEPARTMENT OF REVENUE

MITCHELL BUILDING
HELENA, MONTANA 59601

REC'D - SAT - SEPT. 26, 1981

September 24, 1981

Representative Paul G. Pistoria
2421 Central Avenue
Great Falls, Montana 59401

Dear Representative Pistoria:

Enclosed is the policy statement distributed to our property tax staff. It is a follow-up of our conversation regarding Cascade County.

I also enclose a letter sent specifically to our Cascade County Staff. I was not aware that we had planned to send this particular letter. However, I agree it is a good idea.

The Cascade County staff were informed verbally at least two weeks ago that they would be required to divest themselves of their real estate related business.

Thank you again for your help in this matter.

Sincerely,

ELLEN FEAVER
Director

EF/dlk

enclosures

*As of Jan. 1, 1983 the
Cascade County Commission
will divest itself of its
real estate related business.*

DEPARTMENT OF REVENUE



TED SCHWINDEN, GOVERNOR

MITCHELL BUILDING

STATE OF MONTANA

HELENA, MONTANA 59620

REC'D - SAT - SEPT. 26, 1981

September 24, 1981

Nick Lazanas, Supervisor
Cascade County Appraisal Office
Great Falls, MT 59401

Dear Nick:

Allegations have been made against the Cascade County appraisal staff (clerks excluded) which state the staff is presently involved in activities that are defined as conflicts of interest in Property Assessment Division Policy Statement No. 81-2 (see attachment).

Please advise all participants they have thirty (30) days to divest themselves of such pursuits or risk immediate suspension without pay. Additionally take any steps necessary to insure that property to be appraised is not worked by an appraiser who may have an aforementioned interest in said property until such time as that interest conflict is resolved.

As acknowledgement that each appraiser has read the contents of the policy statement and this letter, have each appraiser initial his name on the line provided. Send a photocopy of this acknowledgement to me and retain the original for your records.

Nick Lazanas _____

Shannon Wadsworth _____

Mike Maurantonio _____

George Tyner _____

John Toy _____

Del Reimers _____

Sincerely,

Randolph O. E. Wilke

Randolph O. E. Wilke, Supervisor
Residential-Commercial Section
Property Assessment Division

cc: Gregg Groepper
Swede Schock



REC'D - SAT - SEPT. 26, 1981

PROPERTY ASSESSMENT DIVISION

POLICY STATEMENT

SECTION

NUMBER

EFFECTIVE DATE

81-2

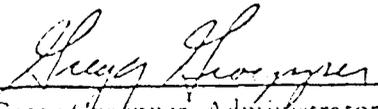
9-14-81

SUBJECT

CONFLICT OF INTEREST

The very nature of this Division's work requires that our employees attain a high level of credibility and objectivity as viewed by the taxpaying public. When situations arise, such as conflicts of interest, that jeopardize either requirement, the integrity of the Department as well as the respective appraisal and assessor offices is detrimentally affected. Examples of conflicts of interest include, but are not limited to, fee appraising, selling real estate (excluding the sale of one's personal residence or property), and operating or working for a real estate firm.

In such undertakings, the actual risk of and/or appearance of impropriety that occurs cannot be tolerated. Engaging in such activities will bring about immediate disciplinary action and may result in termination.



Gregg Groepper, Administrator
Property Assessment Division

nightmare, and the whole country has to help them get back in bed again." — Aug. 12, 1929.

Great Falls

UPHILL — A Great Falls legislator acknowledges he faces an uphill battle in even introducing a bill to protect the politically endangered human resource development councils. 5-A.

Weather, 6-A



Montana

AUDIT — A review by the legislative auditor has found nothing illegal about the purchase of a controversial acre of land in Bozeman for a new Job Service building. 9-A.

ENERGY AID ASKED — Representatives of elderly and poor people urge legislators to provide as much money as possible for a program to help the needy pay their utility bills. 13-A.

National

DOUBTS — The Reagan administration says that a possible nuclear warning shot in the event of war in Europe has been considered as a NATO option — but always with "significant doubts" that it ever would be done. 4-A.

IMPASSE — Negotiators tentatively accept a Senate plan for government sugar price supports but remain at an impasse over dairy and grain programs. 13-B.

International

EXPECTING — Britons rejoice over news that Princess Diana is expecting a baby in June. 1-A.

Sports

HEAT IN THE BIG APPLE — New York Jets quarterback Richard Todd is catching some heat after he allegedly assaulted a New York Times sports writer. 6-B.

CREAM TIME — Girls basketball teams are swinging into quarter action as the class 2 basketball season begins. 6-B.

Coder must now hear arguments on whether the temporary order should be made permanent.

Meanwhile, although the hearing will come hours before tonight's games, the order is expected to play havoc with teams who won't know where to play or — in one case — whether they qualify to play.

Pistoria HB-201

Appraisers ordered to divest conflicts

Tribune Capitol Bureau and Staff

HELENA — The state Revenue Department is putting its county tax appraisers on formal notice they must divest themselves of possible conflicts of interest, such as real estate sales, within 30 days or face termination.

The policy was triggered by a specific situation in Great Falls, although the policy is directed to all of the department's appraisers throughout the state, according to Gregg Groepper, administrator of the Property Assessment Division.

Groepper said Thursday the only conflict of interest situation that has been called to his attention involves Shannon Wadsworth, an appraiser in the Cascade County Appraisal Office.

Wadsworth also operates a real estate agency known as Special Realty. Groepper said two other appraisers in the office may have sold real estate or done private appraisals in the past, but he doesn't know if they are still doing it. *I REPORTED ON 25.*

The situation was called to the attention of Revenue Director Ellen Feaver by Rep. Paul Pistoria, D-Great Falls, several months ago. Groepper issued a policy statement effective Sept. 14 condemning conflicts of interest by the appraisers, including real estate appraisals and sales in the private sector.

The policy statement said the risk of or appearance of impropriety would not be tolerated, and it warned that engaging in such activities would result in immediate disciplinary action and possible termination.

Groepper wrote to Nick Lazanas, supervisor of the Great Falls office, Sept. 24, telling him of the allegations and giving the staff 30 days to divest or risk suspension without pay. He also directed Lazanas to take special steps to ensure that appraisers do not appraise property that they may be involved in privately.

When Wadsworth raised questions about the legality of the policy, the department allowed a two-week extension, during which its legal staff

ings by school officials with Cascade County Attorney J. Fred Bourdeau and his chief deputy, Tom McKittrick.

The school district decided at a special Wednesday night meeting to ask for the court order after the MHSA membership earlier that day denied a CMR appeal of the ruling by the association's board of directors.

researched the issues. After conferring with the legal staff Thursday, Groepper said he is convinced "our policy is sound" and that firm steps would now be taken to enforce it.

He said the 30 days notice should give anyone affected time to divest. During the 30 days, county supervisors are to review any property sold by an appraiser to assure that it was fairly assessed.

"They're going to have to choose between working in the private sector and working for the state, and they have 30 days to make the choice," Groepper said.

Lazanas, interviewed in Great Falls, said he had fought the new policy as chief of the Great Falls office and as president of the Montana Appraisers Association.

"I told the state we have checks and balances to prevent any abuses or wrongdoings, but they didn't understand me," he said. "I fought it because I thought it was wrong, but now that it's come down on us officially, I intend to live by it and so will my staff."

Lazanas declined to name staff members who have been engaged in "extracurricular activities."

"Whatever was done in the past won't be done 30 days from now," he said.

Wadsworth declined an offer to comment.

Groepper explained that one conflict possibility is that an appraiser might adjust the tax value of a house that he is agent for as a condition of the sale. "There is a fair amount of judgment involved in making an appraisal," he said, so that there could be temptation to lean in the direction of his private interests.

But even if appraisers were not influenced by their private real estate dealings, "I don't think it's appropriate that they're involved in that kind of business," Groepper said.

The issue was discussed at length

Continued on 2-A, col. 2

Constitution accord

OTTAWA (AP) — Burying a half-century of discord, Prime Minister Pierre Elliott Trudeau and the pro-



Pistoria
HB-204

Tribune - Fri - Feb. 19, 1982 - Page 10-A County appraisers granted reprieve from new state order

By PETER JOHNSON
Tribune Staff Writer

Four of Cascade County's six appraisers are being granted temporary reprieves from a state order that they either get out of the private real estate business or quit their appraiser jobs, a Department of Revenue official confirmed Thursday.

Gregg Groepper, administrator of the Property Assessment Division said the four are appealing the November order through the Revenue Department's grievance procedure and have been granted extensions in complying with the order until their

grievances are resolved.

No other county appraisers in the state have appealed the order on constitutional grounds, Groepper said.

A hearing for one appraiser is Feb. 22, he said, while the hearing for the other three appraisers, who are appealing jointly, has not been scheduled but will probably be next month.

The procedure calls for a panel of three persons to consider the grievances and make recommendations to department director Ellen Feaver, who makes the final decision.

Groepper announced in early November that all county tax apprais-

ers must rid themselves of possible conflicts of interest, such as private real estate sales, within 30 days or face termination.

The policy applied to all county appraisers statewide, he said then, but was triggered by a situation in Great Falls.

The possible conflict of interest involved Shannon Wadsworth, an appraiser with Cascade County Appraisal Office who also operates a real estate agency called Special Realty, Groepper said. He added that two other county appraisers may have sold real estate or made private appraisals in the past.

In issuing the November order, Groepper said one possibility for a conflict of interest would be an appraiser adjusting the tax value of a house he is selling privately.

Even if appraisers were not influenced in their public roles by their private real-estate dealings, Groepper said, their holding of the two jobs might appear to be a conflict to the public.

Groepper refused Thursday to name the other appraisers who are appealing the policy, saying it might affect their right to a fair grievance.

But Nick Lazanas, supervisor of the Great Falls office, said three of the persons filing grievances are Wadsworth, George Tyner and Mike Maurantonio. Lazanas said the persons filing the grievances were meeting the conditions of Groepper's extension by reporting any private business dealings to Lazanas, their supervisor.

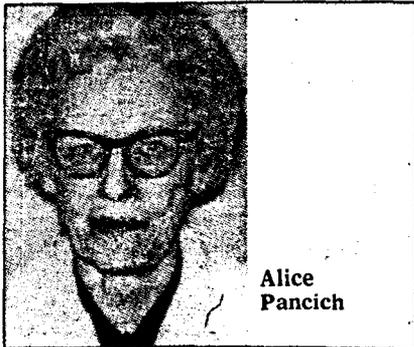
Wadsworth confirmed that he had listed a new property for sale Wednesday with Multiple Listing Service, the real estate association. Jim Basta, MLS manager, said it was the first real estate holding Wadsworth had listed "in some time."

Wadsworth said he listed the property, a house at 1415 1st Ave. N., because a friend "since junior high school" asked him to try to sell it. Wadsworth said he took "a couple of hours vacation time" to take care of listing the property.

He said he is appealing the state policy "because it violates my constitutional rights to make a living."

Deaths and funerals

Alice Pancich



Alice Pancich

Alice Cline Pancich, 72, 210 10th St. N., a first grade teacher for more than 35 years, died Thursday morning in a local hospital.

A lifelong resident of Great Falls, she graduated from high school here, then earned her teacher's certificate from Dillon Normal College. Mrs. Pancich had also attended teachers college at Greely, and taken classes at the University of California-Los Angeles and College of Great Falls.

She had taught at a school on the

Reeder Ranch north of Wolf Creek, at the Crow School on the Fairfield Bench, and at the Hawthorne School, later named Collins School, in Black Eagle. Most of her teaching was done at Valley View and Russell Elementary schools in Great Falls.

She and Samuel Pancich were married in 1942. He survives with her brother, Ralph Cline, Brookings, S.D.

Private services will be held Saturday. Cremation has taken place with Croxford and Sons Mortuary handling arrangements.

Edgar Brooking

Edgar Curtis Brooking, 69, a former resident of the Simms area, died recently in Longview, Calif.

He was the son of Simms area pioneers Russell and Luella Brooking. Since 1934 he had worked for T.G. LeTourneau Inc. in California, and in Peru, other areas in South America, and Vietnam.

Survivors include his wife, Muriel; four sons, one daughter, six brothers and one sister.

Treasure State deaths

KALISPELL — TYLER, Gertrude "Dooley," 95, of Kalispell, died Thursday. Memorial services will be announced at a later time. Arrange-

MILES CITY — BIEGALKE, Paul, 60, Miles City area rancher, died Tuesday at a local hospital following an extended illness. Funeral mass

O'CONNOR
Funeral Home
2425—8th AVENUE NORTH
453-7257

PANCICH — Services 11:15 A.M. this Friday at Blessed Sacrament Church for Frank J. Pancich, 83, 3200 15th Ave. S. Burial in Mt. Olivet Cemetery.

ie record

Courts

JUSTICE COURT

Gordon Fred Marsh, 43, Billings, charged with attempted felony theft by attempting to remove the grill and front turn signals off a 1984 GMC 2-ton truck belonging to Selstad Soil Service May 7. Bail: \$10,000. Hearing: May 10, Justice Gladys Vance court.

Robert Edward Ferguson, 34, Calgary, Alta., pleaded guilty to driving while under the influence. Hearing: June 8, Vance court.

Tina Susan Maeder, 18, 2025 2nd Ave. SW, pleaded innocent to unlawful transactions with children and possession of beer while still a minor. To appear.

David Bates Hunter, 34, Great Falls, pleaded guilty to driving while under the influence. Hearing: June 7, Vance court.

Gerald Lee Freeman, 22, 825 2 Ave. S., charged with possession of dangerous drugs (cocaine). Bail: \$25,000. Hearing: May 23, Justice Pat Paul's court.

Today

Tea in honor of the late Sister Mary Trinitas, former art department chairman at College of Great Falls, 1 p.m. in the Absolon Lounge.

Great Falls Public Library Board, monthly meeting 8:30 a.m. at the library.

By GWINN DYRLAND Tribune Staff Writer

A proposed Fox Island subdivision that included a developer-built levee and channel dredging was set aside Tuesday, at the developer's request, by Cascade County commissioners.

The commissioners accepted a May 7 letter from Gary Knudson, engineer for George Nilson's proposed residential development, notifying them of Nilson's decision to withdraw the plans for Fox Island.

Nilson hopes to submit a revised plan later, Knudson told the commissioners.

In other business, the commissioners said they will consider before May 15 a request that they approve development plans for a northwest-side addition that Buttrey Foods has said it may build a new westside store on.

Located south of Great Falls along the east bank of the Missouri

River near Trailer Terrace, the Fox Island development originally included plans for 22 residential lots.

In several actions that sparked controversy in recent years, Nilson had dredged a channel between the island's east side and the Missouri shoreline, built a bridge to the newly-created island, and built part of a private levee intended to protect the lots from flooding.

Part of the land included in the proposed subdivision was below the 100-year floodplain, one issue that has hampered development plans on the site.

Roger Sanders, county planning officer and flood plain administrator, has said that he can't issue a building permit on any land inside the flood plain. State officials have indicated that Nilson's levee violates state flood plain requirements, and that the state won't lift its flood plain restrictions, levee or no levee.

According to Knudson's letter, Nilson is currently waiting for a decision from the Federal Emergency Management Agency about some areas of the island now designated as within the 100-year flood plain that should be re-designated above the plain, Nilson contends.

Knudson also wrote that action on his development is on hold while Sanders decides what action Nilson should take. Sanders said later that he's considering a range of options including asking Nilson to remove the levee, build it to better standards or leave it as is.

Concerning the Buttrey store issue, officials from Buttrey Foods have asked for county permission to develop a proposed six-acre site on the northwest side of Third Street Northwest between 14th Ave. NW and Division Road.

Commission Chairman Jack Whitaker said the county will probably

TRIBUNE - WED. - MAY 9, 1984 - Page 2-B. PISTONIA - HB 204

New hearing ordered for tax appraisers

Loss of two tape recordings of a 1982 grievance hearing over whether state tax appraisers can sell real estate on the side means a new hearing will be ordered.

Larry Schuster, attorney for the property assessment division in the Montana Department of Revenue, told Judge Joel G. Roth at a pretrial conference Tuesday that only one of three tapes of testimony had been transcribed. Since there is an incomplete record of the testimony, Roth will order a new hearing.

The revenue department ordered its county appraisers in November 1981, to divest themselves of possible conflicts of interest, such as real estate sales, within 30 days or face termination.

or reject it.

In August 1982, the three men appealed their case to District Court, seeking a review of the decision. In their suit, they say they "have not abused their position as state employees, in any manner; have not abused their state employment or used their state employment improperly in the practice of their independent activities." They stated they "have not engaged in substantial financial transactions for private business purposes with persons whom they inspect or supervise in the course of their state employment; have not used confidential information to pursue their private

act on the request before May 1 which is the closing date for Buttrey's purchase of the property.

According to Buttrey official Buttreys hopes to use one of three lots planned on the new property, combination with other land, as if site for a 45,000-square-foot Buttrey Osco Drug store.

In announcing plans last September to build the new store, Buttrey officials said they hoped to include about 25,000 square feet of other shops and restaurant space in their development.

If the westside store is built, Buttrey officials have said they would close the present Buttrey store at Westgate Shopping Center. Buttrey already has got Great Falls City Commission approval of annexation and development steps involved in the proposal.

economic interests."

The appraisers were granted a reprieve early in 1982 and allowed to continue their side activities until resolution of the case. No TE Rep. Paul G. Pistonia, D-Great Falls, helped spark the issue in the summer of 1981 when he complained to Feaver of possible conflicts of interest.

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Court upholds rape verdict

HELENA (AP) - The Montana Supreme Court Tuesday upheld, in a 4-3 ruling, the Phillips County jury conviction of William Lee "Randy" Clark, charged last year with the rape and the mother's reports to a dangerous offender.

Based on her final complaints, the mother's reports to a dangerous offender.

Clark also challenged the prosecution's cross-examination of "character" testimony offered by both Clark and a rape victim who had testified that Clark was an honest and

no he... employed... that Clark was an honest and

Montana,

Wyoming may compromise over taxes

BY CHARLES S. JOHNSON
Tribune Capitol Bureau

HELENA — A Montana legislative committee is still waiting for information for a possible compromise with Wyoming over a tax collection dispute.

A Wyoming legislator is upset with the Montana Revenue Department for collecting income taxes from Wyoming railroad workers who spend part of their workdays in Montana, according to Sen. Thomas Towe, D-Billings.

The Montana agency collects a percentage based on how much time the railroaders spend in Montana each week.

Towe told other members of the Legislature's Revenue Oversight Committee Friday the Wyoming legislator wondered why Montana and Wyoming can't work out a reciprocity agreement covering workers in both states who spend part of their time in the other state.

Under that arrangement, the North Dakota people who work part time in Montana pay no Montana income taxes, and Montana workers who spend of their time in North Dakota are exempt from North Dakota income taxes.

Such an arrangement is not possible with Wyoming because it has no state income tax, Towe said.

As an alternative, the Wyoming legislator has suggested the Wyoming residents pay no Montana income taxes. In return, Wyoming would agree to turn over to Montana all the money it collects in sales taxes on major purchases such as cars that Wyomingites buy in Montana.

Wyoming agencies are trying to come up with figures to show how much this amount would be.

In 1980, Montana collected nearly \$1.4 million in income taxes from 2,986 Wyoming residents, according to Dan Bucks, deputy director of the state Revenue Department.

He also estimated that the non-compliance rate is 15 percent, or

anyone would appeal the ruling, since the potential for conflict of interest seemed clear.

Other legislators, including Towe and Senate President Jean Turhage, and R-Polson, agreed with Norman and Department about the possible conflict of interest. He thanked the committee for backing the department.

"They might call it discrimination, but I'd fire the whole bunch, frankly," Pistoria said of the three Cascade County appraisers.

backed Feaver's position. Rep. Paul Pistoria, D-Great Falls, who is not a member of the committee, said he had been furnishing information to the Revenue Department about the possible conflict of interest.

Three Cascade County auditors have appealed to district court a decision by Revenue Director Ellen Feaver. Feaver overruled a three-member grievance committee that held that the policy statement prohibiting the moonlighting was unconstitutional.

Sen. Bill Norman, D-Missoula, said he couldn't understand why

anyone would appeal the ruling, since the potential for conflict of interest seemed clear.

Other legislators, including Towe and Senate President Jean Turhage, and R-Polson, agreed with Norman and Department about the possible conflict of interest.

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here on the proposed closure of the Carter depot.

"We don't have the tools to deal with this," Driscoll said after the hearing. "We don't have enough data and what data we do get is generated by the BN."

Driscoll said the Carter hearing was the 14th so far in the state on proposed depot closures. "We have to react to every one and we spend all our time in these hearings. The whole thing is getting out of control."

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Three appraisers ask court review of state policy

By BARBARA MITTAL
Tribune Staff Writer

Three state real estate appraisers in Cascade County have asked the District Court to review a decision which says they cannot sell real estate or conduct independent fee appraisals in their spare time.

Shannon Wadsworth, Michael Maurantonio and George W. Tyner, who have been fighting a policy adopted by the Montana Department of Revenue last year, won a grievance over the matter in June.

A three-member grievance panel held that policy statements were unreasonable, unnecessary and arbitrary. The panel said the possibility or potential for a conflict of interest was not sufficient reason to preclude specific outside employment activi-

ments from Carter have dropped dramatically in the past two years. They testified that by closing the depot and moving the agent's duties to Great Falls, costs would be cut, forestalling future rate increases.

The local shippers criticized BN's methods of justifying the closure and said centralizing the duties of the Carter agent in Great Falls would likely cause the further deterioration of service in Carter.

They said the local agent now abuses their state employment or used their state employment improperly in the practice of their independent activities. They state they "have not engaged in substantial financial transactions for private business purposes with persons whom they inspect or supervise in the course of their state employment, have not used confidential information to pursue their private economic interests."

They say they have never been accused by the Department of Revenue of any wrongdoing in conducting public duties or handling outside employment activities. However, Feaver is said to have received a "vague complaint" from state Rep. Paul Pistoria, D-Great Falls, about Wadsworth's outside activities.

McCarvel said he hadn't known the facts of the crime until reading the pre-sentence report the day before the sentencing hearing.

McCarvel also remarked that Hastings' original guilty plea was unusual in that it wasn't accompanied by a waiver of rights or a written statement by the defendant describing the crime to which he was pleading guilty.

Wednesday's guilty plea was accompanied by a lengthy typed statement, which was signed by Hastings and which gave a first-person account of the crime.

Hastings' sentencing date has not been set.

Hastings first pleaded guilty to the charge of sexual intercourse without consent April 5. But when Hastings appeared for sentencing June 3, Judge John M. McCarvel rejected Hastings' guilty plea, saying there weren't enough facts to prove Hastings forced the victim to engage in sexual intercourse.

By MIKE DENNISON
Tribune Staff Writer

More than two months after a judge ordered Martin R. Hastings' guilty plea withdrawn, Hastings again has pleaded guilty to raping a woman Dec. 27 south of Cascade.

Hastings, 25, Cascade, entered the plea Wednesday in district court. His trial was scheduled to start next Monday.

In a statement filed with the plea, Hastings said he thought pleading guilty was in the "best interests of myself, my family, (the victim) and her family, and the state of Mon-

freight going out or coming in is assigned to a local agency, using BN's accounting methods.

Allbright admitted that the Carter agency shipped out much more than it received, and thus what revenues it gained from incoming freight did not balance what was lost on outgoing shipments.

Driscoll asked Allbright for regional revenue figures giving the ratio of outgoing and incoming shipments — seeking to establish that

abused their state employment or used their state employment improperly in the practice of their independent activities. They state they "have not engaged in substantial financial transactions for private business purposes with persons whom they inspect or supervise in the course of their state employment, have not used confidential information to pursue their private economic interests."

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Commission and other government agencies.

Driscoll asked Allbright if the railroad had average operating costs ratios for the state, which could be compared to the national ratio.

Allbright said that no state cost ratios existed. The national ratio is being assessed against the depots which BN is proposing to close.

Driscoll also questioned Allbright on BN's methods of determining a

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closure. Allbright said reductions "would necessarily follow."

During the public testimony portion of the hearing, Richard Rominger, whose family farms in the area and operates a grain elevator at Portage, criticized BN's methods of determining productivity.

Rominger testified that since grain movements are seasonal and historically peak during the months after harvest, a year-long average is not an accurate portrayal of the

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"We used to have trains through here every day," he said. "Now they come on a 'as needed' basis. I feel closing the depot here is the first step in closing the whole line."

Before the hearing was adjourned, BN's attorney requested that the testimony of Edward Unger be stricken from the record. Unger, a Washington, D.C. economist hired by the Brotherhood of Railway and Airline Clerks, had testified at a similar hearing in Belt on Tuesday that BN's accounting methods for determining the profitability of a depot contained "major defects."

The request was denied.

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TRIBUNE - Sun. Mar. 21, 1982

Revenue director rules against county appraiser

Pistoria - HB 204

By RICHARD ECKE
Tribune Staff Writer

Cascade County appraiser Jack Toy should not be allowed to continue appraising property as part of a private business, according to a ruling by State Department of Revenue Director Ellen Feaver.

Feaver confirmed an earlier, unannounced decision of a three-member grievance committee which found that Toy's appraising of property on a private basis could conflict with his duties of appraising property for Cascade County.

Appraisers estimate the value of property in Montana's counties so local governments can decide how much to tax property owners. The appraisers are under state supervision.

The committee cited state ethics laws to support its 2-1 split decision against Toy, and Feaver upheld the decision, according to John Clark, deputy director of the Revenue Department.

Clark said it's now up to Toy to decide whether to appeal.

Controversy erupted last fall after complaints from state Rep. Paul Pistoria, D-Great Falls, about

possible conflicts within the Great Falls appraisal office.

Following Pistoria's complaints the Revenue Department ordered all appraisers in the state to cease selling real estate or appraising property on the side in addition to their public duties. Those who did not comply faced firing.

The department said such activities might raise questions in the public's mind about possible conflicts of interest on the part of the appraisers.

For instance, an appraiser could have a direct conflict if he adjusted the tax value of a house that he is selling privately, according to Greg Gropper, state property assessment division administrator.

In November, Nick Lazanas, head of the Great Falls appraisal office, said enough checks and balances existed under the former system to prevent any abuses. But the Revenue Department disagreed.

Besides Toy, three other Great Falls appraisers fought the department's order by filing grievances.

One, Shannon Wadsworth, said he believes the department's order "violates my constitutional rights to

make a living," George Tyner and Mike Mauraantonio filed a joint grievance, but no hearing date has been set in their case.

Under the grievance system, the opposing sides in the dispute pick one representative to serve on a neutral third party is chosen to round out the committee.

In Toy's case, the third party was Jack Calhoun, a labor mediator for the State Board of Personnel Appeals.

Clark said the dissenting vote in the Toy decision was cast by Toy's representative, while Calhoun broke the tie in favor of the Revenue Department.

According to the grievance committee ruling, Toy had testified at his grievance hearing that in the past he has received fees for private appraisal work.

The decision found that such activities could violate rules of conduct set down in state ethics laws.

Specifically, the decision cited state law which says that a state employee or state officer may not "engage in a substantial financial trans-

Watt moves to avoid taxes

DES MOINES, Iowa (AP) — Interior Secretary James Watt says he moved his legal residence from Colorado to his native Wyoming for practical reasons, not political aspirations.

Watt, who was born in Lusk and grew up in Wheatland, was asked by a reporter in a recent interview why he moved his residency from Colorado, where he practiced law for several years, to Arvada.

"So I don't have to pay income tax," Watt replied.

"A presidential appointee does not have to pay (District of Columbia) income taxes if he pays the income tax of his state of residence."

"Colorado has an income tax."

Wyoming doesn't. So I went back to my native state. Sort of a practical reason, isn't it?"

The residency change prompted some speculation he might have his eye on running for Wyoming governor after meeting the state's five-year residency requirement.

Watt's salary as a Cabinet officer is \$69,630 a year.

The District of Columbia income taxes would be \$1,950 on the first \$25,000 of taxable income and 11 percent on income over that.

The comparable Colorado figures would be \$1,581 on the first \$25,000 and 8 percent on all money over that.

Watt avoids both by moving.

though any of you, as individuals, may have used this water right as now being taken away from you by the Blackfeet Tribe."

A section of the ordinance, however, may be interpreted to refute this latter statement. The ordinance says "it is the intent of the tribe that such uses (water rights?) continue whenever feasible in light of standards and procedures promulgated by the Blackfeet Water Board."

Keil's assertion is right in one respect — the ordinance leaves no

account of the agencies which revert to tribal authority.

The Blackfeet Reservation has four major streams — Milk River, Cut Bank Creek, Two Medicine River and Birch Creek — plus a score of lakes and underground aquifers. The Milk River flows northeasterly into Canada, returning to Montana at a point north-west of Havre and eventually joins the Missouri River. The other streams join on the reservation's border to form the Marias River, which flows into the Missouri River near Fort Benton.

Ex. # 3
HB 204
1/23/85

Claire Wilken, President of the Montana Appraisal Association

We have taken vacation time to be here to represent the Association.

We have polled the 70 members of the Montana Appraisal Association and will go on record as unanimously opposing H.B. 204

Numerous appraisers expressed an interest in this Bill and a desire to be here today, but due to the workload of completing the reappraisal, found it impossible to attend.

Article XVI of the old Constitution created the office of Assessor in each county and provided for his local election. Statutes implementing the section, required him to find and assess all taxable property in his county at "full cash value." However, the necessity of getting elected every 4 years provided a strong temptation for assessors to ignore those statutes, particulalrily in view of the history of county independence.

Assessors would have been less than human if they had not yielded to these pressures since taxpayers hostility toward taxes usually settles, unfairly and illogically, on assessors.

The appraiser is not now under those political pressures.

So the matter stood in 1972 when the Constitutional Convention met. The assessed value of agricultural land had dropped 27% between 1925 and 1970, although real estate sales showed a 300% increase. Residential property was valued as low as 12% of market value in some counties and as high as 32% in others.

These and other reasons Property Tax Administrztion was shifted to the State are clearly stated in this report by Teresa Cohea, published in the September 1978 edition of Montana Public Affairs, a copy of which we will provide to you.

We would also like to submit to you a portion of the report from the Governors Council on Management, expressing limited need for Assessors.

The assessors are, at present, directly responsibel for 16.46% of the states taxable valuation and the appraisers, at present, are responsible for 33.65%

We also express great concern for the State School Foundation Program and the University Levy. Prior to 1973, while under Assessor Control, unequal assessments caused some counties to pay more than their fair share.

Statutory requirements for Certification would pertain to assessors if H.B. 204 passes. As Appraisal Supervisors, they would be required to be certified in all aspects of the appraisal process.

Certification training takes approximately 2½ years to complete, if all courses are satisfactorily completed. Currently if an Appraiser fails to satisfactorily complete Certification training, he is terminated as specified in the Condition of Employment agreement. (copy furnished)

What would happen if an Assessor failed Certification requirements?

At present we, as appraisers are closely monitored by the State, with monthly Progress reports to keep track of our production and Annual Performance Appraisals. Copies of which are provided.

Another portion of H.B. 204 deals with travel.

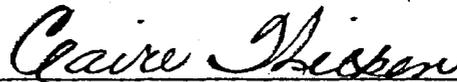
Getting the reappraisal plan, mandated by statute, completed with the current financial restraints, it has become necessary to shift resources.

Under H.B.204 with appraisers unable to travel there would be a substantial increase in cost to provide the counties currently understaffed with the required personal to complete the reappraisal cycles on time.

Under H.B. 204, travel would not be possible. Consequently, smaller county appraisers, who could complete reappraisal in less than the time frame allotted, would not be fully utilized, thus waisting resources.

Travel allows us to increase our knowledge of the state, increase our skills and better serve the people of Montana.

Thank you for this opportunity to express our views on H.B. 204.



Claire Wilken, President
Montana Appraisal Association

Property Tax Assessment:

A Century-Long Struggle For Structured Discretion

This article was prepared as a class term paper. It reflects neither the opinions of the Montana Legislative Council, Ms. Cohea's employer at the

time of publication, or the Office of Budget and Program Planning, her current employer.
by
Teresa Olcott Cohea*

"Broad discretion and judgment lie at the very core of the property tax."

For the past 100 years, the history of property tax assessment in Montana has been a series of legislative and administrative efforts to limit and structure county assessors' discretion. The history of these efforts, which included legislation, constitutional amendments, court decisions, and administrative rule-making, is instructive since it provides a well-documented case study of how a vital state function involving great discretion can be made predictable and open to citizens.

Property tax assessment is an excellent subject for studying discretion, since it requires assessors to make complex decisions on the characteristics and comparability of widely varying types of property. The Montana Supreme Court has consistently recognized the need for judgment and expertise in assessment and has been hesitant to substitute its judgment for that of an assessor:

(the) court will ordinarily not interfere with the action of ... (assessors) to correct mere errors of judgment. It is only when they act fraudulently or maliciously, or the error or mistake is so gross as to be inconsistent with any exercise of honest judgment, that courts will grant relief.

(*Dunforth v. Livingston*, 23 Mont. 558, 59P.916.917 (1900))

The legislature must rely on the expertise and judgment of assessors since the procedure for assessing every type of property in the state can hardly be written into statute, even if legislators or their draftsmen had the expertise to do so: new varieties of property appear, values rise, and complex formulas for depreciation must be developed. Moreover, assessors can determine the best method of assessing property on a case-by-case basis, which the legislature cannot do through statute. Clearly, assessors must have some degree of discretion in order to perform their duties.

However, far too much discretion can be delegated to or seized by assessors. If clear legislative standards and administrative procedures guide assessors' work, then their discretion may be limited to a ministerial or non-policy level

*Teresa Cohea is a Legislative Researcher on the staff of the Montana Legislative Council, Helena, MT. Her responsibilities include those of Staff Researcher, Revenue Oversight Committee, and Coal Tax Oversight Committee.

designed to implement legislative policies. In Montana, however, clear standards and procedures were absent or ignored for most of the last century and assessors exercised discretionary authority of the highest order, making policy decisions of a most sensitive nature. Their discretionary authority at times surpassed that wielded by the legislature.

The importance of structuring such discretion is obvious. Assessors determine the appraised or assessed value to which the statutory tax rates and the locally determined mill levies are applied. Their decisions touch all property-owning citizens and have a direct economic effect on their lives. If their decisions are based on unwritten standards that are in direct conflict with state law and, further, their assessments are often lowered on a case-by-case basis by individual taxpayers' pressure, citizens are unprotected by U.S. constitutional requirements of due process and equal protection and Montana constitutional requirements for uniform assessment of property. Moreover, assessors could and did for decades exercise political power far exceeding their scope of authority. Since local governments are financed largely through property taxation and the assessor controls the base from which this revenue is raised, he can exercise budgetary power statutorily given to county, city, and school district officers:

After a unit of government has reached its maximum levy limitation, its future budgetary policy is largely in the hands of the assessor. The decision made in his office as to the percentage of market value that will be used for assessment purposes is almost controlling. Moreover, decisions made by the assessor are more apt to be influenced by consideration of his political future than by the legitimate revenue needs of local government. Thus we have the spectacle of the county assessor, whose sole function is to find and value property at its full value, charting the fiscal policy of most local governments. (Montana Legislative Council, *Property Taxation in Montana*, 1960, p. 31)

The legislature's struggles to limit and structure assessors' discretion are not over, but its efforts over the past seventy years have insured that 1) detailed procedures for assessment are published in the Montana Administrative Code; 2) that these procedures comply with legislative standards; and 3) formalized procedures for citizens' participation in rule-making and opportunities for appeals against assessments exist. This paper will discuss the steps—and mis-steps—in the process of obtaining the right mixture of statute, rule, and discretion.

Between 1891 and 1977, Montana statute required that "all taxable property must be assessed at its full cash value," which was defined as "the amount at which the property would be taken in payment of a just debt due from a solvent debtor" (84-401 and 84-101, R.C.M. 1947). This statute was never, in its 74 year *tenure*, adhered to. County assessors and, later, the State Board of Equalization evolved a system of fractional assessment under which all property in the state was assessed at some *fraction* of full cash value. As recently as 1977, MAC rules required assessors to value business inventories at 60% of dealer's cost, oil field machinery at 40% of current market value, and airplanes at 66 2/3% of wholesale value. This system of fractional assessment totally disrupted legislative tax rates, drastically reduced local governments' tax bases, and caused massive shifts in tax burden.

This system of fractional assessment did *not*, in my opinion, arise because the statutes were unnecessarily vague, delegating authority *without* meaningful standards. The legislature provided a *standard* for assessing ("full cash value") and a definition of that standard. Statutes did not specify methods for assessment but left that to assessors, who would use their expertise and discretion to establish the best methods of determining full cash value. Most state legislatures and courts have concurred that such judgements are an appropriate area for assessors' discretion. The continued violation of the statute requiring assessment at full cash value resulted not from careless delegation of authority but from the structure of tax administration established by the 1889 constitution.

Article XVI, section 5 created the office of assessor in each county and provided for his local election. Statutes implementing the section required him to find and assess all taxable property in his county at "full cash value" (84-401 and 84-406). However, the necessity of getting elected every four years provided a strong temptation for assessors to ignore this statute, particularly in view of the history of county independence, and the travelling distance from Helena in the early days of statehood. The rewards for underassessment were many: 1) taxpayers receiving an individual "break" on an assessment would be grateful; 2) keeping assessments low would insure that statewide mills raised the least possible revenue in that county and shifted the tax burden to some other county; and 3) by lowering assessments assessors would force city and county commissioners to raise mill levies in order to raise the same amount of revenue, thus pushing the political liability of taxes into their laps. (Assessors would have been less than human if they had not yielded to these pressures, since taxpayers' hostility toward taxes usually settles, unfairly and illogically, on assessors.)

The legislature discovered how strong the temptation had been when it appointed a Tax and License Commission in 1917 to determine why property assessments varied so markedly from county to county. The Commission found that the following *average* rates of assessment were prevailing in the counties: land-30% of full value; cattle-45% of full value; sheep-40% of full value; horses and mules-52%

of full value; and hogs-18% of full value. The only property assessed at the statutory level was the money belonging to widows and orphans, which was revealed by court records. Further, the Commission learned that these rates were set in an annual meeting of county assessors who "resolved themselves into a sort of legislative assembly and proceeded to fix the values at which different species of property shall be assessed."

Needless to say, these fractional assessments were in direct conflict with statute and assessors were far exceeding their statutory authority in setting such rates. What's more, this extralegal "legislature" did not have much more success in controlling its members than the legitimate legislature. During the year between meetings, the assessors vied among themselves for the most "competitive" assessments. The Commission found in 1918 that assessments in different counties for first class grain land ranged from \$5.21 to \$47.29 per acre, first class hay land from \$10 to \$26.62 per acre, work horses from \$49 to \$75.65, and dairy cows from \$33.92 to \$100.

After reviewing the gap between statute and practice, the Commission concluded "that the present system . . . is a failure and results in unjust discrimination and is utterly inadequate." Believing that legislative control over assessment must be reasserted, the Commission recommended a bill to the 1919 legislature that continued the assessment of property at full cash value but dropped the tax rate to the value county assessors were actually using for the various types of property. To illustrate, the tax on a \$1000 parcel of land is calculated below according to the statutory method, the method actually used by assessors in 1917, and the proposed method:

Statutory method	Actual practice, 1917	Proposed method
1. Valued at 100%	1. Valued at 30%	1. Valued at 100%
2. Taxed at 100%	2. Taxed at 100%	2. Taxed at 30%
3. Multiplied by mills	3. Multiplied by mills	3. Multiplied by mills
4. Tax due = \$200	4. Tax due = \$60	4. Tax due = \$60
(\$1000x100% x 100% x 200m)	(\$1000x30% x 100% x 200m)	(\$1000x100% x 30% x 200m)

The bill passed, creating seven classes of property taxed at rates varying from 7% to 100% of the assessed value, which was 100% of full cash value. The legislature, thus, in 1919 clearly recognized the dangers of allowing assessors the discretion to set effective tax rates through extralegal fractional assessments. It hoped to end this practice by setting in statute both the standard of assessment and the tax rate. In upholding the constitutionality of the new law, the Montana Supreme Court noted that the chief purpose of the bill was "to relieve administrative officers from the apparent necessity of continuing the legal fiction of full valuation in the face of contrary facts." The court also affirmed in this case that it was the legislature's duty to provide a uniform system of assessment throughout the state. (*Hilger v. Moore*, 56 Mont. 146, 82 P. 477, 483 (1919)).

This was the first of several times in which the legislature sought to control assessors by enacting their practice into law. One could argue that the legislature, in having

legislation follow practice, was benefitting from the "creative nibbling" theory of administrative law: the legislature had given assessors sufficient discretion to investigate and chart a new course, allowing them to create a solution to a large problem by nibbling at individual cases. However, this was not true in Montana's history of property tax assessment. Assessors were not experimenting with the best way to assess; rather, they were substituting their judgment for legislators' on what the state's tax policies should be. The legislature modelled statute on existing practice in this instance only as an attempt to control future practice.

The legislature also took another step toward controlling assessors at this time. The 1889 constitution created a three-member State Board of Equalization to "adjust and equalize the valuation of the taxable property among the several counties of the state." However, when the Board attempted to raise assessments in one county to nearer the statutory full cash value, the Supreme Court ruled that the Board had the power to decrease assessments but not to increase them. The 1916 legislature placed a constitutional amendment on the ballot to give the Board much broader power:

The state board of equalization shall adjust and equalize the valuation of taxable property among the several counties, and the different classes of taxable property in any county and in the several counties and between individual taxpayers; supervise and review the acts of the county assessors and the county boards of equalization; and exercise such authority and do all things necessary to secure a fair, just, and equitable valuation of all taxable property among counties, between classes of property, and between individual taxpayers. (Article XII, section 15)

The electorate approved the amendment, which became effective in 1917. In 1923, the legislature passed a bill detailing and further broadening the Board's powers. Notably, the Board was empowered "to prescribe rules and regulations, not in conflict with the constitution and laws of Montana, to govern county boards of equalization and the assessors of the different counties in the performance of their duties." Further, it could require the county attorney to start proceedings against any assessor who violated statutory assessment laws. The bill also established hearing procedures for taxpayers' appeals against assessments and for Board changes in assessment rules. (84-708)

Seemingly, the legislature in 1923 had gained control over assessment by requiring assessors to exercise ministerial level discretion within standards set by the legislature and reviewed by the State Board of Equalization, which exercised broad delegated quasi-legislative and quasi-judicial authority within its area of expertise. However, neither the statutory changes embodied in the 1919 classification law nor the 1917 constitutional amendment touched the fundamental problem of tax assessment: county assessors were still elected by local citizens and in direct contact with them. The three-member Board and its small staff were totally inadequate—and probably quite unwilling—to police 56 county assessors. The Board limited itself to hearing individual taxpayers' appeals from county equalization boards and lowering the assessment of whole classes of property when one county varied too markedly from others.

U.S. census data showed that assessors continued to drift away from full cash value throughout the next decade, despite admonitions from the Attorney General and the Montana Supreme Court. In 1931, the court in *State ex. rel. Schoonover v. Stewart* reiterated that statute requires that "all taxable property must be assessed at its full cash value. The section has not been changed since its enactment . . . ; and its mandate is the law today." Neither assessors nor the Board had the power, the court said, to establish fractional assessment.

The 1930's were, however, not a politic time to raise assessments, particularly on farm land. As the Depression deepened and more property taxes became delinquent, assessments fell further and further from full cash value. By 1950, the average market value of an acre of irrigated farm land in Montana was \$99, but its average assessed value was \$32, less than it had been in 1921.

The State Board of Equalization expressed great concern over these falling assessments and county assessors' neglect of statute. In 1954, they informed the legislature that the classification law

is necessarily anchored to the full cash value provisions of section 84-401, and when we deliberately cut loose from that anchor we begin to drift. The administration of the law has so deteriorated over the years that we now have . . . a classification law within a classification law. (*Sixteenth Biennial Report*)

However, the Board did not use its statutory authority to correct the situation. Although the legislature had given it power to adopt all necessary rules to govern assessors, the Board issued no body of rules to guide assessors between 1923 and 1962. The Board did, with the assistance of the assessors' professional association, compile assessment guides and valuation schedules for various property and distribute them to assessors, but it did not make their use mandatory. Nor did the Board ever during these 40 years use its power to begin proceedings against a county assessor who violated state law by assessing at less than full cash value. In fact, the Board itself violated this law by lowering assessments to bring them down to the statewide average. Even when the legislature passed a Reclassification and Reappraisal Act in 1957 to bring residential property assessments to full value, the Board and assessors determined what fraction of this new value would be used. A legislative committee called this action "entirely unacceptable" and "beyond the power of the legislature to give the State Board of Equalization the arbitrary power to require (fractional assessment)," but it was uncertain how to correct the situation. The committee finally decided that the only way to control assessment was to establish fractional assessment by statute. Members argued that legislators would at least be aware of and consider what fraction of full value was to be used under this system. However, the subcommittee's proposed bill did not pass.

By 1960, the county assessors and the State Board of Equalization had totally usurped legislative control over assessment. The Board's annual meeting with assessors—established by statute as a training session the Board held for

assessors—continued as a “legislature” in which tax policy was set. The Board and assessors became local government “budget watchers,” who felt it was their duty to limit the amount of tax cities and counties could raise under the statutory maximum mill levies. A Board member later testified before a Congressional committee investigating Montana’s assessment procedures that the Board’s and assessors’ purpose was to alter existing statutory taxing and bonding limitations by making them more restrictive than contemplated by law. (Subcommittee on Intergovernmental Relations hearing, Billings, 22 August 1972)

Even the Montana Supreme Court came to disregard the legislature as the proper body to set standards for assessment and taxation. In a 1965 decision, which extended and made explicit a decision issued in 1960, the court held that the State Board of Equalization had the constitutional authority to compel fractional assessment of property and that legislative control over the Board and assessment procedures was “directory” only. The court based its decision on the belief that the legislature and court had left the fractional assessment rates used by the county assessors and the Board unchallenged for so long that the practice had become acceptable.

This decision was puzzling to many in light of the legislature’s past attempts to end fractional assessment and the court’s 1931 ruling (which stood until 1960) that fractional assessment was illegal. However, the legal profession’s puzzlement over this decision was small compared to citizen bewilderment when their tax assessment notices arrived. Statute said that houses were assessed at 100% of full value and taxed at 30%, but the assessors and the Board had arrived at an agreement that 40% of 95% of the house’s market value determined the house’s assessed value, to which was applied the statutory tax rate of 30% and the mill levy. By law, a house valued at \$10,000 should pay \$600 if the local mill levy was 200 ($\$10,000 \times 30\% \times 200$ mills), but it actually paid only \$228 ($\$10,000 \times 95\% \times 40\% \times 30\% \times 200$ mills). Most taxpayers assumed they had received a “tax break” and left well enough alone, not realizing that everyone was getting the same “break” and higher mills were being levied to compensate. Had the taxpayer wished to pursue the matter, he would have had difficulty. The rules of assessment were not printed in any public document and assessors were often reluctant to tell citizens the formula that was used. One legislator reported that the State Board of Equalization refused to tell even him what fractional assessments were used!

Clearly, administrative discretion was almost unbounded at this point. Citizens had superficial safeguards: they could appeal their assessments through a procedure established by statute. But they were not allowed to know the standards and procedure used to determine the assessments. Such safeguards were not, in fact, any safeguard at all.

Prodded by legislative outcry over this secrecy and assured of judicial sanction for fractional assessment, the Board did begin to publish its rules in the early 1960’s and to require that assessors follow them. While this was in one sense a step toward structuring assessors’ discretion, the

rules were in direct conflict with statute. Section 84-401 still required all property to be assessed at 100% of full cash value, while a Board rule published in 1962 directed assessors to value agricultural land on its productive capacity rather than its full cash value and a 1963 rule ordered assessors to value all residential property at 40% of full value. The 1962 rule lowered the taxable value of agricultural land to 6% of market value, since productive capacity averaged 20% of market value. Residential property’s taxable value under the Board’s rule was 12% ($40\% \times 30\%$). The legislature had established the same tax for both types of property, but the Board’s rules had effectively doubled the burden on residential property compared to agricultural land.

When 26 assessors refused to follow the 1962 rule, the Board brought an original proceeding in the Supreme Court to force its use. The court held the rule invalid because the Board had not held public hearings prior to its issue as section 84-710 required, but the court did *not* question the Board’s authority to make such a rule directly conflicting with statute. It is noteworthy that the Board’s legislative grant of authority to make substantive rules read: the Board “may prescribe rules and regulations, *not in conflict with the constitution and laws of Montana . . .*” (emphasis added). (84-708)

One observer commented forcefully on this “odd species of administrative rule-making” in 1973:

The State Board of Equalization, by its alteration and disregard of the legislature’s statutory tax and spending policy, considers its legislative rule-making power to be superior to that of the legislative branch of government. Through the 40% rule the State Board has denominated itself a “fourth branch” of state government. (Sullivan, “Real Property Assessment in Montana,” *34 Montana Law Review* 305)

So the matter stood in 1972 when the Constitutional Convention met. The assessed value of agricultural land had dropped 27% between 1925 and 1970, although real estate sales showed a 300% increase. Residential property was valued as low as 12% of market value in some counties and as high as 32% in others. The Convention’s Committee on Revenue and Finance was, however, determined that this situation should not continue. Its report asserted that:

The details of any tax administration system should be left to the legislature, which is best qualified to develop the most efficient, modern and fair system necessary for the needs of the day. Tax administration should be established by the legislature and administered by the executive branch of government, not by a constitutional board which is immune from control by the people. A constitutionally enshrined board is less answerable for its activities and is freer to ignore the mandates and directives of the legislative assembly.

The Convention concurred. The new constitution omitted any mention of the State Board of Equalization. Instead, article VIII, section 3 provides “The state shall appraise, assess, and equalize the valuation of all property which is to be taxed in the manner provided by law.” Section 4 reinforces the state’s control by requiring that “All taxing jurisdictions shall use the assessed valuation of property

established by the state." The next legislature implemented these provisions by designating the assessors as "agents of the department of revenue" and stating that "The department of revenue shall have full charge of assessing all property subject to taxation and equalizing values . . ." (84-402)

The new constitution at last resolved the basic problem of property tax assessment administration: assessors, while still elected, are now agents of the state and must follow assessment procedures set by the Department of Revenue. Instead of a three-member Board with a small staff overseeing assessors' decisions, the Department of Revenue can use its large trained staff to assist and supervise local assessors.

The legislature was finally in a position to control the standard of assessment as well as the tax rate. The 1973 legislature did not, however, rise to the challenge. Fearing to do "too much too fast," the legislature gave the Department of Revenue the power in statute which the former State Board of Equalization had by constitutional amendment (Article XII, Section 15). This was the section upon which the Supreme Court based its argument that the Board had the power to establish fractional assessments. A bill to require that "all taxable property must be assessed at its full cash value and not at any percentage thereof" did not get out of committee.

The Department of Revenue was, understandably, reluctant to take the giant step of raising all assessments to full cash value without a clear legislative mandate. The passage of the 1973 act seemed to be a mandate for quite the opposite—continued fractional assessment. In late 1972 and early 1973, the Department promulgated over 50 pages of rules in the newly-established Montana Administrative Code, containing the written and unwritten rules the Board of Equalization had used. These rules were all based on a fractional assessment of full cash value.

The legislature itself adopted some of the Board's rules of fractional assessment, enacting them into statute. The 1973 session amended 84-401 to read "All taxable property must be assessed at its full cash value *except the assessment of agricultural land shall be based upon the productive capacity of the land when valued for agricultural purposes . . .*" Supporters argued that the reduced tax rate the Board had granted agricultural land might help conserve it. Two years later, the legislature further amended the section by enacting the Board's 40% rule: "All taxable real property must be assessed at 20% of its full cash value . . ." The Department of Revenue had requested the amendment because one large county refused to recognize the Department's rule that real property must be assessed at 40% of its full cash value and taxed at 30%, which was to its taxpayers' definite advantage in school equalization funding.

By passing these amendments, the legislature at last formally recognized in statute fractional assessment. The amendments increased legislative control in that both the standard of assessment and the tax rate were set in statute. However, personal property continued in its legal limbo. No standard for its assessment was set in statute, but

Department rules required assessment at various fractional rates.

A legislative subcommittee, appointed in 1975 to consider the equity of the various tax rates contained in the property tax classification system, discovered that the recent amendments had done little to end the confusion surrounding property tax assessment. After studying the Department's rules for several months, the subcommittee found that 23 different tax rates were being applied to property, instead of the 11 established by law. Members concluded that the question of equity could not even be approached until 1) the legislature knew what the effective rate of tax (as modified by Department rules) was for each type of property and 2) the legislature controlled both the assessment rate and the tax rate. Members further concluded that the standards of assessment and the procedures for taxation must be simplified so that both legislators and citizens would easily understand the basis of taxation when they began discussing the difficult question of equity among the classes.

With these objectives in mind, the subcommittee recommended changes in both the standard of assessment and the tax rates. It substituted "market value" for "full cash value" as the standard for assessing since market value "is one of the few concepts of value with a concrete meaning, understood by all persons who buy and sell goods." The subcommittee's bill removed property that is rarely sold from this requirement and provided an alternate, well-defined standard of assessment for each case. Hoping to end the days of fractional assessment forever, the subcommittee clearly defined market value and included in its bill the provision that "the Department of Revenue or its agents may not adopt a lower or different standard of value from market value (except as expressly exempted) in making the official assessment and appraisal of the value of property . . ." (84-401). The bill then dropped the tax rates for property to the effective rates the Department was setting through its rules. Thus, a car, which under the existing system was assessed (by rule) at 66 2/3% of market value and taxed at 20% (statute), had an effective tax rate of 13.3%. The subcommittee's bill raised the assessment level to 100% of market value and set the tax rate at 13.3%. The bill's intent was to keep the tax rate the same for all types of property as it had been under the then-existing rules.

The Department of Revenue firmly supported the bill during the session, seeking law that would end its anomalous position by giving legislative mandate to raise assessments to full value. The bill passed the House 94 to 1 and the Senate 47 to 0. The Department is revising its administrative rules and valuation schedules to comply with this new law. The legislature's Revenue Oversight Committee has reviewed most of these rules to determine whether they are consistent with legislative intent. Committee members are currently studying the equity of the tax rates set in the property tax classification system, confident that they understand the effective rates of taxation and control them.

Thus, for the third time, the legislature has changed statute to reflect administrative practice. As a study of

"realities about the administration of government programs," the history of property tax assessment may be more in having statute flow from administrative policy-making rather than legislative policy-making direct administrative procedures. However, all government programs involve a mixture of statute, rule, and discretion. If programs are to meet changing conditions, statutes must be changed as administrators find new circumstances and legislators formulate new policy. Citizens' needs for open, predictable, and useful law can be met when legislators exercise control over agencies by carefully structuring administrative responsibility and by reviewing agency rules and agencies, in their turn, inform legislators of changing circumstances and gaps between theory and practice.

In the case of property tax assessment, legislators—frustrated by trying to change tax policy when they didn't have control over the most basic element (assessment), but mindful of the profound economic effect of requiring assessors to meet the letter of the law after nearly a century of fractional assessment—had to recognize that two steps were necessary before the situation could be resolved. The structure of tax administration had to be changed so that assessors and the Department were obligated to follow legislative decision and, secondly, the legislature had to enact into law what assessors were actually doing. This gave the legislature control over property tax assessment and procedure without risking citizens' need for continuing,

predictable tax policy. In essence, the legislature had to compromise with the existing practice before it could gain the control necessary to structure assessors' discretion.

Now, it appears that the correct mixture of statute, rule, and discretion exists in the property tax assessment program. The legislature has established clear standards of assessment. The Department of Revenue has the authority to adopt substantive rules, detailing the best methods of assessment. Assessors may use their judgment within these standards and rules to value individual property. If the rules are inadequate to value certain property, assessors can report this to the Department. The Department can request legislation if a gap between statute and reality develops. The legislature, in its turn, can review the Department's rules, evaluate its administration of the statutes, and seek its advice. This system seems to incorporate the necessary checks on power while offering a chance for growth in the law to meet changing circumstances.

However, active cooperation and vigilance by each branch of government is still necessary. Montana has a century-long history of conflict between statute and administrative practice in property tax assessment. Whether the recent changes, designed to structure the discretion exercised by the Department of Revenue and the county assessors, are sufficient to prolong the past year's harmony between statute and rule into a new century remains to be seen.

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MONTANA PUBLIC AFFAIRS REPORT

Bureau of Government Research--University of Montana

James J. Lopach, Director

Thomas Payne, Editor

The Report presents the results of research and responsibly developed recommendations on matters of public concern. The statements and opinions expressed are the responsibility of the contributing authors and do not reflect positions of the Bureau or the University unless so indicated. Published bimonthly during the academic year. Single copies or subscriptions available on request.

To increase profits, all state-owned sales outlets graded between seven and 10 should be immediately converted to agency operation. While the costs of agency commissions are estimated at \$1.5-million, the saving in salary and operating cost will be about \$1.8-million, producing a net saving of approximately \$300,000 annually.

307. Change special order procedures.

A special order service was initiated because of the state's monopoly on liquor. When a customer requests a non-standard item, an entire case is bought even though the customer may buy only a single unit. Store managers also misuse the procedure to test market products. In both instances, inventory is burdened with slow moving stock.

To control operations and reduce inventories, a central special ordering system should be designed exclusively for customer use. This should include requirements for a deposit and a one case minimum order. Implementation will eliminate slow moving inventory items for an estimated annual saving of \$140,000.

308. Develop a complaint procedure.

Problems go undetected because stores lack a formal customer complaint procedure. One should be developed so complaints can be centrally processed in division offices, then responsibility for corrective action assigned to district managers. Implementation will identify difficulties and improve service.

Property Assessment Division

This division appraises taxable property and ensures uniform county valuations. An \$8.4-million fiscal 1982 budget supported 430 employees plus 15 vacancies. The administrator supervises five bureaus for assessing intercounty, personal, industrial, residential-commercial, and agricultural properties.

High administrative turnover has resulted in a lack of clear direction and has generated an employee morale problem. However, a number of positive steps have recently been initiated to strengthen operations. Inadequate certification procedures and a poor timber assessment system were noted. Also, staff assignments for the statewide reappraisal in progress are not appropriate while time-consuming manual processing is required for real and personal property assessments.

Recommendations

309. Centralize property assessment activities in the state office.

In most counties, complex property tax processing and reporting systems are time consuming and involve many manual procedures. Furthermore, the state pays personnel and operating expenses for assessments. Cascade County has installed an advanced computer program for property assessments which has simplified procedures. However, attempts by 14 other counties to automate have resulted in high costs, little equipment compatibility, and few staff reductions.

To increase efficiency and control costs, property assessment activities should be centralized. The following measures are required for implementation:

- Place the Cascade County system, with modification, on the Department of Administration computer so all forms will be centrally initiated and processed.
- Enter all personal and real property data from the 56 counties.
- Employ a staff of 20 to enter data on a regular basis.
- Create an audit and information section to supervise compliance and provide information.
- Use computer printouts for county taxable property reports.
- Retain county assessors at reduced compensation until a constitutional amendment can eliminate their necessity. Transfer existing support staff to the mass property reappraisal program in progress, leaving county offices permanently staffed with only one clerk and required appraisers.

One-time equipment and programming costs are estimated at \$289,000 while annual operating costs will be an additional \$1.8-million. However, an annual saving of \$4.7-million in supplies, equipment and salaries will offset this.

310. Require staff assessor certification.

Personal property assessments vary throughout the state. A lack of training and certification programs for staff assessors causes these inequities and resulting taxpayer appeals. Therefore, the Personal Property Bureau should establish certification standards and initiate a required training program.

The initial one-time training cost for the current staff will be approximately \$29,000. Continued training for new employees will require an additional \$4,000 annually. However, implementation of this proposal will reduce appeals by ensuring statewide uniformity in assessment procedures.

311. Reevaluate the timber appraisal system.

Outdated timberland assessment methods encourage poor timber management. Valuations are based on the number of trees remaining in a given area. Therefore, clear-cutting produces a tax advantage and reforestation causes assessments to raise.

To solve this problem, a productivity system should be substituted. Since all timberlands must be reevaluated to provide an assessment base, a study should be commissioned to develop a cost/benefit analysis for an appropriate reclassification procedure. The one-time cost is estimated at \$15,000. However, implementation will ensure timberland assessment accuracy on a fair basis.

WORK PROGRESS REPORT SUMMARY

MONTH _____ YEAR _____

COUNTY _____ AREA # _____ # APPRAISERS _____

FIELDWORK

	Lots & Tracts	Residential	Mobile Homes	Commercial	Agricultural Improvements (Farmsteads)	Agricultural Land (Acres)
Total completed for month						
Total planned for month						
Difference (+ or -)						
Total Appraisals made to date (since 1-1-82)						
Total Appraisals planned to date (since 1-1-82)						
Difference (+ or -)						
Total Appraisals to be made for cycle (1-1-82 to 1-1-86)						
% Completed						

VARIANCE HOURS

		Comments:
VARIANCE FACTORS:	TOTAL HOURS	
1 Taxpayer Assistance		
2 Appeals		
3 Leaves of Absence —Sick Leave —Vacation		
4 Weather Conditions		
5 Transportation Problems		
6 Special Project Assignments		
7 Holidays		
8 Position Vacancy		
Other _____ (Describe)		

OFFICE WORK

# Clerks _____	Ownership Changes/Splits	Mapping	Lots & Tracts	Residential	Mobile Homes	Commercial	Agricultural Improvements (Farmsteads)	Agricultural Land
Total hours completed for month								
Total hours planned for month								
Difference (+ or -)								
Total hours worked to date (since 1-1-82)								
Total hours planned to date (since 1-1-82)								
Difference (+ or -)								
Total Hours to be worked for cycle (1-1-82 to 1-1-86)								
% Completed								



STATE OF MONTANA
DEPARTMENT OF REVENUE
PROPERTY ASSESSMENT DIVISION

PROBATIONARY PERIOD

A probationary period of one year has been established for each new hire of the Department of Revenue - Property Assessment Division. At the conclusion of this period, a review of performance and an assessment of the position will be made.

A one year work experience in a position will allow time for an employee to become oriented to the responsibilities of the position as well as give an opportunity to prove performance.

The employment may be terminated during the probationary period by a decision of the employee and/or the employer and no evaluation documentation will be required.

This condition of employment is a consistent application of Policy No. 3-0505, Rule 9.01, Montana Operations Manual.

Date of Hire: _____, 19__

Probation Ends: _____, 19__

Employee: _____ Date: _____, 19__

Supervisor: _____ Date: _____, 19__

Bureau Chief: _____ Date: _____, 19__



CONDITION OF EMPLOYMENT AGREEMENT

APPRAISAL SUPERVISOR

_____ (hereinafter referred to as the Employee)
and the Department of Revenue (hereinafter referred to as DOR),
in consideration of the promises exchanged herein, do hereby
agree that:

I.

The Employee must become certified as a residential apprais-
er, as a commercial appraiser, and as an agricultural/timber
classifier pursuant to the criteria enunciated hereinafter.

II.

The statutory authority to require such certification is
found in 15-7-107, MCA.

III.

Certification criteria shall be as follows:

1. The Employee must hold a certificate in residential
appraising.

2. The Employee shall attend the first residential training
session offered by DOR after commencement of employment. Satis-
factory completion of the residential training session shall
include successful completion of the written examination offered
at the conclusion of the residential training session. If the
Employee should fail to successfully complete the written exami-
nation, attendance at the next residential training session shall
be required. Failure to successfully complete the written

examination on the second attempt shall result in immediate termination of employment.

3. The Employee shall prepare a written narrative report within six months after successful completion of the residential training session specified in paragraph III-2 hereinabove. The DOR will allow up to forty (40) hours of administrative leave to the Employee for completion of the report. Within two (2) months after submission of the report by the Employee, DOR shall notify the Employee whether or not it is satisfactory. If the report should be unsatisfactory, the Employee shall have two (2) months from the date of notification in order to correct and resubmit the report. No additional administrative leave shall be granted for this purpose. Failure to successfully complete a written narrative report shall result in immediate termination of employment.

4. Upon commencement of employment with the Department of Revenue, the Employee shall undertake a one-year period of on-the-job appraisal work. During this period, the Employee shall be in a probationary status in order to insure that the Employee has the aptitude for appraisal work. Such work shall be supervised by DOR. Failure to perform said appraisal work in a satisfactory manner at any time during the one year period shall result in immediate termination of employment.

IV.

The criteria enunciated in Paragraph III may be waived, in writing, by the Department of Revenue if the Employee presents evidence that the criteria have been previously completed in a satisfactory manner.

DISTRIBUTION: ORIGINAL - Personnel File 1ST COPY - Employee
2ND COPY - Bureau File

V.

1. Upon successful completion of elements III-1, 2, 3, 4, hereinabove, the Employee shall attend the first scheduled agricultural/timber training session. Satisfactory completion of the agricultural/timber training session shall include successful completion of the written examination offered at the conclusion of the agricultural/timber training session. If the Employee should fail to successfully complete the written examination, attendance at the next agricultural/timber training session shall be required. Failure to successfully complete the written examination on the second attempt shall result in immediate termination of employment or demotion to a residential appraisal position if available.

2. The Employee shall prepare a written narrative report within six months after successful completion of the agricultural/timber training session specified in Paragraph V-1 hereinabove. The Department of Revenue will allow up to forth (40) hours of administrative leave to the Employee for completion of each report. Within two (2) months after submission of the report by the Employee, the Department of Revenue shall notify the Employee whether or not it is satisfactory. If the report should be unsatisfactory, the Employee shall have two (2) months from the date of notification in order to correct and resubmit the report. No additional administrative leave shall be granted for this purpose. Failure to successfully complete a written narrative report shall result in immediate termination of employment or demotion to a residential appraisal position if available.

3. Upon successful completion of elements 1 and 2 hereinabove, the Employee shall undertake a one-year period of on-the-job agricultural/timber classification work. The commencement of the year experience requirement will coincide with the employee's notification of being assigned agricultural/timber classification responsibilities. All work will be supervised by the Department of Revenue. Failure to perform said classification work in a satisfactory manner at any time during the one year period shall result in immediate termination or demotion to a residential appraisal position if available.

VI.

The criteria enunciated in Paragraph V may be waived, in writing, by the Department of Revenue if the Employee presents evidence that the criteria have been previously completed in a satisfactory manner.

VII.

In the event that the Employee should be unable to attain a certificate as an agricultural/timber classifier, pursuant to the terms of this Agreement, his/her employment by the Department of Revenue must be terminated or he/she must be demoted to a residential appraiser position if available.

VIII.

1. Upon successful completion of elements V-1, 2, 3, hereinabove, the Employee shall attend the first scheduled commercial training session. Satisfactory completion of the commercial

training session shall include successful completion of the written examination offered at the conclusion of the commercial training session. If the Employee should fail to successfully complete the written examination, attendance at the next commercial training session shall be required. Failure to successfully complete the written examination on the second attempt shall result in immediate termination of employment or demotion to a residential appraisal position or an agricultural/timber classifier position if available.

2. The Employee shall prepare a written narrative report within six months after successful completion of the commercial training session specified in paragraph VIII-1 hereinabove. The Department of Revenue will allow up to eighty (80) hours of administrative leave to the Employee for completion of the report. Within two (2) months after submission of the report by the Employee, the Department of Revenue shall notify the Employee whether or not it is satisfactory. If the report should be unsatisfactory, the Employee shall have two (2) months from the date of notification in order to correct and resubmit the report. No additional administrative leave shall be granted for this purpose. Failure to successfully complete a written narrative report shall result in immediate termination of employment or demotion to a residential appraisal position or an agricultural/timber classifier position, if available.

3. Upon successful completion of elements 1 and 2 hereinabove, the Employee shall undertake a one-year period of on-the-job commercial appraisal work. The commencement of the year experience requirement will coincide with the Employee's notification of being assigned commercial appraisal responsibilities. All work will be supervised by the Department of Revenue. Failure to perform said appraisal work in a satisfactory manner

shall result in immediate termination or demotion to a residential appraisal position or an agricultural/timber classifier position, if available.

IX.

The criteria enunciated in Paragraph V III may be waived, in writing, by the Department of Revenue if the Employee presents evidence that the criteria have been previously completed in a satisfactory manner.

X.

In the event that the Employee should be unable to attain a certificate as a commercial appraiser, pursuant to the terms of this Agreement, his/her employment by the Department of Revenue must be terminated or he/she must be demoted to a residential appraiser position or an agricultural/timber classifier position, if available.

IN WITNESS WHEREOF we have set our hands this _____ day of _____, 19__.

EMPLOYEE

DEPARTMENT OF REVENUE

rw36

PETITION IN SUPPORT OF HOUSE BILL 218

TO: The Honorable Jan Brown

We, the undersigned employees of the State of Montana do hereby show our support of House Bill 218 to abolish Columbus Day (the 2nd Monday in October) as a holiday and designate the fourth Friday in November (the day following Thanksgiving) as a holiday.

1. Ruth Ann Poop 20. _____
2. George M. Schunk 21. _____
3. Denise Peterson 22. _____
4. Haralyn Ariswell 23. _____
5. Pamela W. Fugate 24. _____
6. Judy Sengmy 25. _____
7. Annie M. Bator 26. _____
8. Cindy White Hawk 27. _____
9. Antis L. Bewolder 28. _____
10. Antonio Vazquez 29. _____
11. Judy J. Keintz 30. _____
12. Michael Oblat 31. _____
13. Nancy M. Johnson 32. _____
14. Carol Kaden 33. _____
15. Leo J. Ellison 34. _____
16. _____ 35. _____
17. _____ 36. _____
18. _____ 37. _____
19. _____ 38. _____

THIS IS NOT BEING CIRCULATED BY REPRESENTATIVE JAN BROWN

Please circulate and send all signed sheets to: Representative Jan Brown
Capitol Station
Helena, MT 59620

(Make photocopies - if needed - for additional signatures)

PETITION IN SUPPORT OF HOUSE BILL 218

TO: The Honorable Jan Brown

We, the undersigned employees of the state of Montana do hereby show our support of House Bill 218 to abolish Columbus Day (the 2nd Monday in October) as a holiday and designate the fourth Friday in November (the day following Thanksgiving) as a holiday.

1. Janis A. Shick 20. _____
2. Sandy Voyteski 21. _____
3. Sharon Stephenson 22. _____
4. Luke Dana 23. _____
5. Debbie Gibson 24. _____
6. Marcia Jean 25. _____
7. Jim Peltier - DOR/CSEP 26. _____
8. Jim Thompson - DOR/CSEP 27. _____
9. Kerry J. Campbell - DOR/CSEP 28. _____
10. Richard Christian 29. _____
11. Alamnia Moore 30. _____
12. _____ 31. _____
13. _____ 32. _____
14. _____ 33. _____
15. _____ 34. _____
16. _____ 35. _____
17. _____ 36. _____
18. _____ 37. _____
19. _____ 38. _____

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Helena, MT 59620

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PETITION IN SUPPORT OF HOUSE BILL 218

TO: The Honorable Jan Brown

We, the undersigned employees of the state of Montana do hereby show our support of House Bill 218 to abolish Columbus Day (the 2nd Monday in October) as a holiday and designate the fourth Friday in November (the day following Thanksgiving) as a holiday.

- | | |
|------------------------------|-----------|
| 1. <u>Karen Crawford</u> | 20. _____ |
| 2. <u>[Signature]</u> | 21. _____ |
| 3. <u>[Signature]</u> | 22. _____ |
| 4. <u>L. M. "Peg" Prince</u> | 23. _____ |
| 5. _____ | 24. _____ |
| 6. _____ | 25. _____ |
| 7. _____ | 26. _____ |
| 8. _____ | 27. _____ |
| 9. _____ | 28. _____ |
| 10. _____ | 29. _____ |
| 11. _____ | 30. _____ |
| 12. _____ | 31. _____ |
| 13. _____ | 32. _____ |
| 14. _____ | 33. _____ |
| 15. _____ | 34. _____ |
| 16. _____ | 35. _____ |
| 17. _____ | 36. _____ |
| 18. _____ | 37. _____ |
| 19. _____ | 38. _____ |

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Helena, MT 59620

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PETITION IN SUPPORT OF HOUSE BILL 218

TO: The Honorable Jan Brown

We, the undersigned employees of the state of Montana do hereby show our support of House Bill 218 to abolish Columbus Day (the 2nd Monday in October) as a holiday and designate the fourth Friday in November (the day following Thanksgiving) as a holiday.

1. Mary Keckely 20. _____
2. Mary Ann Beggs 21. _____
3. Helen K. Kettel 22. _____
4. Tona Samely 23. _____
5. Louise M. Ross 24. _____
6. Pauline D. James 25. _____
7. Joe Spurgeon 26. _____
8. Linda Watson 27. _____
9. Wynne D. Washburn 28. _____
10. Barbara Crawford 29. _____
11. Marilyn J. Johnson 30. _____
12. Stanley Dean Robertson 31. _____
13. Karen Zaehlein 32. _____
14. Marian Campbell 33. _____
15. Wynn Wilson 34. _____
16. _____ 35. _____
17. _____ 36. _____
18. _____ 37. _____
19. _____ 38. _____

THIS IS NOT BEING CIRCULATED BY REPRESENTATIVE JAN BROWN

Please circulate and send all signed sheets to: Representative Jan Brown
Capitol Station
Helena, MT 59620

(Make photocopies - if needed - for additional signatures)

Proposed amendments by Jan Brown

Amendment to HB 218

1. Page 1, line 25.

Following: "(j) the"

Strike: "fourth Friday in November, the day"

Insert: "Friday"

Rep. Lory

Proposed Amendments to HB 146:

1. Title, line 10.

Strike: "RAISING"

Insert: "REMOVING"

Strike: "NUMBER OF"

Insert: "REQUIREMENT FOR DEPARTMENTAL CONCURRENCE ON CERTAIN"

Strike: "HANDLED INFORMALLY"

2. Page 2, line 8.

Following: "delegate"

Insert: "on a project-by-project basis"

LOIS2/ee/Amendments to HB 146

Proposed amendments by Jan Brown

Amendment to HB 218

1. Page 1, line 25.

Following: "(j) the"

Strike: "fourth Friday in November, the day"

Insert: "Friday"

WITNESS STATEMENT

NAME Frank M. Barker BILL NO. 304
ADDRESS 8 S. Weiss, Concord DATE 1/23/85
WHOM DO YOU REPRESENT? Montana Assessors Assoc.
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*The majority of the members support
H B 204.*

WITNESS STATEMENT

NAME ART KORN BILL NO. HB 197
ADDRESS 1914 SHERMAN BT MT 59701 DATE JAN-23-85
WHOM DO YOU REPRESENT? MONT STATE VOL FIRE ASSOC
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

DELIVERED TO Rep QUILICI & WALTER SALES
Jim Durbin - Butte