



Revenue and Transportation Interim Committee

64th Montana Legislature

SENATE MEMBERS

FRED THOMAS--Chair
DICK BARRETT
MARK BLASDEL
BRIAN HOVEN
CHRISTINE KAUFMANN
SUE MALEK

HOUSE MEMBERS

TOM JACOBSON--Vice Chair
JEFF ESSMANN
GREG HERTZ
RAE PEPPERS
ALAN REDFIELD
BRIDGET SMITH

COMMITTEE STAFF

MEGAN MOORE, Lead Staff
JARET COLES, Staff Attorney
FONG HOM, Secretary

September 12, 2016

Laurie Logan
Department of Revenue
Director's Office
P.O. Box 7701
Helena, MT 59604-7701

RE: Public Comment -- Suggested Committee Amendment to MAR 42-2-956

Dear Ms. Logan:

This public comment is submitted to you on behalf of the Revenue and Transportation Interim Committee (RTIC). Pursuant to section [2-4-402](#), MCA, legislative administrative rule committees are required to review all proposed rules filed with the Secretary of State. The RTIC, in turn, is specifically charged by section [5-5-227](#), MCA, to rule review proposals from the Department of Revenue. One of the statutory powers available to the RTIC under section [2-4-402\(2\)\(b\)](#), MCA, is submission of written recommendations regarding amendment of a proposed rule at a rulemaking hearing.

On the morning of September 8, 2016, the RTIC reviewed MAR [42-2-956](#), and members of the committee expressed concerns with the proposed amendment to subsection (7) of ARM 42.20.173. This proposed amendment provides as follows:

(7) The department will deny a property owner's Form AB-26 if no response to the department's final written request to either schedule an appointment or provide additional documentation is received within 14 working days from the date on the request.

After considerable debate, including a series of questions and answers from Director Mike Kadas and Property Tax Administrator Cynthia Moore, the RTIC passed a motion instructing staff to submit comments to the Department regarding the proposed amendments to ARM 42.20.173(7). The committee discussion around this issue lasted approximately 28 minutes and is matter of public record. If the Department desires to listen to the discussion in full, a recording can be found online on the [RTIC website](#) starting at 1:54:40 and ending at 2:23:15.

A summary of the meeting and the eventual motion can be summed up as follows. RTIC requests that the Department amend ARM 42.20.173 in a manner that ensures a taxpayer will know when a written notice asking for an appointment or for additional information is the taxpayer's "final written notice", and that the failure to respond to the notice will result in issuance of a denial letter that can be appealed to the County Tax Appeal Board. Additionally, the committee expressed a concern that the first written notice that is received by a taxpayer should not be the "final written notice".

The RTIC appreciates the Department's consideration of this issue.

Sincerely,

Jaret R. Coles
Legislative Staff Attorney
Revenue and Transportation Interim Committee