

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

February 15, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 15 at 9:37 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: William Penttila, State Fire Marshall Bureau; Mike McGrath, Attorney General's Office; Ron Hetrick, State Fire Marshall Bureau; Bruce Houston, State Fire Marshall Bureau; James Brown, Crossman-Whitney-Griffin, Arch.; David Hagstrom; W. James Kembel, Department of Administration; Delmont C. Thurber, Montana Building Codes Advisory Council; Gene Huntington, OBPP; Willard Johnson; Jack Crosser, Department of Administration; Phil Hauck, Department of Administration; Ellen Blake; Bette Hostad; Andy VanTeylingen; Ray White, Montana County Assessors Association; Creath Tooley; Montana County Assessors Association; Harley Warner, Helena; Al Thelen, Helena; Glen Drake, League of Cities and Towns.

CONSIDERATION OF SENATE BILL 401: Senator Lowe, District 33, Sponsor of Senate Bill 401, stated the bill would put together the building codes, fire regulations and safety under one department, Department of Administration. He stated the bill applies only to public buildings outside the municipalities. Gene Huntington, Office of Budget and Program Planning, testified in support of Senate Bill 401 stating there are 12 different building codes for the state plus whatever the local level chooses. He stated there is a tremendous amount of duplication with several agencies looking at the same building. Jim Kembel, Department of Administration, stated there is conflict between some of the existing codes and Senate Bill 401 would do away with conflicting codes by having one state-wide building code. He stated Senate Bill 401 does provide the right for counties to enforce the codes. He stated people would only have to buy one permit instead of several. Sonny Hanson, Montana Technical Council and Dale Thurber, Montana Building Advisory Council, testified in support of Senate Bill 401.

Mike McGrath, Attorney General's Office, supported the concept of the bill but was opposed to moving the Fire Marshall's Office from the Department of Justice to the Department of Administration. He proposed the following amendment to Senate Bill 401, amend page 12, section 7, line 10, following: "association" insert: "uniform fire

code". Dean Zinnecker, Montana Association of Counties opposed total control by the state with no flexibility at the local level. He stated the definition of county is not included in Senate Bill 401. Mr. Zinnecker proposed amendments to Senate Bill 401 (attached). Harley Warner, Helena City Commissioner, opposed Senate Bill 401. He stated that before the city can enforce adopted building codes they must have approval from the Department of Administration. He stated the State of Montana is assuming control over local government. Al Thelen, City Manager, agreed with Mr. Warner's statements.

CONSIDERATION OF SENATE BILL 404: Senator Boylan, Sponsor of Senate Bill 404, gave a brief resume of the bill. Ray White, Montana Association of Assessors, testified in support of Senate Bill 404 stating County Assessors would like the same concessions allowed to other elected county officials. Creath Tooley, Yellowstone County Assessor, testified in support of Senate Bill 404 stating assessors should have the benefit of meeting annually.

Senator Dunkle moved Senate Bill 404 be given a "Do Pass" recommendation. Senator Peterson seconded the motion. The Chairman called for a roll call vote. Senate Bill 404 went out of committee without recommendation.

ADJOURN: The meeting adjourned at 10:57 A.M.

  
Senator George McCallum, Chairman

ROLL CALL

## LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2-10-77

[illegible]

SENATE Local Govt COMMITTEE

BILL 401 & 404

VISITORS' REGISTER

DATE 2-15-77

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Wm Penttila	State Fire Marshal Bure.	401	neither	
MIKE McGRATH	ATTY GENL	401	"	
Ray H. Erickson	STATE FIRE MARSHAL BURE	401	"	
James B. Brown	" " " "	401		
James B. Brown	CROSSMAN-WHITNEY GRIFFIN, ARCH	401	X	
David E. Hagstrom	self	401	X	
W. James Kembel	Dept Admin	401	X	
Delmont C. Thurber	Mont. Bldg Codes Advisory Council	401	X	
Gene Huntington	OB PIO	401	X	
Willard Jones	Self	401	X	
JACK CRASSEN	DEPT. OF ADMIN	401	X	
Phil Hauck	Dept of Admin	401	X	
Sileen Blake		401	neither	
Bette Foster	LWR	401	neither	
Andy van Teylingen	Mont. Univ. System	401	X	
Ray White	Mont. Co. Assessors Assoc.	404	X	
Clifford Torday	" " " "	404	X	
Harley Warner	CITY OF HELENA	401		
Clifford Torday	city of Helena	401	X	
Blair Drake	League of Cities & Towns	401		

NAME: J. J. Jenkins DATE: 2-6-68

ADDRESS: Chen

PHONE: 442 509

REPRESENTING WHOM? Mr. Asst. of Co.

APPEARING ON WHICH PROPOSAL: FD 401

DO YOU: SUPPORT?                      AMEND?                      OPPOSE?                     

COMMENTS:                     

1. 'county' should be included in definition.

2. 'local legislative body' definition should include

county.

3. By 7, lines 3 thru 6, should be changed so

local codes meet state standards but approved

by state should not be required.

4. By 6, lines 16 thru 18, restricts to 1 unit

By 1, Section 4, no fees authorized for counties.

NAME: MIKE M'GRATH DATE: 2/15/77

ADDRESS: CAPITOL BUILDING 1700 E. VA

PHONE: 2026

REPRESENTING WHOM? ATTY GENL

APPEARING ON WHICH PROPOSAL: SB 401

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: We are concerned regarding the transfer of the Fire Marshall from the Dept. of Justice. However, we do not oppose the bill provided that the arson investigation function of the Fire Marshall be retained within the Dept of Justice. We would suggest an amendment creating an arson investigation bureau w/in Justice and staff that Bureau w/ 3 current members of the Fire Marshall staff who currently investigate Arson.

NAME: William Penttila DATE: 2/15/77

ADDRESS: 1409 Helena Ave

PHONE: 449-2050

REPRESENTING WHOM? State Fire Marshal

APPEARING ON WHICH PROPOSAL: SB 401

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: I have serious reservations regarding this bill - but am in support of the concept.

The reservations are that movement of the Fire Marshal to the Dept of Adm. will dilute the effectiveness of the present program of attempting to reduce the fire loss we are experiencing in Montana (in excess of 15 million annually)

We propose to amend to keep the arson investigation in the Dept of Justice if at all possible. We hope we can do this with the help of the committee.

We are concerned that the bill will reduce the ability of the Fire Marshal to enforce codes

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-15-77 Senate Bill No. 404 Time 10:57

NAME	YES	NO
George McCallum, Chairman	✓	
Robert Watt, Vice Chairman		✓
Pete Story		
Frank Dunkle	✓	
Lloyd Lockrem		✓
Bob Peterson	✓	
Cornie Thiessen		✓
Bill Thomas		

Mary Miller  
Secretary

Chairman

Motion: Senate Bill 404 "Do Pass"

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(include enough information on motion—put with yellow copy of committee report.)



# STANDING COMMITTEE REPORT

February 15

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MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 404

Respectfully report as follows: That Senate Bill No. 404

~~SENATE~~  
WITHOUT RECOMMENDATION

*Ba.*