

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 10, 1979

The meeting of the Local Government Committee was called to order by Chairman, George McCallum on February 10, 1979, at 12:30 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senators Conover and Peterson.

CONSIDERATION OF SENATE BILL 366: Senator Fred Van Valkenburg, of Senate District 50, sponsor of Senate Bill 366, told the Committee that this bill did not come out of drafting with the intent he had hoped for, therefore, he asked that Senate Bill 366 be tabled until the new bill, which is being drafted, comes to the Committee.

A motion was made by Senator O'Hara that Senate Bill 366 be tabled. Motion carried.

CONSIDERATION OF SENATE BILL 356: Senator Thomas Towe, of Senate District 34, sponsor of Senate Bill 356, could not attend the hearing because of previous commitments. In the absence of Senator Towe, Jim Jensen, representing the Montana Magistrates Association, gave a brief resume of the bill. This bill is an act to require salaries of city judges and county justices not to be less than salaries for the Clerk of the Court. Mr. Jensen offered some amendments to the bill. He suggested that city judges be taken out of the bill completely, and that on page 2, lines 7-15 be deleted. Mr. Jensen pointed out that there is wide disparity between magistrates and the justices of the peace.

Mike McCabe, representing the Montana Magistrates Association, stated his support of the bill for the following reasons. Justices of the peace are not required to have a law degree, however, it is a tough job, if he isn't a lawyer. Justices of the peace are a constitutionally ordained group, just like supreme and district judges. Mr. McCabe stated he is concerned about the disparity between the counties, especially the smaller counties. He also commented that perhaps if the salaries were larger, the quality of justices would be improved.

Walter Hammermeister, representing the Montana Sheriffs and Peace Officers Association, stated that their county j.p. courts are the only courts the people are satisfied with and have some confidence with. The crime rate in his area is only about 50% of what it was. Mr. Hammermeister wholeheartedly supports Senate Bill 356.

With no further proponents, Chairman McCallum called on the opponents.

Mr. R. Dean Zinnecher, representing the Montana Association of Counties, stated that he is confused by this bill and that it needs to be clarified, as some of the language is foggy.

Dan Mizner, representing the Montana League of Cities and Towns, stated that he had signed in as an opponent, however he is in favor of the amendment which would remove the city judges from the bill.

With no other further opponents, Senator McCallum called on Mr. Jensen to make the closing remarks. Mr. Jensen stated that he would hope that the Committee would give Senate Bill 256 a "DO PASS" recommendation.

Chairman McCallum then opened the meeting to a question and answer period from the Committee. Discussion was held, however, no action was taken at the time on Senate Bill 256.

DISPOSITION OF SENATE BILLS 306, 314, 337, 340, and 350:
A motion was made by Senator Lockrem that Senate Bills 306, 337, and 350 receive "DO PASS" recommendations from the Committee. Motion carried.

A motion was made by Senator Lockrem that Senate Bills 314 and 340 receive "DO PASS, as amended" recommendations from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 47: This bill is in regard to building codes in the state.

Senator McCallum stated that statewide building codes were adopted two years ago by the Legislature. However, the state does not have enough building inspectors.

Senator Lockrem informed the Committee that this bill would take away double inspection in the state and remove one layer of bureaucracy.

Senator Story stated he objects to the expense to the people building the buildings.

A motion was made by Senator Lockrem that Mike Young's proposed amendment on page 8, line 4, be accepted. Motion carried.

A motion was made by Senator Lockrem that the amendment on page 5, line 21, be accepted. Motion carried.

A motion was made by Senator McCallum that the amendment on page 7, line 24, be accepted. Motion carried.

A motion was made by Senator Lockrem that a new sub-section (12) on page 4, be accepted. Motion carried.

A motion was made by Senator Lockrem that Senate Bill 47 receive a "DO PASS, as amended" recommendation from the Committee. Motion carried. (See attachment)

DISPOSITION OF SENATE BILL 275: A motion was made by Senator Watt that Senate Bill receive a "DO PASS" recommendation from the Committee.

Senator Story stated at the hearing it was stated that Livingston is in favor of this bill, however, this is just not true. Senator Story had done some checking into this matter.

Senator O'Hara stated he felt that there was getting to be too much bureaucracy.

Senator Thomas stated that this is a bad piece of legislation as it eliminates competition and puts powers where they need not be.

Senator Brown asked if Senate Bill 275 could be held until the first of the week in order that Senator Brown and Cliff Christiansen could get together to work on this bill.

Senator Rasmussen agreed that perhaps this bill could be held until the first of the week.

A motion was made by Senator Rasmussen that Senate Bill 275 be held until next week for executive action. Motion carried.

Senator Story commented that he feels this bill is a further distortion of the Platting Act.

DISPOSITION OF SENATE BILL 330: This bill is in regard to enforcement of Montana Subdivision and Platting Act by the attorney general when the county attorney fails to enforce this.

A motion was made by Senator Thomas that Senate Bill 330 receive a "DO NOT PASS" recommendation from the Committee.

It was stated that the Attorney General only prosecutes Workman's Compensation cases.

Senator Watt made a motion to accept the proposed amendments to the bill. Motion carried.

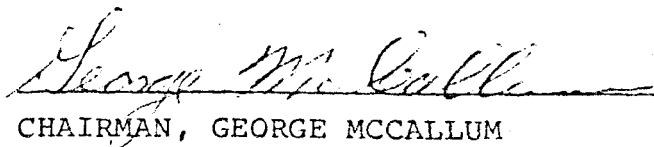
A substitute motion was made by Senator Watt that Senate Bill 330 receive a "DO PASS" recommendation from the Committee. Motion failed. (See attachment.)

Most everyone felt that this bill would have the state interfering in local affairs, and that would not be good.

Senator Thomas' motion of "DO NOT PASS" Senate Bill 275 was voted upon. Motion carried. (See attachment.)

DISCUSSION OF SENATE BILL 229: Dennis Taylor, staff researcher, explained the bill. It will be taken up Tuesday, February 13.

ADJOURN: With no further business the meeting was adjourned at 2:05. The next meeting will be held on Tuesday, February 13, at 12:30 for the consideration of Senate Bills 290, 352, and 353.


CHAIRMAN, GEORGE MCCALLUM

sun Feb 10

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER			✓
JESSE A. O'HARA	✓		
BOB PETERSON			✓
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

SENATE COMMITTEE LOCAL GOVERNMENT

Date February 10 Senate Bill No. 47 Time 1:30

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN	✓	
MAX CONOVER		absent
JESSE A. O'HARA	✓	
BOB PETERSON		absent
A. T. (TOM) RASMUSSEN	✓	
PETE STORY		✓
BILL THOMAS		✓
ROBERT D. WATT	✓	

Clara Hawley
Secretary

George McCallum
Chairman

Motion: A motion was made by Senator Lockrem that Senate Bill
47, receive a DO PASS, as amended recommendation from the
Committee. Motion carried.

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

SENATE COMMITTEE LOCAL GOVERNMENT

Date February 10 Senate Bill No. 330 Time 1:45

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER		
JESSE A. O'HARA		✓
BOB PETERSON		
A. T. (TOM) RASMUSSEN		✓
PETE STORY		✓
BILL THOMAS		✓
ROBERT D. WATT	✓	

Clare Havelly
Secretary

George McCallum
Chairman

Motion: A motion was made by Senator Watt that Senate Watt that
Senate Bill 330 receive a DO PASS recommendation from the
Committee. Motion failed.

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

Date February 10 Senate Bill No. 330 Time 1:55

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN	✓	
MAX CONOVER		
JESSE A. O'HARA	✓	
BOB PETERSON		
A. T. (TOM) RASMUSSEN	✓	
PETE STORY	✓	
BILL THOMAS	✓	
ROBERT D. WATT		✓

Secretary _____

George McCallum
Chairman

Motion: A motion was made by Senator Thomas that Senate Bill
330 receive a DO NOT PASS recommendation from the Committee.

Motion carried.

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

STANDING COMMITTEE REPORT

February 10 19 79

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 314

Respectfully report as follows: That Senate Bill No. 314,

introduced bill was passed as amended.

1. Page 9, line 12.
Following: "agricultural"
Strike: "residents"
Insert: "landowners"

2. Page 9, line 16.
Following: "agricultural"
Strike: "residents"
Insert: "landowners"

And, as so amended

DO PASS [Signature]

STANDING COMMITTEE REPORT

..... February 10 19 79

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 340

Respectfully report as follows: That Senate Bill No. 340,
introduced bill be amended as follows:

- 1. Page 10, line 13.
Following: line 12
Strike Lines 13 through 25 in their entirety.
Renumber: subsequent sections.

And, as so amended,

DO PASS

STANDING COMMITTEE REPORT

February 10 19 79

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 337

Respectfully report as follows: That Senate Bill No. 337

DO PASS 30.

STANDING COMMITTEE REPORT

February 10 19 79

MR. **President:**

We, your committee on **Local Government**

having had under consideration **Senate** Bill No. **306**

Respectfully report as follows: That **Senate** Bill No. **306**

DO PASS



STANDING COMMITTEE REPORT

February 10

19 79

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 350

Respectfully report as follows: That Senate Bill No. 350

DO PASS *JA*

NAME: W. James Kember DATE: Feb 9, 1977

ADDRESS: 111

PHONE: 449-7000

REPRESENTING WHOM? Dept of Admin

APPEARING ON WHICH PROPOSAL: SB 366

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: See Attached Sht

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dean Finckel DATE: 2-16-77

ADDRESS: Nelson

PHONE: 442-520-9

REPRESENTING WHOM? Mt. Assn of Counties

APPEARING ON WHICH PROPOSAL: SB 356

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ronald Pogue DATE: 2/10/79

ADDRESS: 226 Power Block Helms

PHONE: 443-7272

REPRESENTING WHOM? Alternative Energy Resources Organization

APPEARING ON WHICH PROPOSAL: SB 366

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Oppose SB 366 because it singles out one (and only one) conservation technique, namely insulation, for possible development of higher local standards. We have no ~~obj~~ objections to higher local energy & conservation standards if they are performance standards.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Jensen DATE: 2-10-79

ADDRESS: 411 No. Rodney, Helena

PHONE: 443-2825

REPRESENTING WHOM? MT. Magistrates Assoc.

APPEARING ON WHICH PROPOSAL: SB 356

DO YOU: SUPPORT? X AMEND? X OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MR. Mc CABE DATE: 2-10-79

ADDRESS: 1733 WINNIE MELBA, MI

PHONE: 443-4371

REPRESENTING WHOM? MT Magistrates Assn.

APPEARING ON WHICH PROPOSAL: 356

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



DEPARTMENT OF ADMINISTRATION

BUILDING CODES DIVISION

1500 E. SIXTH AVENUE
CAPITOL STATION
HELENA, MONTANA 59601
Telephone (406) 449-3933

February 8, 1979

Senator F. Van Valkenburg
Seante Chambers
State of Montana
State Capitol Building
Helena, Montana 59601

Re: SB 366

Dear Senator Valkenburg:

The above bill has been assigned to our Division for review for the Department of Administration. There are several problems with the intent of the bill.

1. The climatic conditions across Montana are fairly consistent, therefore, there is no need for many different energy standards. The "Code for Energy Conservation in New Building Construction" presently adopted by the State is based on degree days. Thus, allowing for any climatic differences.
2. If each local government is allowed to adopt its own energy standard, the State could have well over 50 variations of the energy code. This would cause fragmented code enforcement and would hinder all efforts to obtain a statewide uniform code. Owners, contractors, designers and manufacturers would be extremely penalized by the numerous standards.
3. If the public does in fact feel that the standards should be raised, they should be raised for the entire State. In other words, if it can be justified for one area, it can be justified for the entire State.
4. It is interesting to note that even though State law requires local government to adopt the State codes, when they are enforcing codes, we are not aware of any local governments that have adopted the present state energy code which was adopted in February of 1978. The energy picture would greatly be enhanced if local government would adopt the present state energy code. If they are not willing to adopt the present energy code, why would they bother to adopt a more stringent code.

Senator F. Van Valkenburg

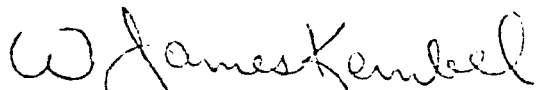
February 8, 1979

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5. Finally, the "Code for Energy Conservation in New Building Construction" presently adopted was developed in conjunction with the Federal Government and its adoption was encouraged by the Federal Government. To date, 51 states have adopted or are in the process of adopting the above model code.

If you have any questions or problems with our comments, please let us know.

Sincerely,



W. JAMES KEMBEL, P.E.
Administrator

WJK:js

cc Dave Lewis

H. S. Hanson - Montana Tech Council

SB-366 Oppose - This bill changes the intent of SB-400 from the 1977 session and really starts us back on the road of everyone having a different set of requirements.

For continuity in constructing any building we need one code and one code source, not what we used to have.

Specifically dealing with the insulation level in a building. We oppose forcing any use of a specific thickness of insulation. The federal government has decided that this is not the way to save energy but to mandate an energy budget, which is really what we all want.

The Federal Energy Act of 1976 mandates an energy budget which eliminates the need for specifics. It is scheduled to go into effect February 1980 and will apply to all buildings including houses, as is presently written. Hearings are scheduled for this year throughout the United States.

Montana adopted the model energy code in 1978 that deals with total building and systems, not just the insulation levels.

Finally, I submitted the data from my house, on the state survey form, as run in the newspapers (in 1978) for an Energy Analysis. A copy of those results are attached.

My house has six inches of insulation in the ceiling and full thick (3½ inches) in the walls. The computer run indicated that if I added six inches insulation to my ceiling, I could save \$6.60 per year. Basically, it shows insulation levels are not all that important to energy use, after a basic level.

The total energy consumption in a building is the prime concern. That is why the state and federal government is addressing an energy budget and not the prescriptive approach.

H S HANSON
 2237 GREEN TERRACE DR
 BILLINGS MT

59102

ID= 24136

YOUR HOME ENERGY CONSERVATION REPORT
 A CONSUMER SERVICE OF THE MONTANA ENERGY OFFICE

I. BASIC INFORMATION SUMMARY : FROM QUESTIONNAIRE

HEATING FUEL INDICATOR IS	2	(GAS -- CUFT)
FIRST FLOOR AREA IS	1900.00	SQ. FT.	
TOTAL HEATED FLOOR AREA IS	3800.00	SQ. FT.	
TOTAL SINGLE-GLASS AREA IS	0.0	SQ. FT.	
FUEL BILL FOR HEATING IS	\$ 43.00		
WINDOW FITNESS INDICATOR IS	1	-GCCD	-
DOOR FITNESS INDICATOR IS	1	-GGCD	-
GENERAL CONDITION INDICATOR IS	1	-GCCD	-
R-VALUE OF CEILING INSULATION IS	19		
BASEMENT TYPE INDICATOR IS	7	(NOT APPLICABLE)
R-VALUE OF FLOOR INSULATION IS LESS THAN R-11			
THERMOSTAT SETTING DURING DAY IS:	70.	DEGREES	
THERMOSTAT SETTING AT NIGHT IS :	62.	DEGREES	

II. SAVINGS CALCULATION WORKSHEET :

* GEOGRAPHIC FACTORS:

HEATING ZONE -- 4 REGION -- 6
 HEATING FACTOR -- 1.70

* FUEL INDEX :

FUEL FACTOR FOR HEATING -- 120.000
 PRICE PER UNIT OF HEATING FUEL -- \$ 0.000900
 FUEL INDEX -- 0.18360

* ANNUAL FUEL COSTS :

FUEL COST FOR HEATING SEASON -- \$ 292.40

* ANNUAL SAVINGS FROM TAKING THE FOLLOWING ACTIONS

FROM SETTING THERMOSTAT BACK 5.0 DEGREES
 TO 65 DEGREES DURING THE DAY--\$ 30.10
 FROM SETTING THERMOSTAT BACK 7.0 DEGREES AT NIGHT
 TO 55 DEGREES--\$ 18.06
 FROM IMPROVING CAULKING AND WEATHERSTRIPPING--\$ 0.0
 FROM HAVING AT LEAST AN R-VALUE OF 33 FOR CEILING INSULATION -- \$ 6.63
 FROM HAVING AT LEAST AN R-VALUE OF 22 FOR FLOOR INSULATION -- \$ 0.0
 FROM ADDING STORM WINDOWS--\$ 0.0

** NOTE -- IF YOU TAKE ALL THE ACTIONS INDICATED, YOUR TOTAL SAVINGS WILL NOT NECESSARILY EQUAL THE SUM OF THE FIVE INDIVIDUAL TYPES OF SAVINGS. FOR EXAMPLE, STORM WINDOWS AND STORM DOORS PROVIDE SOME OF THE BENEFITS OF WEATHERSTRIPPING. ALSO YOUR SAVINGS DUE TO ADDITIONAL INSULATION WILL BE A FUNCTION OF YOUR THERMOSTAT SETTINGS. FINALLY, YOUR ACTUAL SAVINGS WILL VARY FROM YEAR TO YEAR DEPENDING UPON THE SEVERE OF THE WEATHER AND THE CURRENT COST OF FUEL. IF FUEL COSTS INCREASE DURING THE UPCOMING HEATING SEASON, SAVINGS RESULT FROM THE SUGGESTED MODIFICATIONS WILL INCREASE ACCORDINGLY