

MINUTES OF THE MEETING  
SENATE LOCAL GOVERNMENT COMMITTEE  
MARCH 24, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 7:30 p.m.

ROLL CALL: All members were present with Senators Conover, Van Valkenburg and Thomas coming in late due to other meetings.

CONSIDERATION OF HOUSE BILL 555:

AN ACT AMENDING SECTION 19-12-301, MCA,  
TO REQUIRE PAYMENT TO THE VOLUNTEER  
FIREFIGHTERS' COMPENSATION FUND FROM THE  
INSURANCE PREMIUM TAX BEFORE PAYMENT TO  
THE DISABILITY AND PENSION FUNDS OF THE  
FIRE DEPARTMENT RELIEF ASSOCIATIONS.

Representative Manning, District No. 35, said they changed the wording on line 17, striking "after" and inserting "before". On line 18 they have stricken "have first been" and inserted "are". Under present law the state contributes to the firemen's compensation fund 5% of the total premium tax. If the compensation plan is to be funded out of the balance after payments to the first and second class cities, they would receive less than 5%. This bill alleviates the problem. Most fire districts being organized are comprised of younger persons, hopefully the fund will have sufficient money to support their compensation fund. (See attached Exhibit A.)

Rick Tucker, State Auditor's office, is the dispersing agent to the fire association. If this bill isn't passed, any increase in paid firemen's benefits will cause a 5% deduction from the volunteer firemen's fund. This switches it around to pay the volunteers 5% and the balance will be paid out of other retirement associations.

Ray Blehm, legislative delegate from the Montana Firemen's Association, supports the bill.

Art Korn, secretary/treasurer of the Montana Volunteer Firemen's Association, supports the bill.

Jim Turcotte, Public Employees Retirement Division, spoke in support of the bill. (See attached Exhibit B.)

R. A. Ellis, Montana Volunteer Firemen's Association, supports the bill. Benefits derived from this pension to the firemen carry over to the people being protected. We will have better quality firefighters.

There were no opponents of the bill appearing before the committee.

Representative Manning, in closing, said this is an important bill, we cannot have paid fire departments in all areas of the state. These people deserve something for their service. They should have the benefits.

Senator McCallum then called for questions from the committee.

Senator Ochsner asked if both paid and volunteer come out of the same fund.

Mr. Tucker said that was correct, along with the police.

Senator O'Hara asked Representative Manning what percentage of volunteer firemen retired this year as opposed to full-time firefighters.

Representative Manning was not sure of the percentage. He said no volunteer can retire at more than \$100 per month.

Senator Ochsner asked if that was a percentage of his salary when he quits.

Representative Manning said they use his last month's regular salary.

CONSIDERATION OF HOUSE BILL 132:

AN ACT TO GENERALLY REVISE THE APPLICABILITY OF BUILDING CONSTRUCTION STANDARDS; EXEMPTING CERTAIN STRUCTURES COSTING LESS THAN \$100,000; PROVIDING FOR APPLICATION OF COMMON-LAW AND STATUTORY RULES OF EVIDENCE IN HEARINGS ON VARIANCES; EXCLUDING FACTORY-BUILT BUILDINGS AND RECREATIONAL VEHICLES AND ELEVATORS FROM PROVISIONS OF THIS ACT.

Representative Jacobsen, District No. 1, said HB202 only deals with one section of this bill. This bill is a little broader, he would like to make one good bill out of the two of them. The law says the state must inspect all buildings statewide, regardless of where they are located. The state goes out and collects \$300 to \$500 for a mechanical inspection. The bill does not interfere with plumbing or electrical codes. He submitted some amendments to the committee. (See attached Exhibit C.) "Building" shall not include residential buildings containing less than five dwelling units. This language is in HB202. Farm or ranch buildings would not be included, nor would private garages or one story commercial buildings. He did not think there would be any fire hazard with one-story buildings.

Dan Mizner, League of Cities and Towns, said there is no problem with present building codes in the larger cities. This bill is for small towns. Small cities do not have building inspectors so the state department has to come out to inspect their buildings. There are not enough inspectors at the state level to go to all these places. Many small towns contract with larger cities for their inspector to come out. In many areas there isn't a large city close enough. Cities and towns passed a resolution that we do something about this. That is what this bill is. The legislature ought to take a serious look at the delays and problems the citizens are having. We should allow them to build their own homes and let the towns adopt their own codes.

Representative Abrams, District No. 56, has two individuals in his district with problems of this sort. One was a banker and he read a letter from the other party. (See attached Exhibit D.) That gentleman did not understand the proper procedures to follow in building a house in accordance with building codes.

Irvin Dellinger, Montana Building Materials Dealers Association, said they are concerned for small communities who do not have building inspectors. The state does not have the staff to cover the entire state. Small projects should not have to come under this jurisdiction.

Senator McCallum then called for opponents of the bill.

H. S. Hanson, Montana Technical Council, said the bill has two sections, inspections and codes. Most of the testimony has dealt with the inspection aspects. Building codes deal with zoning and erection of structures, it is the building code that is important. He is concerned with building codes, not who inspects the building. If the state wants to get out of the inspecting business, that is fine but the code aspect should be left. Financial institutions will not lend money on buildings that are not built according to codes. Contractors should know what the codes are. We should not place people in the position of having a structure that is not built in accordance with the codes. He opposes the bill and the amendments. They should be modified to take the state out of inspection only.

Ed Sheehy, Jr., Montana Manufactured Housing Association, has a different concern. The title excludes factory-built buildings from the provisions of the act. That would be modular houses. There are no building codes for any other housing structure. The state adopted a building code because it was necessary to protect the public's health, welfare and safety. Now we do not need a building code unless you are living in a modular house. That is discrimination. This bill, with the amendments, would preclude larger cities such as Billings and Great Falls from

adopting building codes on residential buildings. They use the codes for zoning classification. This will have a serious effect on the larger cities and he feels those cities would be opposed to this.

James Kembel, administrator of the Building Codes Division of the Department of Administration, said with the submission of the current amendments, it would appear that cities would be prohibited to inspect commercial establishments that are not over one story. Bars, theaters and malls would be exempted. That could cause a lot of problems for the local governments.

Representative Jacobsen, in closing, said it was not his intent to take away from towns and cities who wanted to have their own building inspections. There are 45 cities and towns that have their own building inspector. He feels it was not the legislature's intent to impose this on cities. He hopes the two bills can be worked in together.

Senator McCallum then called for questions from the committee.

Senator Hammond asked when the codes were established.

Senator McCallum replied they were established in 1969.

Senator Hammond asked why, all of the sudden, we need this as far as homes are concerned.

Mr. Hanson answered that the state had a set of codes and each city had developed their own codes. They wanted to put them together to have one standard code that would apply to all of Montana. The codes are not new.

Senator O'Hara called on Lloyd Lockrem, a retired state senator, to comment.

Mr. Lockrem, Billings, said the building codes are the minimum standards of construction. The codes needed enforced. Governor Judge and Mr. Kembel thought the state should not go into the inspection business but at the time the counties and local governments wanted no part of it.

Senator McCallum said this does apply to public places.

Representative Jacobsen said there was a suit filed by Montana Power in January of 1979 regarding a building they did not think was a public place. There was a ruling by the Attorney General that "public place" is any type of building. We have always had plumbing and electrical codes. This is an infringement on some people who want to build their own house.

Senator O'Hara asked Mr. Hanson if he had some amendments that would take care of his problem with the bill.

Mr. Hanson said he has amendments to HB202.

Senator Hammond said there is a court decision being appealed where a 4-plex in Turner is empty because of the building code situation. If it contains more than 4 dwellings, it is a public place. We tried to put that in HB202 but it didn't work.

Dan Mizner said the amendments on page 1, line 24 ought to say "unless local government adopts the codes". It was not the intent of the sponsor.

Senator Ochsner asked how many building inspectors there are in the state.

Mr. Kembel said there are 2 inspectors in the state. There is a total of 30 employees but they didn't have the funds for more staff. In counties they inspect public places, in the cities they inspect all buildings.

DISCUSSION OF HOUSE BILL 765: Sonny Lockrem, retired state senator, was allowed to speak in opposition of the bill. He said he had written a letter to the committee members outlining his objections to the bill. He said the committee should analyze legislative verses regulatory positions. The PSC saved Billings \$600,000. The city did have to pay \$42,000 but they did save a substantial amount. City councils have no expertise, Billings would have paid the \$600,000 if they had not gone through the PSC.

Senator McCallum appointed a subcommittee to check into the bill. He asked that Senator Thomas and Senator Ochsner work with Debbie Schmidt on the bill

DISCUSSION OF HOUSE BILL 558: Senator McCallum explained this was the bill on the deputy sheriffs' salaries. The House is making changes in SB50. They probably will not decide on it until Thursday and that will be too late for us to do anything with this bill. He asked the committee if they would like to consider the bill with the assumption that the House would adopt SB50 as it is being proposed.

Senator Van Valkenburg asked what they were doing with SB50.

Senator McCallum said he has heard they came up with a \$14,000 base and \$10 per 100 population. The sheriffs would receive an additional \$2,000, county superintendents would receive \$400 and part-time county attorneys would receive an extra \$1,200. The major change is giving every county a \$14,000 base. This committee

had decided on two different bases and increments. The county commissioners removed their \$2,500 and coroners were removed from the bill entirely.

Sheriff O'Reilly, Lewis and Clark County, handed out printouts to the committee on the effects the bill would have on deputies' salaries in the different counties. They tried to figure out a new formula that would be getting away from taxable valuation and base in solely on population. He also handed out amendments for the bill and explained them. (See attached Exhibit E.) Eleven counties are getting a 7% increase because of the grandfather clause that provides if they do not receive at least a 7% increase through the formula, they will get a 7% increase. Those counties are: Beaverhead, Jefferson, Madison, Musselshell, Park, Powder River, Powell, Rosebud, Sanders, Stillwater and Teton. They were rising at a higher rate than the other counties statewide. He does not have the overall percentage increase but thinks it would range from a 18.2% high to a low of 7%.

Senator McCallum said we cannot act on this bill until the House decides on SB50.

Senator Van Valkenburg said an alternative would be to amend this bill so it would be unacceptable to the House if it doesn't fit in with SB50.

Senator McCallum appointed a subcommittee to come up with amendments that would pass the floor of the Senate so the bill would get to a conference committee. He appointed Senator O'Hara and Senator Van Valkenburg to the subcommittee.

DISPOSITION OF HOUSE BILL 179: Gary Wiens, Subdivision Bureau, said the \$40 per lot fee would be an increase of \$15. They wanted to increase the reimbursement to the counties and also retain their staff at 6 FTE's. In 1977 and 1978 they hit a peak of between 14,000 and 15,000 subdivision lots. At that time they had trouble keeping up with the workload. Since then they have seen a decline of 1/3 and reduced their staff by 2.5 people. With 6 FTE they have a cushion in case they lose someone. They have 3 professionals, they want to continue to keep the bureau at 6 FTE and increase reimbursement to the counties.

Senator Van Valkenburg asked Mr. Wiens if the Appropriations subcommittee that deals with their budget made a determination that they do not want to increase lot fees and instead reduce FTE's, how do you expect to change their minds at this stage.

Don Williams, administrator of Environmental Sciences, said if the fee increase came about then they are willing to increase the amount of money to subdivision reviews. They are leaving

it up to the legislature on whether fees would be available to use for subdivision review.

Cliff Christian said it is a .62.5% increase. Subdivision activity is way down. He thinks it would cause problems if it goes up and they have a \$40 lot fee. The Legislative Fiscal Analyst's office recommends 4 FTE.

Senator Hammond asked what a subdivision review calls for.

Mr. Wiens explained.

Senator Thomas said you were asking for \$40 and are down now to \$30.

Mr. Christian said he thinks \$30 is a fair compromise.

Senator Thomas asked if their budget was based on \$30 and \$15.

Mr. Williams said the budget is based on \$25 and \$10 in the law.

Senator Thomas asked how many people they would get if it went to \$30.

Mr. Williams said they would receive no additional people.

Senator Thomas stated he did not think we could get much more through on the floor. He moved the bill be concurred in as it came through from the House.

Senator Van Valkenburg made a substitute motion to amend line 8 of page 3 to strike \$15 and insert \$10. The effect of the motion is to reduce the amount of money returned to the counties and to allow the state to maintain the present level of FTE's.

Senator Ochsner did not feel the committee should say we would pay the state people and cut the counties.

Senator Van Valkenburg's motion failed.

Senator Thomas's motion carried with Senator Hammond being opposed.

DISPOSITION OF HOUSE BILL 507: Debbie Schmidt of the Legislative Council handed out amendments to the bill. Senator Thomas said these amendments provided a compromise. He moved the amendments be adopted. The motion carried unanimously.

Senator Thomas then moved the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 715: Senator Hammond moved the bill be not concurred in.

Senator Van Valkenburg asked about any alternatives.

Senator Thomas said this is only for one area of the state. It is not fair for the others.

The motion carried with Senator Van Valkenburg being opposed.

Senator Van Valkenburg was going to send out a minority report on the bill.

DISCUSSION OF HOUSE BILL 594: Senator Thomas moved the bill be not concurred in.

Senator Van Valkenburg made a substitute motion that the bill be concurred in. He said this is important in the sense that we are saying in this bill that governments, in particular state government, are not going to run roughshod over local citizens and zoning laws they have adopted. This does not act as a barrier to the government but does force state government to realize the people have legitimate interest in protecting the values of their own property. On page 1, lines 17 and 18 the House has provided clearly that group homes are going to be completely exempted from this law. That has been a problem in the past. On page 2, lines 1 through 4 provides that the application of zoning laws cannot have the effect of excluding state or local governments from the jurisdictional area. It goes through a list of tests that must be applied for and what zoning should be applied, also the variances that may be granted. The bill provides protection. The only legitimate concern by the university was the state would end up having to pay building permit fees and other fees involved in the zoning process. That is not the intent of this legislation. He has an amendment that will cure that if it is a big concern to anyone.

Senator Thomas said with regard to long-range planning it would take thousands of dollars for each building the state wanted to put up. The effects would be ongoing for a number of years. The problem exists only in Missoula.

Senator Van Valkenburg did not agree, it is happening in Billings also. This will not add thousands of dollars to the cost of long-range building. Law suits will result from the state government ignoring local zoning laws.

It was agreed to wait until the next meeting to decide on this bill.

DISPOSITION OF HOUSE BILL 375: Senator Ochsner moved the bill be not concurred in.

The motion carried with Senator Hammond being opposed.



DISPOSITION OF HOUSE BILL 624: Debbie Schmidt reminded the committee there was an amendment suggested on page 2, lines 8 and 9.

Senator Ochsner said some will receive a 100% raise.

Senator Van Valkenburg moved to amend lines 8 and 9 to strike "or notice of appropriation". The motion carried unanimously.

Senator Van Valkenburg then moved to amend line 9, page 3, to strike "each" and insert "the first", strike "a" and insert "any", strike ";" and insert "," and insert the words "25 cents for each subsequent page". The effect is they will get 50 cents for the first page they copy and 25 cents for each page after that. The motion carried unanimously.

Senator McCallum said they have added \$5 plus 50 cents per tract or lot, was there any charge before?

Senator Van Valkenburg said he understands it would currently be from zero to \$5.

Sonny Hanson said they have been doing it on lot charges, this sets it up so there will be the base cost plus lot charges.

Senator Ochsner moved to strike "2", line 11, page 3 and insert "1". The motion carried unanimously.

Senator Hammond moved the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 555: Senator O'Hara moved the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 202: James Kembel from the Department of Administration had worked with Senator Lee and Senator Mazurek but did not know if they consulted Senator Turnage.

Sonny Hanson said Senator Mazurek was concerned that public place is defined to include a place for carrying on elections. It is used for the definition of building.

Mr. Kembel said the amendments delete the definition of public place all together.

Debbie Schmidt feels there are problems with the amendments to HB132. This removes confusion over what is a public place. That has been the problem all along.

Senator Hammond moved to adopt the amendments to HB202. The motion carried unanimously.

Senator Van Valkenburg moved the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 393: Senator Thomas moved the bill be not concurred in. The motion carried with Senator Van Valkenburg being opposed.

DISPOSITION OF HOUSE BILL 781: Senator Van Valkenburg motioned the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE JOINT RESOLUTION 28: Senator Ochsner moved the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 770: Senator Van Valkenburg said he is virtually certain this bill is clean. When the codes were recodified, it was discovered some statutes were in conflict. This is an attempt to straight this out. He moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL 724: Senator Van Valkenburg had amendments to the bill. He said situations come along that you need flexibility for.

Senator Hammond said they can be misunderstood.

Senator O'Hara said there is a problem in the town of Cascade. He thinks it would be a good bill if we could address it to hold it down so there would be no room for abuses.

Senator McCallum was concerned with the contract aspect of the bill.

Debbie Schmidt said a contract would be any agreement.

Senators Hammond and McCallum said they did not want to see it on the books.

Senator Van Valkenburg made a motion to adopt the amendments. The motion carried with Senator McCallum being opposed.

Senator Van Valkenburg moved the bill be concurred in as amended. The motion carried with Senators Hammond, McCallum and Ochsner being opposed.

DISPOSITION OF HOUSE BILL 56: Senator Hammond feels industry is doing a lot for the towns, the towns would not exist without them.

Senator Van Valkenburg thought that was unrealistic, it cannot

be looked at that way.

Senator Thomas moved the bill be not concurred in. The motion carried with Senator Van Valkenburg being opposed.

DISPOSITION OF HOUSE BILL 57: Senator O'Hara moved the bill be not concurred in.

Senator Van Valkenburg wanted to know what the vote of the interim study committee was with respect to this.

Senator McCallum was not sure, he knew it was not unanimous.

Debbie Schmidt said it was 5 to 2.

Senator Van Valkenburg said this does not require annexation but permits it, it would be up to the people in the area. People determine their destiny. We should not ignore what the interim study committee came up with. We are asking for trouble when we ignore our own recommendations.

Senator Hammond said cities should take care of themselves, the state shouldn't have to.

Senator Van Valkenburg said the law will not allow them to.

Senator O'Hara said he understood them to say there has been annexation before.

Senator Van Valkenburg said that is by request, it is usually new subdivisions that want to get on the sewer. That is the only leverage the city has to encourage them to annex.

Senator McCallum said under the law, industrial and manufacturing plants have been exempted from annexation.

Ms. Schmidt said they have been given absolute veto.

Senator Van Valkenburg said other cities have a lever to force people to come in and join the city. They can continue to opt out in terms of services and reduce the mill levy accordingly.

Senator Thomas said industries do not use the city park or library.

Senator Van Valkenburg said the businesses in the city don't use them either.

Senator O'Hara said industries are doing their service - they furnish jobs. This bill imposes and takes away rights.

Senator Thomas said cities are designed to provide services.

Senator Van Valkenburg answered that the cities cannot afford to pay for services.

Senator O'Hara's motion carried with Senators Van Valkenburg and Ochsner being opposed.

DISPOSITION OF HOUSE BILL 33: Senator Van Valkenburg moved the bill be concurred in.

Senator O'Hara said some people buy land on the outskirts of the city hoping to have horses, etc. If they are annexed they can no longer have these.

Senator Van Valkenburg said any horses on a quarter of an acre would be hurting anyway.

Debbie Schmidt said originally you could have averaged but now there are two ways, either A or B on page 1, lines 14 and 18. As she understands it the area would have to be a planned-unit or cluster development. She does not think you could average density.

Senator Ochsner made a substitute motion to amend the bill on page 2, line 2 to change 66% to 51% and on page 3 change 30 days to 60 days.

Senator Van Valkenburg requested that Senator Ochsner's motion be divided into two parts. He does not object to 60 days but the move to 51% would have the effect of making annexation more difficult than it is now. Under present law you can annex contiguous territory but if it is within an existing rural fire district and 51% of those people protest out, you cannot go any further. One street is dividing people here. We should not allow them to protest out because they are receiving services and not paying for them.

Senator McCallum said he is for the 51%.

Senator Van Valkenburg said we have to get everyone under one government.

The amendment to strike 66% on page 2, line 2, and insert 51% carried with Senators O'Hara, Hammond, Thomas and McCallum voting aye and Senators Ochsner, Conover and Van Valkenburg voting no.

The amendment to change 30 days to 60 days passed unanimously.

Senator Van Valkenburg moved the bill be concurred in as amended. Senators Thomas, Hammond, McCallum and Conover were

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opposed, Senators O'Hara, Van Valkenburg and Ochsner voted aye.\*

There being no further business before the committee, the meeting was adjourned at 10:40 p.m.

  
Chairman George McCallum

gs

\*The committee later agreed, informally, to reconsider its action on HB33. On page 2, line 2, "66%" was stricken and "51%" was inserted. On page 2, line 3, "30" was stricken and "60" was inserted. The bill, in its amended form, passed unanimously on March 26, 1981.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3/24/81  
7:30

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover			✓
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.



MARCH 24, 1981

BILL NO. HB555

### VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)



NAME:

R. G. "Rick" Tucker

DATE:

3/24/81

ADDRESS:

State Auditor's ofc. Mitchell Bldg - Helena

PHONE:

449-5046

REPRESENTING WHOM?

State Auditor's ofc.

APPEARING ON WHICH PROPOSAL:

HB 555

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ART KORN DATE: 3-24-81

ADDRESS: 1916 SO MASH ST BUTTE

PHONE: 723 4691

REPRESENTING WHOM? MT. ST VOL FIRE ASSOC

APPEARING ON WHICH PROPOSAL: H. B 555

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE :

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU :

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W James Kembel DATE: March 24, 81

ADDRESS: 1100 Knight

PHONE: 449-3933

REPRESENTING WHOM? Dept of Admin. Bldg Codes

APPEARING ON WHICH PROPOSAL: HB 132

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

COMMENTS: Answer questions - provide information

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lloyd C. Lockren

DATE: March 24, 81

ADDRESS: P.O. Box 30181, Billings 59107

PHONE: 252-9307

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: 765

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

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit A

REMARKS TO HOUSE BILL 555

I have been asked by the Volunteer Firemen to introduce this bill and to support its passage.

Being a retired fire fighter, I realize the sincere concerns and problems that could arise from pending legislation in this session which could severely lessen the states contribution to Volunteer Firemen.

Under the present law, the States contribution to Volunteer Firemen's retirement fund is paid, after paid, and part-paid firemen's contributions are made. Under present law they receive 5% of the total Premium Tax collected after paid firemen's contributions have first been deducted. Thus, any increase of contribution to paid firemen would have the effect of lowering the contribution to Volunteer firemen by 5% of any increased contributions to the paid firemen.

This bill would completely alleviate that problem and any additional benefits or contributions that might be derived by deducting contributions for Volunteers first, would in my estimation be worthwhile.

Reasons are fairly evident due to the increase of Rural Fire Districts over the past several years and the expectation of several more in the future due to our so-called Urban Sprawl.

In addition, most of these new Fire Districts are being organized and comprised by younger persons and we all should hope that when their time comes to retire, that the Fund will be sufficient to support them.

I would appreciate if each member of this committee would support this bill.

This bill has been introduced because the Volunteer Firemen's Compensation Plan receives from the premium tax fund an annual contribution to fund the retirement plan. This plan has been in existence since 1965. Benefits were paid beginning in Fiscal 1973 to about 25 volunteers. In Fiscal 1980, there were about 270 recipients.

The funding for this retirement program comes solely from the premium tax payments and interest earned on assets.

The premium tax fund provides funding to the 1st and 2nd class cities fire relief association and to the fire relief associations of incorporated areas. Because of the rural character of the State of Montana, the Unincorporated Volunteer Compensation Fund was established. This provides benefits to the volunteers of the unincorporated area fire companies.

The need for this legislation is prompted by the fact that the relief associations of the 1st and 2nd class cities have introduced legislation which will use the majority of the premium tax fund to fund their programs.

Therefore, if the Volunteer Firemen's Compensation Plan is to be funded out of the balance after payments to the 1st and 2nd class cities, the contributions as originally anticipated would probably be very small; because 5% of the balance of the premium tax fund would be negligible and payments to the volunteers may be all but be suspended.

Amended

Amendments to House Bill 132:

1. Page 1, line 6.

Following: "STRUCTURES"

Strike: "COSTING LESS THAN ~~\$300,000~~ \$100,000"

Insert: "FROM STATE ENFORCEMENT"

2. Page 1, line 21.

Following: "for"

Insert: "the"

Following: "use"

Insert: "or occupancy"

3. Page 1, line 24 through line 6 on page 2.

Strike: line 24 on page 1 through line 6 on page 2 in their entirety

Insert: "The word "building" as used in this part shall not include (1) residential buildings containing less than five dwelling units or structures attached thereto located within the jurisdiction area of the governing body;

(2) any farm or ranch building;

(3) any private garage or private storage structure used only for the owner's own use;

(4) any commercial establishment not being more than one story in height."

4. Page 6, line 21.

Following: "shall"

Insert: "not"

5. Page 7, lines 8 through 10.

Following: "approval" on line 8

Strike: the remainder of line 8 through line 10 in their entirety



Department of Administration  
Building Codes Division  
State of Montana  
Capitol Station  
Helena, Montana 59601

SEPT. 1980

Gentlemen:

I have received your letter, certified letter stating I have no building permit. I am sending you a copy of the building permit I received from the city of Baker. I provided them with a dimension sight plan locating all buildings on the sight. It went before my city government and was approved. I believe in my city government. I think this is the government closest to the individual and therefore allows the greatest degree of freedom, however, if you have some quarrel on the permit issued to me by my city government I would like for you to take it up with them not me. I have an enormous amount of work to get done on this house before bad weather sets in. When I went to the city office to pick up this permit I specifically asked the clerk if there was anything else I needed; she stated I could feel free to go to work on my house. There was a period of time between receiving my permit and the time I went to work, I would have thought if the state wished me to obtain a permit also they would have contacted me at that time so I could have scrapped the project. I don't think it is fair or right for the state to intervene when I am twenty some thousand dollars into the project most of my life savings involved, I consider this to be very poor judgement on the part of the state. I don't know what freedom means to the people administering this department, I only know what it means to me, it means the right to go to work each day without harassment. I have lived in this state all my life, forty two years with the exception of two years spent out of the state in the military. I have paid taxes in this state for all of my adult life, I would hate to think that now my efforts are going to be used against me to destroy the right to make a living.

I was visited by your inspector, I believe his name is Wayne Kureay, he seemed like a nice fellow, I have no complaints on his mannorisms, he was not arrogant or insulting, but he refused to acknowledge my city government, he did not wish to see the permit issued by the city. I offered to pay for the permit if he filled it out, he stated he did not have time. I have looked over the permit, I don't believe in all honesty I could answer many of the questions on it.

I have built approximately four other houses in this community over the past twelve years, one of which is my own. This is the way in which I subsidize the income earned off of a small drive inn, if this is a crime then I am guilty. I have obtained a copy of the law which I seem to have broken from the city attorney who was good enough to furnish me with a sixteen page copy, I don't pretend to understand it, I have read parts of it and I must wonder what type of individuals would initiate laws that seem to destroy one mans freedom to elavate another man. I understand the law was passed to promote the public health and safety, if your department feels that my building is unsafe to the public then I will send you the matches to burn it down and spend whatever part of my life it takes to pay the mortgage, and if this is your idea of justice so be it. As far I as I know no one has ever gotten sick or been injured living in one of my houses which I have built over the last ten to twelve year because of the way it was built, if they have complained to the state I am unaware of it, if they have I would certainly like to know so I can correct whatever is wrong with the particular home if it is injuring someone.

I have not been visited by your plumbing inspector, however my property has, a tag was left there stating no more work shall be done on these premisis under penalty of section 50-60-505. I am not sure what that means. I would have liked to talk to your plumbing inspector, I could use information, if your department is to help citizens I could have used a copy of the most recent plumbing book with diagrams to show how the proper plumbing should be installed, if your department wishes to help me I very badly need this information and since the city does not issue plumbing permits I would need a plumbing permit, if this is the law

I would only like to make one other comment, I believe in the freedom of the individual I would like the state to trust me enough to be able to use my god given talents and what little brain power I have to choose the way in which I feel is best to improve ry own property in my own city. If anyone up there is listening this is just one citizen asking for freedom. This letter is an attempt to explain my situation and some of my convictions and beliefs. It is also my prayer,

HERB KETTERLING

BAKER, MONT.

COUNTY	CLASS	POP	PRESENT			HB558 AS WRITTEN			EXISTING 75-90 PCT LAW			HB558 IF AMENDED		
			SHERIFF	PCT	DEPUTY	SHERIFF	PCT	DEPUTY	PCT	DEPUTY	PCT	DEPUTY	PCT	DEPUTY
			BASE		BASE	+2000		SALARY		SALARY		SALARY		SALARY
								CHANGE		CHANGE				CHANGE
Beaverhead	4	8200	14405	90%	12965	16820	75%	12615	90%	15138	78%	13120	78%	+155
Big Horn	1	11100	16513	75%	12385	17110	75%	12833	75%	12833	78%	13346	78%	+961
Blaine	2	7000	14434	75%	10826	16700	75%	12525	75%	12525	78%	13026	78%	+2201
Broadwater	6	3300	12789	90%	11510	16330	75%	12248	90%	14697	78%	12737	78%	+1227
Carbon	3	8100	14539	75%	10904	16810	75%	12608	75%	12608	78%	13112	78%	+2208
Carter	6	1800	12627	90%	11364	16180	75%	12135	90%	14562	78%	12620	78%	+1256
Cascade	1	80600	20640	75%	15480	24060	60%	14436	75%	18045	72%	17323	72%	+1843
Chouteau	3	6100	14303	75%	10727	16610	75%	12458	75%	12458	78%	12956	78%	+2229
Custer	3	13100	14928	75%	11196	17310	75%	12983	75%	12983	78%	13502	78%	+2306
Daniels	6	2800	12896	90%	11606	16280	75%	12210	90%	14652	78%	12698	78%	+1092
Dawson	3	11900	14913	75%	11185	17190	75%	12893	75%	12893	78%	13408	78%	+2223
Deer Lodge	4	12500	14928	90%	13435	17250	75%	12938	90%	15525	78%	13455	78%	+20
Fallon	2	3800	14763	75%	11072	16380	75%	12285	75%	12285	78%	12776	78%	+1704
Fergus	3	13100	15182	75%	11387	17310	75%	12983	75%	12983	78%	13502	78%	+2115
Flathead	1	51500	18009	75%	13507	21150	65%	13747	75%	15863	74%	15651	74%	+2144
Gallatin	1	42800	17291	75%	12968	20280	65%	13182	75%	15210	74%	15007	74%	+2039
Garfield	6	1600	12521	90%	11269	16160	75%	12120	90%	14544	78%	12605	78%	+1336
Glacier	2	9700	15497	75%	11623	16970	75%	12728	75%	12728	78%	13237	78%	+1614
Golden Valley	7	1000	11878	90%	10690	16100	75%	12075	90%	14490	78%	12558	78%	+1868
Granite	6	2700	12148	90%	10933	16270	75%	12203	90%	14643	78%	12691	78%	+1757
Hill	2	17900	15885	75%	11914	17790	70%	12453	75%	13343	76%	13520	76%	+1607
Jefferson	5	7000	13807	90%	12426	16700	75%	12525	90%	15030	78%	13026	78%	+600
Judith Basin	5	2600	12775	90%	11498	16260	75%	12195	90%	14634	78%	12683	78%	+1185
Lake	3	19100	15436	75%	11577	17910	70%	12537	75%	13433	76%	13612	76%	+2035
Lewis and Clark	1	43100	17290	75%	12968	20310	65%	13202	75%	15233	74%	15029	74%	+2062
Liberty	4	2300	12880	90%	11592	16230	75%	12173	90%	14607	78%	12659	78%	+1067
Lincoln	3	17700	15182	75%	11387	17770	70%	12439	75%	13328	76%	13505	76%	+2119
Madison	4	2700	13656	90%	12290	16270	75%	12203	90%	14643	78%	12691	78%	+400
McCone	5	5400	12880	90%	11592	16540	75%	12405	90%	14886	78%	12901	78%	+1309
Meagher	6	2100	12148	90%	10933	16210	75%	12158	90%	14589	78%	12644	78%	+1711
Mineral	7	3700	12267	90%	11040	16370	75%	12278	90%	14733	78%	12769	78%	+1728
Missoula	1	75400	19892	75%	14919	23540	60%	14124	75%	17655	72%	16949	72%	+2030
Musselshell	4	4400	13656	90%	12290	16440	75%	12330	90%	14796	78%	12823	78%	+533
Park	4	13000	14657	90%	13191	17300	75%	12975	90%	15570	78%	13494	78%	+303
Petroleum	7	700	1200	90%	1080	16070	75%	12053	90%	14463	78%	12535	78%	+11455
Phillips	3	5400	13523	75%	10142	16540	75%	12405	75%	12405	78%	12901	78%	+2759
Pondera	3	6700	14434	75%	10826	16670	75%	12503	75%	12503	78%	13003	78%	+2177
Powder River	1	2500	16469	75%	12352	16250	75%	12188	75%	12188	78%	12675	78%	+323
Powell	5	6900	13911	90%	12520	16690	75%	12518	90%	15021	78%	13018	78%	+498
Prairie	6	1800	12148	90%	10933	16180	75%	12135	90%	14562	78%	12620	78%	+1687
Ravalli	3	22400	15303	75%	11477	18240	70%	12768	75%	13680	76%	13862	76%	+2385

COUNTY	CLASS	POP	PRESENT			SB50 \$14,000 +2000 +10/100 SHERIFF	HB558 AS WRITTEN				HB558 IF AMENDED EXISTING 75-90 PCT LAW				HB558 IF AMENDED ALTERNATIVE PERCENT LAW			
			SHERIFF BASE SALARY	PCT	DEPUTY BASE SALARY		PCT	DEPUTY SALARY	CHANGE	PCT	DEPUTY SALARY	CHANGE	PCT	DEPUTY SALARY	CHANGE	PCT	DEPUTY SALARY	CHANGE
Richland	1	12200	15496	75%	11622	17220	75%	12915	+1293	75%	12915	+1293	78%	13432	+1810	78%	13432	+1810
Roosevelt	3	10400	15047	75%	11285	17040	75%	12780	+1495	75%	12780	+1495	78%	13291	+2006	78%	13291	+2006
Rosebud	1	10000	18293	75%	13720	17000	75%	12750	-970	75%	12750	-970	78%	13260	-460	78%	13260	-460
Sanders	4	8600	14405	90%	12965	16860	75%	12645	-320	90%	15174	+2210	78%	13151	+186	78%	13151	+186
Sheridan	2	5400	13912	75%	10434	16540	75%	12405	+1971	75%	12405	+1971	78%	12901	+2467	78%	12901	+2467
Silver Bow	1	37900	17469	75%	13102	19790	65%	12864	-238	75%	14843	+1741	74%	14645	+1543	74%	14645	+1543
Stillwater	5	5600	13523	90%	12171	16560	75%	12420	+249	90%	14904	+2733	78%	12917	+746	78%	12917	+746
Sweetgrass	6	3200	12789	90%	11510	16320	75%	12240	+730	90%	14688	+3178	78%	12730	+1220	78%	12730	+1220
Teton	4	6500	13914	90%	12523	16650	75%	12488	-35	90%	14985	+2462	78%	12987	+464	78%	12987	+464
Toole	2	5600	14165	75%	10624	16560	75%	12420	+1796	75%	12420	+1796	78%	12917	+2293	78%	12917	+2293
Treasure	7	1000	11881	90%	10693	16100	75%	12075	+1382	90%	14490	+3797	78%	12558	+1865	78%	12558	+1865
Valley	3	10200	15048	75%	11286	17020	75%	12765	+1479	75%	12765	+1479	78%	13276	+1990	78%	13276	+1990
Wheatland	6	2400	12148	90%	10933	16240	75%	12180	+1247	90%	14616	+3683	78%	12667	+1734	78%	12667	+1734
Wibaux	5	1500	12775	90%	11498	16150	75%	12113	+615	90%	14535	+3038	78%	12597	+1100	78%	12597	+1100
Yellowstone	1	107700	22881	75%	17161	26770	55%	14724	-2437	75%	20078	+2917	72%	19274	+2114	72%	19274	+2114

PROPOSED AMENDMENTS TO HB558

Page 3, line 10....strike 75% and insert 78%  
Page 3, line 11....strike 70% and insert 76%  
Page 3, line 12....strike 65,999 and insert 74,999  
Page 3, line 12....strike 65% and insert 74%  
Page 3, line 13....strike 66,000 to 99,999 and insert 75,000 and over  
Page 3, line 13....strike 60% and insert 72%  
Page 3, line 14....strike 100,000 and over....55% to 90%

Requested by the Montana Sheriffs and Peace Officers  
Association.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
SUBDIVISION BUREAU



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

(406) 449-3946

HELENA, MONTANA 59620

March 19, 1981

TO : Senate Local Government Committee Members

FROM : Ed Casne, Chief, Subdivision Bureau

SUBJECT: HB 179 - Increase Sanitation in Subdivision Review Fee  
Subdivision Bureau, Department of Health and Environmental  
Sciences

The two-page enclosure is provided to show you bureau staffing patterns with relation to the workload and to show you bureau expenses.

Page 1 shows that the bureau has made an effort to keep the staff in line with the workload. At the present time we are authorized 9 FTEs and we are operating with 6. If the workload stays as it is or begins to increase during the next two years, 6 FTEs will be needed to do the job. If the workload continues to decrease, we will reduce our staff accordingly.

It can be argued that the workload was much larger in 1978 and we managed with a staff of 8.5 FTEs, therefore, we should now be able to operate with 4 FTEs. I contend that we are doing a much more efficient, timely review now than in 1978. It now takes us 19 working days to respond to a submittal, in 1978 it took twice that long. Also with 4 FTEs (3 of which are professional), we would be totally crippled if one professional quit. It takes about 1 year to get efficient production out of a new hire.

A fee increase is needed to get expenses more in line with income. The fee was established at \$25.00 per parcel four years ago. Program costs have raised significantly since that time and are expected to keep going up over the next 2 years. The \$15.00 per parcel fee increase constitutes a 60% increase which is in line with cost of living increase.

The \$15.00 increase will be shared by State and local governments involved in the Sanitation in Subdivision review. Local government share of the review fee will more than double if this increase is approved. We project that the local government portion will raise from \$67,491 to \$139,680.

Please feel free to contact me if you have any questions.

SUBDIVISION BUREAU  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Work Load and Staffing Patterns

<u>WORK LOAD</u>	<u>SUBDIVISIONS REVIEWED</u>	<u>LOTS CREATED</u>	<u>PROGRAM STAFF</u>
1961-1969	50	unknown	
1970	88	unknown	
1971	106	unknown	
1972	135	unknown	
1973	250	unknown	
1974	319	unknown	
FY 1976	1040	unknown	4.0
FY 1977	1870	6,000	7.5
FY 1978	2510	15,650	8.5
FY 1979	2944	14,000	8.5
FY 1980	2099	9,980	8.0
FY 1981*	1609	8,139	6.0

Projected from 1st half figures

SUBDIVISION BUREAU  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Program Expenses and Income

CURRENT FEES

	<u>Income</u>	<u>Expenses</u>	<u>Deficit</u>
FY 1980	\$199,761	\$263,648	\$ 63,887
FY 1981	163,926	250,000	86,074
FY 1982*	199,761	283,975	84,214

PROPOSED FEES

FY 1982*	\$319,665	\$356,164	\$ 36,499
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\*Assuming same work load as FY 1980

PROPOSED BUREAU EXPENSES FY 1982

	<u>Present Fee</u>	<u>Proposed Fee</u>
Salaries & Benefits**	\$148,856	\$148,856
Operating Costs	40,238	40,238
Indirect Costs	27,390	27,390
Reimbursements to Cities and Counties	67,491	139,680
	<u>\$283,975</u>	<u>\$356,164</u>

\*\*Assuming LFAs recommendation of 9%





STATE OF MONTANA  
Office of the Legislative Fiscal Analyst

STATE CAPITOL  
HELENA, MONTANA 59601  
406/449-2986

JOHN S. LEFAVER  
LEGISLATIVE FISCAL ANALYST

March 21, 1981

TO: Senator George McCallum  
Montana State Senate

FROM: Norm Rostocki, Assistant Analyst *Norm Rostocki*  
*640 mdy*

SUBJECT: Subdivision Fees

	<u>Actual FY 79</u>	<u>Actual FY 80</u>	<u>Budgeted FY 81</u>
<u>Subdivision Fees</u>			
Beginning Fund Balance (02010)	\$187,138	\$223,512	\$146,372
Income	<u>350,562</u>	<u>186,845</u>	<u>199,640</u>
Total Available	\$537,700	\$410,357	\$346,012
Expenditures	\$293,675	\$263,648	\$295,000
Prior Year Adjustment	<u>(20,513)</u>	<u>(337)</u>	
Ending Fund Balance	\$223,512	\$146,372	\$ 51,012

Income received at \$25/lot (current level):

	<u>Income @\$25/lot</u>	<u>Lots Reviewed</u>
Actual FY '79	\$350,562	
Actual FY '80	186,945	9,982
Projected FY '81*	199,640	9,132
Projected FY '82	199,640	9,982
Projected FY '83	199,640	9,982

\*Note: Even though fewer lots were reviewed than in fiscal 1980, more revenue was generated. This is due to a variable rate for lot review based on its location and specific characteristics.

For the 1983 biennium the subdivision bureau is funded entirely from revenues derived from assessments against subdivision plots to review the

adequacy of drinking and waste water systems. The committee recommends this program reduce its expenditure level and 2.0 FTE to operate within the amount of revenue projected to be available in the 1983 biennium.

PROPOSED AMENDMENTS TO H.B. 202  
(THIRD READING COPY)

1. Title, line 5.

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 6.

Following: "50-60-101"

Insert: "AND 50-60-102"

3. Title, line 7.

Following: "TO"

Insert: "GENERALLY REVISE AND"

Following: "THE"

Strike: "DEFINITION OF PUBLIC PLACE"

Insert: "APPLICABILITY OF BUILDING CONSTRUCTION STANDARDS; AND  
PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 3, line 19 through line 6 on page 4.

Strike: line 19 on page 3 through 6 on page 4 in its entirety

Renumber: Subsequent subsections

5. Page 4.

Following: line 17

Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) ~~Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply to "public places", as defined in 50-60-101(11)~~ Unless the municipality or county that would have jurisdiction over the buildings has a certified building code enforcement program under 50-60-301 and 50-60-302, the state building code does not apply to residential buildings containing less than five dwelling units or their attached to structures located within the municipality's or county's jurisdictional area, and the state will not enforce the state building code under 50-60-205 as to those buildings.

(2) Where good and sufficient cause exists, a written request for limitation of the state building code may be filed with the department for filing as a permanent record.

(3) The department may limit the application of any rule or portion of the state building code to include or exclude:

(a) specified classes or types of buildings according to use or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable;

(b) specified areas of the state based upon size, population density, special conditions prevailing therein, or other factors which make differentiation or separate classification or regulation necessary, proper, or desirable."

Section 3. Effective date. This act is effective on passage and approval."

Amendment to House Bill 507

1. Page 1, lines 12 through 14.

Following: "(1)" on line 12

Strike: the remainder of line 12 through line 14 in their entirety

Insert: "A vacancy on the board shall be filled by a selection  
board composed of two county commissioners, two representatives  
from governing bodies of each municipality included or partially  
included in the district, and two transportation board members."

Proposed Amendments to HB 724

1. Page 2, line 10.

Following: "contract."

Insert: "It shall be presumed that a local government  
could not<sup>otherwise</sup> reasonably afford itself of the subject of a  
contract if the<sup>additional</sup> cost to the local government is greater  
than 10% of a contract with an interested party or if the  
contract is for services that must be performed within a  
limited time period and no other contractor can provide  
those services within that time period."

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 HJR Bill No. 28 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Ochsner moved the bill be  
concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 33 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum		✓
Senator Jesse O'Hara	✓	
Senator H. W. Hammond		✓
Senator J. Donald Ochsner	✓	
Senator Bill Thomas		✓
Senator Max Conover		✓
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Van Valkenburg moved the bill  
be concurred in as amended.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 56 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg		✓

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Thomas moved the bill be  
not concurred in.

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



SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 57 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner		✓
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg		✓

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator O'Hara moved the bill be  
not concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 179 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond		✓
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Thomas moved the bill be  
concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 202 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Van Valkenburg moved the bill  
be concurred in as amended.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 375 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond		✓
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Ochsner moved the bill be not  
concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 393 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg		✓

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Thomas moved the bill be  
not concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 507 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Thomas moved the bill be  
enrolled in as amended.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 555 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator O'Hara moved the bill be  
concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 624 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Hammond moved the bill be  
concurred in as amended.

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



SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 715 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg		✓

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Hammond moved the bill be  
not concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 724 Time 7:30 p.m

NAME	YES	NO
Senator George McCallum		✓
Senator Jesse O'Hara	✓	
Senator H. W. Hammond		✓
Senator J. Donald Ochsner		✓
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Van Valkenburg moved the bill  
be concurred in as amended.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 770 Time 7:30 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Van Valkenburg moved the bill  
be concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/24/81 House Bill No. 781 Time 7:30 pm.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: Senator Van Valkenburg moved the bill  
be concurred in.

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

# STANDING COMMITTEE REPORT

March 24

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE JOINT RESOLUTION Bill No. 28

SALES (OCHSNER)

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 28

BE CONCURRED IN

~~DO PASS~~

# STANDING COMMITTEE REPORT

March 24

19 81

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE**

Bill No. **56**

**KESSLER (McCALLUM)**

Respectfully report as follows: That **HOUSE** Bill No. **56**

BE NOT CONCURRED IN

~~XXXXXX~~

*GA*

# STANDING COMMITTEE REPORT

March 24

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 57

AZZARA (McCALLUM)

Respectfully report as follows: That HOUSE Bill No. 57

BE NOT CONCURRED IN

~~XXXXXX~~  
~~DO PASS~~

# STANDING COMMITTEE REPORT

March 24

19 81

**PRESIDENT**

MR. ....

**LOCAL GOVERNMENT**

We, your committee on .....

**HOUSE**

having had under consideration ..... Bill No. **179**

**DONALDSEN ( THOMAS )**

**HOUSE**

Respectfully report as follows: That ..... Bill No. **179**

BE CONCURRED IN

~~DO PASS~~



# STANDING COMMITTEE REPORT

March 24

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 202

SIVERTSEN (HAMMOND)

Respectfully report as follows: That HOUSE Bill No. 202  
third reading (blue) copy, be amended as follows:

1. Title, line 5.

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 6.

Following: "50-60-101"

Insert: "AND 50-60-102"

3. Title, line 7.

Following: "TO"

Insert: "GENERALLY REVISE AND"

Following: "THE"

Strike: "DEFINITION OF PUBLIC PLACE"

Insert: "APPLICABILITY OF BUILDING CONSTRUCTION STANDARDS; AND  
PROVIDING AN IMMEDIATE EFFECTIVE DATE"

DO PASS

(cont'd)

4. Page 3, line 19 through line 6 on page 4.  
Strike: line 19 on page 3 through 6 on page 4 in its entirety  
Renumber: Subsequent subsections

5. Page 4.

Following: line 17

Insert: "Section 2. Section 50-60-102, MCA, is amended to read:  
"50-60-102. Applicability. (1) ~~Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply to "public places", as defined in 50-60-101(11)~~  
Unless the municipality or county that would have jurisdiction over the buildings has a certified building code enforcement program under 50-60-301 and 50-60-302, the state building code does not apply to residential buildings containing less than five dwelling units or their attached structures located within the municipality's or county's jurisdictional area, and the state may not enforce the state building code under 50-60-205 for those buildings.

(2) Where good and sufficient cause exists, a written request for limitation of the state building code may be filed with the department for filing as a permanent record.

(3) The department may limit the application of any rule or portion of the state building code to include or exclude:

- (a) specified classes or types of buildings according to use or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable;
- (b) specified areas of the state based upon size, population density, special conditions prevailing therein, or other factors which make differentiation or separate classification or regulation necessary, proper, or desirable."

Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, BE CONCURRED IN

*W.C.*

# STANDING COMMITTEE REPORT

March 24

19 31

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 375

ANDERSON (MCCALLUM)

Respectfully report as follows: That HOUSE Bill No. 375

BE NOT CONCURRED IN

~~DO PASS~~

*GA*

# STANDING COMMITTEE REPORT

March 24

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 393

VINGER (McCALLUM)

Respectfully report as follows: That HOUSE Bill No. 393

BE NOT CONCURRED IN

DO PASS

JRF

# STANDING COMMITTEE REPORT

March 24

19 21

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 507

AZZARA (THOMAS)

Respectfully report as follows: That HOUSE Bill No. 507  
third reading (blue) copy, be amended as follows:

1. Page 1, lines 12 through 14.

Following: "(1)" on line 12

Strike: the remainder of line 12 through line 14 in their entirety

Insert: "A vacancy on the board shall be filled by a selection  
board composed of two county commissioners, two representatives  
from governing bodies of each municipality included or partially  
included in the district, and two transportation board members."

And, as so amended, BE CONCURRED IN

XMGFASXX

GEORGE MCCALLUM,

Chairman.

# STANDING COMMITTEE REPORT

March 25<sup>4</sup>

19 81

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **555**

**MANNING (O'HEARA)**

Respectfully report as follows: That **HOUSE** Bill No. **555**

BE CONCURRED IN

~~DO PASS~~

# STANDING COMMITTEE REPORT

March 24

19 81

PRESIDENT

MR. ....

LOCAL GOVERNMENT

We, your committee on .....

HOUSE

having had under consideration ..... Bill No. 575

KITSELMAN (MCCALLUM)

HOUSE

Respectfully report as follows: That ..... Bill No. 575

BE NOT CONCURRED IN

XXXXXX  
DO PASS

# STANDING COMMITTEE REPORT

March 24

19 81

**PRESIDENT**

MR. ....

**LOCAL GOVERNMENT**

We, your committee on .....

**HOUSE**

having had under consideration ..... Bill No. 624

**WILLIAMS (VAN VALKENBURG)**

**HOUSE**

Respectfully report as follows: That ..... Bill No. 624

third reading (blue) copy, be amended as follows:

1. Page 2, lines 8 and 9.

Following: "water"

Strike: "or notice of appropriation of water"

2. Page 3, lines 9 and 10.

Following: "for"

Strike: the remainder of line 9 and line 10

Insert: "the first page of any document, 50 cents, and 25 cents for each subsequent page; and"

3. Page 3, line 11.

Following: "\$1"

Strike: "\$2"

Insert: "\$1"

And, as so amended, BE CONCURRED IN

~~EXHIBIT~~

*42*

**GEORGE MCCALLUM,**

Chairman.



# STANDING COMMITTEE REPORT

March 24

19 81

**PRESIDENT**

MR. ....

**LOCAL GOVERNMENT**

We, your committee on .....

**HOUSE**

having had under consideration ..... Bill No. 715

**LORY (McCALLUM)**

**HOUSE**

Respectfully report as follows: That ..... Bill No. 715

BE NOT CONCURRED IN

~~XXXXXX~~

JRF

# STANDING COMMITTEE REPORT

## MINORITY REPORT

March 24, 19 81

*Hail 405*

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **715**

**LORY (McCALLUM)**

Respectfully report as follows: That **HOUSE** Bill No. **715**

BE CONCURRED IN  
XXXXX

# STANDING COMMITTEE REPORT

March 24

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 724

NEUMAN ( VAN VALKENBURG )

Respectfully report as follows: That HOUSE Bill No. 724

third reading (blue) copy, be amended as follows:

1. Page 2, line 10.

Following: "contract."

Insert: "It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than 10% of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period."

And, as so amended, BE CONCURRED IN

~~DEPAST~~

# STANDING COMMITTEE REPORT

March 24 19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 770

LORY (VAN VALKENBURG)

Respectfully report as follows: That HOUSE Bill No. 770

BE CONCURRED IN

~~DO PASS~~

# STANDING COMMITTEE REPORT

March 24

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 781

HARPER ( VAN VALKENBURG )

Respectfully report as follows: That HOUSE Bill No. 781

BE CONCURRED IN

~~NOT PASS~~