

CHAPTER NO. 652

HOUSE BILL NO. 534

INTRODUCED BY McBRIDE, FAGG, KEMMIS, VINCENT

IN THE HOUSE

February 2, 1979	Introduced and referred to Committee on Natural Resources.
February 7, 1979	Rereferred to Committee on Taxation.
March 22, 1979	Committee recommend bill do pass as amended. Report adopted.
March 24, 1979	Printed and placed on members' desks.
March 26, 1979	Second reading, do pass.
March 27, 1979	Considered correctly engrossed.  Third reading, passed. Transmitted to second house.

IN THE SENATE

March 27, 1979	Introduced and referred to Committee on Rules.
March 29, 1979	Rereferred to Committee on Taxation.
April 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.  Statement of Intent adopted.
April 9, 1979	Second reading, concurred in.
April 11, 1979	Third reading, concurred in as amended.

IN THE HOUSE

April 12, 1979	Returned from second house. Concurred in as amended with Intent Statement.
April 13, 1979	Second reading, amendments adopted.
April 16, 1979	Third reading, amendments adopted. Sent to enrolling.  Reported correctly enrolled.

1 HOUSE BILL NO. 534  
 2 INTRODUCED BY Michael F. Kelly Kamming Vincent

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO FURTHER DEFINE  
 5 "RECOGNIZED NONFOSSIL FORMS OF ENERGY GENERATION" TO INCLUDE  
 6 PASSIVE SOLAR ENERGY; AMENDING SECTION 15-32-102, MCA."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 15-32-102, MCA, is amended to read:

10 "15-32-102. Definitions. As used in this part the  
 11 following definitions apply:

12 (1) "Building" means a single or multiple dwelling,  
 13 including a mobile home, or a building used for commercial,  
 14 industrial, or agricultural purposes, which is enclosed with  
 15 walls and a roof.

16 (2) "Capital investment" means any material or  
 17 equipment purchased and installed in a building or land with  
 18 or without improvements.

19 (3) "Energy conservation purpose" means one or more of  
 20 the following results of an investment: reducing the waste  
 21 or dissipation of energy or reducing the amount of energy  
 22 required to accomplish a given quantity of work.

23 (4) "Recognized nonfossil forms of energy generation"  
 24 means a system for the utilization of solar energy including  
 25 passive solar heat, wind, solid wastes, or the decomposition

1 of organic wastes for capturing energy or converting energy  
 2 sources into usable sources, for the production of electric  
 3 power from solid wood wastes, and also means a small system  
 4 for the utilization of water power by means of an  
 5 impoundment not over 20 acres in surface area."

-End-

HB 534  
 -2- INTRODUCED BILL.

STATE OF MONTANA

REQUEST NO. 286-79

FISCAL NOTE

Form BD-15

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In compliance with a written request received February 7, 19 79, there is hereby submitted a Fiscal Note for House Bill 534 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

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DESCRIPTION

This proposed bill further defines "recognized nonfossil forms of energy generation" to include passive solar energy.

ASSUMPTIONS

No data are available (See technical note).

TECHNICAL NOTE

The definition of passive solar should be clarified. In absence of any specifics, it would be impossible to distinguish between a south facing window and a passive system.

(Prepared by the Department of Revenue)

*Richard L. Drury for*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/10/79

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Approved by Committee  
on Taxation

HOUSE BILL NO. 534

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walls and a roof.

(2) "Capital investment" means any material or  
equipment purchased and installed in a building or land with  
or without improvements.

(3) "Energy conservation purpose" means one or more of  
the following results of an investment: reducing the waste  
or dissipation of energy or reducing the amount of energy  
required to accomplish a given quantity of work.

~~(4) "PASSIVE SOLAR SYSTEM" MEANS A DIRECT THERMAL  
ENERGY SYSTEM THAT USES THE STRUCTURE OF A BUILDING AND ITS  
OPERABLE COMPONENTS TO PROVIDE HEATING OR COOLING DURING THE~~

~~APPROPRIATE TIMES OF THE YEAR BY USING THE CLIMATE RESOURCES  
AVAILABLE AT THE SITE.~~

~~(4)(5) "Recognized nonfossil forms of energy  
generation" means a system for the utilization of solar  
energy including passive solar heat SYSTEMS, wind, solid  
wastes, or the decomposition of organic wastes for capturing  
energy or converting energy sources into usable sources, for  
the production of electric power from solid wood wastes, and  
also means a small system for the utilization of water power  
by means of an impoundment not over 20 acres in surface  
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-End-

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-End-

1                    STATEMENT OF INTENT RE: HB 534

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3

4            In adopting rules to determine the eligibility for tax  
5 credits of recognized nonfossil forms of energy generation  
6 that produce passive solar heat, the department shall rely  
7 on the standards adopted, if any, by the Internal Revenue  
8 Service pursuant to the National Energy Act and on those  
9 adopted by the states of California and New Mexico. The  
10 department of revenue shall adapt these standards to fit  
11 passive solar systems suited for Montana's climate.

12           A passive solar system includes only those portions and  
13 components of a building that are expressly designed and  
14 required for the collection, storage, and distribution of  
15 solar energy and that are not standard components of a  
16 conventional building. Thus, the conventional amount of  
17 south-facing windows or a standard mass wall could not be  
18 included as part of a passive solar system, but additional  
19 south-facing windows or additional thickenings to a standard  
20 mass wall used for solar heat storage could be included.

HB 534

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24 ~~ENERGY SYSTEM THAT USES THE STRUCTURE OF A BUILDING AND ITS~~  
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1 ~~APPROPRIATE TIMES OF THE YEAR BY USING THE CLIMATE RESOURCES~~  
2 ~~AVAILABLE AT THE SITE. IT INCLUDES ONLY THOSE PORTIONS AND~~  
3 ~~COMPONENTS OF A BUILDING THAT ARE EXPRESSLY DESIGNED AND~~  
4 ~~REQUIRED FOR THE COLLECTION, STORAGE, AND DISTRIBUTION OF~~  
5 ~~SOLAR ENERGY AND THAT ARE NOT STANDARD COMPONENTS OF A~~  
6 ~~CONVENTIONAL BUILDING. THE DEPARTMENT MAY ADOPT RULES TO~~  
7 ~~DEFINE STANDARD COMPONENTS OF CONVENTIONAL BUILDINGS AND TO~~  
8 ~~ESTABLISH OTHER NECESSARY ELEMENTS OF THIS DEFINITION~~  
9 ~~CONSISTENT WITH THE INTENT OF THIS SECTION.~~

10 ~~(4)(5) "Recognized nonfossil forms of energy~~  
11 ~~generation" means a system for the utilization of solar~~  
12 ~~energy including passive solar heat SYSTEMS, wind, solid~~  
13 ~~wastes, or the decomposition of organic wastes for capturing~~  
14 ~~energy or converting energy sources into usable sources, for~~  
15 ~~the production of electric power from solid wood wastes, and~~  
16 ~~also means a small system for the utilization of water power~~  
17 ~~by means of an impoundment not over 20 acres in surface~~  
18 ~~area."~~

-End-



April 6, 1979

SENATE STANDING COMMITTEE REPORT  
(Taxation)

That House Bill No. 534, third reading bill, be amended as follows:

1. Page 2, line 2.

Following: "SITE."

Insert: "It includes only those portions and components of a building that are expressly designed and required for the collection, storage, and distribution of solar energy and that are not standard components of a conventional building. The department may adopt rules to define standard components of conventional buildings and to establish other necessary elements of this definition consistent with the intent of this section."