

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

January 16, 1987

The fifth meeting of the Business and Industry Committee met on Friday, January 16, 1987, in Room 410 of the Capitol at 10 a.m. The meeting was called to order by Chairman Allen Kolstad.

ROLL CALL: All committee members were present, except Senator Delwyn Gage, who was excused. Senator Mike Halligan and Representative Gary Spaeth were also present.

CONSIDERATION OF SENATE BILL NO. 79: Sen. Mike Halligan, Senate District 29, chief sponsor of the bill, said it would require certification of compliance with the State Fire Marshal's rules on smoke detectors in residences upon sale or transfer of ownership of a residence or dwelling; and amends Sections 61-3-207 and 70-21-201, MCA.

Sen. Halligan explained that the purpose of the bill is, to assure gradually over a period of years as residences are sold, smoke detectors will be put in every home in Montana. The bill also applies to mobile homes. This action is triggered only upon the sale or transfer of properties - the sale of houses. It only applies to residences. Under this proposed legislation the sellers cannot record the title or transfer documents without certifying that the smoke detectors are in the home and that they comply with the fire marshal's rules and regulations. There are two ways for the seller to certify that he has complied. He can certify himself by looking at the rules that the fire marshal has that there is a smoke detector in the home and that it complies with those regulations. Or, he can call the local fire department and have the person who is authorized to do so come out and make an inspection of the smoke detectors and the inspection will certify that the home complies. This bill, by preventing the recording of the transfer documents, if that certification is not met, brings home the seriousness of the issue of having a smoke detector in the home. He noted that there were persons present who would talk about the social and practical policies of preventing injuries and death in homes and trailers here in Montana. He further stated: "You all understand those issues very well, that you can't put values on peoples' lives."

PROPOSERS:

Bruce Suenram, Fire Chief, Missoula Rural Fire District, told the committee that in the space of eight days, June 30 through July 8, in Missoula in his fire district, there were five fire

deaths in residential fires. Neither residence had smoke detectors and his group feels that had there been smoke detectors present in either case, the victims would have been saved. They also feel that the prime objective in SB 79 is to get smoke detectors in older residences because since about 1980 the building codes require smoke detectors in new residences. He said he had seen figures that said buildings sell on the average of once every seven years, so if the committee chooses to adopt this bill over that period of time it would be possible to get a smoke detector in every dwelling in Montana.

He recommended that the committee pass this bill with any amendments that meets the objectives of getting smoke detectors into the homes. (EXHIBIT 1)

Lester Johnson, Missoula City Fire Marshal and representing the Montana State Fire Prevention Association, presented figures showing that in the past ten years they have had seven fire deaths in the city of Missoula. The homes involved with those deaths did not have smoke detectors in them. He stated that they cannot say positively that all of those deaths could have been prevented if smoke detectors had been in use, but beyond a shadow of doubt, it is known that they did not have detectors and they died. He presented two cases within the past year where detectors were in use and no deaths or serious injuries resulted. (EXHIBITS 2 and 3) He cited the death of Meggan Zachariasen, nine months old, who could definitely have been saved if detectors had been present. He stated that the young and older persons are the ones who die in fires. The persons of the inbetween ages, unless they are physically handicapped, usually can get out, but the carbon monoxide kills the young, old and handicapped who cannot help themselves. He heartily supported the bill and felt it would be a good way to get the protection needed for older homes.

Robert Park, Missoula Rural Fire District and representative of the International Association of Fire Fighters, Local 2457, spoke in favor of SB 79 and recommended a do pass with any amendments necessary to meet the overall objectives of the bill. (EXHIBIT 4)

Henry E. Lohr, representing Montana State Volunteer Firemens Association, stated that they support SB 79, that smoke detectors are not that expensive to purchase.

Bill Reed, Battalion Chief of the Missoula Rural Fire District, stated that he was involved in the cleanup and investigation following two fires in Missoula. In one fire a young woman died and in the other, three young children died. He feels that this \$10 instrument (smoke detector) could have saved those people. He heartily supports SB 79. (EXHIBIT 5)

Bill Ridgway, Chief of the Lewis and Clark County Volunteer Department and representative of the volunteer fire departments within Lewis and Clark County, cited a case on December 31, 1986 at 4:59 a.m., at which time they responded to a residence on the west side of Helena. A smoke detector had awakened the owner. He feels that without that notice, there would have been two people dead plus at least \$200,000 in property damage. The actual estimated property damage was \$6,000. He stated that the Lewis and Clark County Volunteer Fire Departments support SB 79. (EXHIBIT 6)

Charles Gibson of the Missoula City Fire Department testified in support of SB 79 (EXHIBIT 7)

Patrick D. Parker from Great Falls, representing Cascade County Rural Fire Departments, of which there are fifteen, testified that they all support SB 79. (EXHIBIT 8)

Duane Larson, Fire Chief, Kalispell, representing the Montana State Fire Chiefs Association, the Kalispell Fire Department, and the South Kalispell Volunteer Fire Department, read a letter composed by the Chief of the South Kalispell Volunteer Fire Department, Robert D. Lee (EXHIBIT 9) and made brief comments concerning the use of smoke detectors in homes in Montana. (EXHIBIT 10) He urged passage of SB 79.

Vern L. Ericksen, representing Montana State Firemens Association, stated that they would like to go on record in support of SB 79. He offered the following point of information: It is commonly believed that fatalities in fires are caused from the heat involved, but in talking with a doctor in Missoula who has performed numerous autopsies on bodies of fire victims, said these bodies showed no signs of heat, but died as a result of toxic gases. Many times, before the heat is sufficient enough to alert people to get out, toxic gases kill them. These early warning devices (smoke detectors) can get people out long before the heat would take its toll.

Ray E. Blehm, Jr., State Fire Marshal, testified that he was requested by the drafter of SB 79 to give some input because of the direct effect it would have on the Fire Marshal's Bureau and their operation. The original bill, as conceived, would have required mandatory inspection in all cases. They saw that as maybe unnecessarily burdensome in view of the number of realty transfers that take place in Montana in a year's time. Therefore, they suggested working it into the form as it is now presented. Unfortunately, the bill still does not embody all the concepts that they tried to get across and he will propose some amendments. He went on to explain some statistical information entitled, "Justification of SB 79 - Smoke Detector Required." (EXHIBIT 11) Mr. Blehm then explained that the

bill, in its drafted form, suggested that the inspection fee that is collected all goes to the State Fire Marshal's Bureau for operating their portion of the system.

This is not what they intended to have happen. They intended that the agency, such as the local volunteer fire department, performing the inspection would get the \$25 fee. The proposed amendment would correct that. (EXHIBIT 11) The first part of the amendment provides for the recording method for the inspections, i.e. at the time of the filing, people would certify that smoke detectors were in place and a \$5 fee would be charged. If that certification did not take place, the property transfer would be denied. He stated that hopefully when this passes, most all of the inspections would be done by the private individuals and that the rules that would be promulgated would be simple and straight forward enough to understand so that individuals could perform these inspections themselves without any undue burden. The \$5 fee would go to support the basic increase in activity that his bureau would see. He stated that Glen Drake had expressed some concern about tort action or civil suits and suggested clarifying that filing of a false affidavit was a misdemeanor and not admissible as evidence in a tort action because the affidavit only verifies that smoke detectors were in place and in working order at the time of transfer. The real goal is to get the smoke detectors in the houses and to protect the people and save lives.

Ed Flies, speaking on behalf of the Montana State Council of Professional Fire Fighters, stated that they are in favor of SB 79.

Joe Tropila, Cascade County Clerk and Recorder and President of the Montana Association of Clerks and Recorders, stated that the MACR agrees with the premise of SB 79 and are 100% behind it. They would like to work with whomever is sponsoring the bill, Sen. Halligan, or the people who are amending the bill, because when you have an instrument of transfer in their office, in order for it to have a certification on a fire alarm it would have to have an attachment to it, because normally there is no place on the instrument itself where they could certify that these smoke detectors are in place. If they do have another instrument, they have to charge another recording fee for that instrument, even if it is a small piece of paper, so they would like to work something out that would make it work. He stated that with each transfer of property, presently, there is what is called a Montana Realty Transfer Certificate which has to accompany that, and they do not accept anything to transfer unless the certificate accompanies it. If they could maybe place the smoke detector provision in that Realty Transfer Certificate (because that also carries the water rights transfer and everything else on it) and it's something that has to

accompany it and that is not recorded but it is a certification that the smoke detector is in place, they could whole-heartedly support this legislation. (EXHIBIT 12)

Gene Phillips, Kalispell, appeared on behalf of the Montana Land Title Association, which is an association of all the title insurance companies in the state of Montana. They also support the concept of SB 79, and agree that there certainly should be smoke detectors in all residential buildings in the state; but, they agree with Mr. Tropila that it's not appropriate for the clerk and recorder to have the function of checking on the certificate. The land title people feel that rather than have a separate certificate, it could be included in the Realty Transfer Certificate so that the seller could certify that either there was a smoke detector present or that there had been an inspection made to reveal that a smoke detector was present. Having a separate document would create a substantial problem for the title companies as well as for the clerk and recorder. He suggested an amendment to correct that problem. (EXHIBIT 13)

Rep. Gary Spaeth spoke in favor of the bill citing a personal experience where a smoke detector very clearly saved a life and the fire only caused \$600 worth of damage in a carpet. The house would have burned down and an invalid in the house would not have been able to get out of the bedroom in time if the smoke detector had not gone off. The concept of this bill is good -- a smoke detector did save a life in his family.

Bill Gowen, President of the Helena Abstract and Title Company, and representing the Montana Land Title Association, stated that they support the concept of SB 79 but they feel that the burden it would put on their industry and the clerk and recorders, would be unwarranted. They do support the bill basically but not the recording provisions. Mr. Gowen felt that Mr. Tropila's suggestion on the Realty Transfer Certificate, or some other means of documentation, would work for what is intended to be accomplished and would save them the problem of having to slow up the recording and transfer of documents, especially when there is a system in this country where you have to get to the courthouse and record the document before someone gets a judgment on it. If they held it up and a judgment was recorded on a previous owner, it could cause a lot of problems, undue lawsuits and no title insurance. He noted that he has smoke alarms in his home, as does his son, and that as a grandfather of two small grandsons he feels smoke detectors are very worthwhile and supports the bill personally. (EXHIBIT 14)

OPPONENTS:

Although Mr. Gene Phillips and Mr. Bill Gowen, representing the Montana Land Title Association, indicated on the visitors' register that they were in opposition of SB 79, and Mr. Phillips

marked on his witness form that he was an opponent, both testified that their organization basically supported the concept of SB 79, but opposed the recording provision and suggested that that portion of SB 79 be amended. They both testified during the time when Chairman Kolstad called for proponents of the bill to testify.

There were no further proponents or opponents.

Sen. Halligan closed by stating that he agreed that the recording provisions portion of SB 79 should be amended and that he would be happy to work with the committee researcher, Mary McCue, to correct that problem so that this bill would be workable and accomplish what was intended.

DISCUSSION OF SENATE BILL NO. 79:

Chairman Kolstad then called for questions from the committee.

Sen. Boylan was concerned that because these smoke alarms are not permanently installed, they could be removed after certification and wondered how enforcement would be handled. Bruce Suenran answered that that is a valid concern but he did not feel that for \$10 anybody would want to take them out. He explained that there are two different styles - one which can be hardwired into the electrical service and the style which is battery operated. The cost of detectors is from \$10-25, at the most.

Sen. Boylan was also concerned that in the past there were smoke detectors that would not be considered acceptable by today's standards. Mr. Suenran answered that there are still some on the market today that they probably wouldn't recommend because they are heat detectors and they do not work as well as the smoke detectors. He noted that if they are Underwriters Laboratory tested, one could be quite certain that they were legitimate products.

Sen. Walker stated that smoke detectors that are made today have the UL approval and those are the ones that the State Fire Marshal's office recommends and almost every major department store in the country handles both types. The two kinds - ionization systems and photo cells, detect gases or particles of combustion and react within microseconds of each other. So, the differences are insignificant.

Sen. Thayer asked Mr. Tropila if the Realty Transfer form that was referred to earlier was a standard form that all the clerks and recorders would be using and if it would be simple to use that form. Mr. Tropila answered in the affirmative to both questions and said that he would send some of the forms up for the committee members to look at.

Sen. Williams asked Mr. Blehm about the liability aspect that Mr. Drake had mentioned and noted that the State, right now, is in court with the State electrical inspectors on an inspection that was made and then the house burned. He wondered if the State would be immune from lawsuits. Mr. Blehm stated that he did not know if the State could fully insulate itself from that kind of problem. The rules that the bill talks about are based on model national standards which cover rules that NFPA promulgates on smoke detectors. What they would do is publish fairly simple, easy to understand rules and make them available for everybody that would be going through this process. They anticipate that most every homeowner would be able to understand the rules and be able to verify that they have properly installed smoke detectors. What Mr. Drake referred to was trying to protect the individual from that tort liability situation when he verifies that the smoke detectors are in place so that he will make the inspection himself. They want to encourage self-inspection because that is probably the most efficient way for that to happen.

Sen. Williams wanted to know if multi-unit dwellings are already covered. Mr. Blehm answered that they are already extensively addressed.

Sen. Neuman stated that it seemed to him that part of the bill was missing. He felt that there should be a mandate requiring smoke detectors in all homes if there is a procedure to make sure that they are in some of the homes and then use this as a policing mechanism to check on them. He wanted to know if there is a bill being introduced to require detectors in all homes (single family). Mr. Blehm answered that this bill seemed a more palatable way of dealing with the situation rather than coming into homes and telling the people that they must have smoke detectors and more acceptable to the general public. Bruce Suenran noted that since about 1980 any new construction of both mobile and single family homes have been required to have smoke detectors under the building codes. Mr. Blehm said that the federal standards that were put in place really nails it home for mobile homes, unfortunately in Montana in the building codes section there is a waiver that states the State cannot enforce the building codes in four-plexes and less. In local communities where they have adopted the local code, they can do that. There is a question as to whether the State can (with the current state of the law) even actually say they have to be there.

Concerning the \$5 fee, Sen. Neuman asked if that would cover the cost of an inspection. Mr. Blehm answered that the \$5 fee would be at the time of transfer and all of that fee would come to the State Fire Marshal to fund their portion. The inspections would cost \$25 if a person did not want to do it himself, and that would go to the agency doing the inspection, be it the local fire department or the State Fire Marshal's office. The

\$5 fee in the case of 23,000 homes transferred in a year should bring in \$100,000 annually which would allow his department to add the number of personnel to do the recording and three inspectors. A thousand inspections would generate \$25,000. He emphasized that they are not after a big work load and that is why they are trying to encourage the individual in the home doing his own inspections. Mr. Blehm offered to help on the amendments to make this a workable bill. Sen. Thayer wanted to know if the inspection could be done at the local level and Mr. Blehm answered that that was the intention. His department would get involved in the inspections only if there were no local fire department to do the inspections and that this would be a way for local fire departments to raise funds. Sen. Thayer asked if Sen. Halligan had a copy of the proposed amendments. Mr. Blehm stated that he had a copy and was aware of them and was in agreement.

Chairman Kolstad announced that the committee will go into another work session on SB 79 after the committee researcher, Mary McCue, Sen. Halligan and Mr. Blehm have met.

The hearing on SB 79 was closed.

CONSIDERATION OF HOUSE BILL NO. 34: Rep. Gary Spaeth, House District 84, chief sponsor of the bill, said that the bill would require that barber instructors be licensed barbers. He stated that this is a simple bill and had passed the House with no opposition. He is introducing the bill at the request of the Board of Barbers, the chairman of which lives in his district, and the main thing the bill would do is require that a barber instructor be a licensed barber.

PROPOSERS:

Geoffrey Brazier, Staff Attorney for the Department of Commerce, Professional and Occupational Licensing Bureau, which provides central administrative services to over 30 professional occupational licensing boards, including the Board of Barbers, explained that the boards assigned to the department are created to protect the public from the expense of incompetent practice or incompetent services. There are three primary mechanisms to do that: (1) licensing those who are qualified to practice; (2) maintaining a standard once barbers are licensed, which would be through a revocation process, and (3) by preventing unauthorized practice. His department serves in an advisory capacity to the Board of Barbers and provides them with an attorney when necessary. Mr. Brazier stated that it had just recently come to the attention of the Board of Barbers that under present Montana law, an instructor in a barber school did not have to be a licensed barber. That in fact, he could have less experience than the students and was answerable to no one.

In other words, less experience was required of the faculty than was required of the students in order to graduate. When this problem was discovered, everyone agreed that that is not the way it should be. Thus, House Bill 34 came about. The Board of Barbers highly approves of HB 34 and urged a Do Pass recommendation. Mr. Brazier stated that on behalf of the Board of Barbers he would strongly suggest a Do Pass recommendation on HB 34.

OPPONENTS: There were no opponents to HB 34.

DISCUSSION OF HOUSE BILL NO. 34:

Chairman Kolstad called for questions from the committee.

Sen. Williams wanted to know why they had to be a high school graduate. Mr. Brazier answered that to be a high school graduate and be of good character were just the usual requirements for most all other professions where personnel were licensed by the State.

Sen. Weeding asked if there was anything involved in barbering that could not be picked up just by experience. Mr. Brazier stated that, to his knowledge, almost everything involved in barbering could be learned that way except perhaps required sanitation practices. He stated that he knows they have to pass a practical test.

Sen. Meyer wondered if there had been any reason for the request for this bill, such as a complaint. Rep. Spaeth answered that there had been a complaint related to a school in Missoula which had brought to light the fact that there was nothing in the present law requiring that the instructors be licensed barbers. The Board felt that this deletion was simply an oversight and should be corrected.

Sen. Neuman wanted to know if there had been any abuses and was told that under present law there were none.

Sen. Boylan asked if this bill would cause a fight with all the cosmetologists, etc. Rep. Spaeth answered that this is not a turf battle and he saw no conflict with them.

Sen. Williams asked if Rep. Spaeth was comfortable with the requirement that a barber must be a high school graduate. Mr. Brazier answered that that was already a requirement so it was not an issue.

DISPOSITION OF HOUSE BILL NO. 34: Sen. Walker moved that HB 34 BE CONCURRED IN. The motion CARRIED unanimously and Sen. McLane was assigned to carry House Bill 34.

Business & Industry Committee

January 16, 1987

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Chairman Kolstad announced that the Business and Industry Committee had been invited by the Chairman of the Senate Taxation Committee, George McCallum, and the Chairman of the House Taxation Committee, Jack Ramirez, to attend a public hearing on Montana's tax system on Monday, January 19 at 7 p.m. in Room 325.

At 10:58 a.m. Chairman Kolstad adjourned the meeting. The next meeting of the Business and Industry Committee will be on January 20, 1987.



ALLEN C. KOLSTAD, CHAIRMAN

cl/lis

ROLL CALL

BUSINESS AND INDUSTRY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/16/87

NAME	PRESENT	ABSENT	EXCUSED
Allen C. Kolstad, Chairman	✓		
Ted Neuman, Vice Chairman	✓		
Paul Boylan	✓		
Delwyn Gage			✓
Harry H. "Doc" McLane	✓		
Darryl Meyer	✓		
Mike Walker	✓		
Cecil Weeding	✓		
Bob Williams	✓		
Gene Thayer	✓		

Each day attach to minutes.

COMMITTEE ON

Business & Industry

DATE

1/16/87
Friday

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Walt Larson	Missoula Rural Fire Dist	SB 79	✓	
ROBERT PARK	MRFD - IAFF # 2457	SB 79	✓	
Bill Beck	MRFD	SB 79	✓	
Cory Jackson	MTCIK + Rec Assn	SB 79		
Ray Boleman	St Fire Marshal	SB 79	✓	
Charles H. G. Lewis	Missoula City Fire Dept	SB 79	✓	
Lester Johnson	Missoula City Fire ^{MT FIRE} _{PREV ASS.}	SB 79	✓	
GENE PHILLIPS	Montana Land Title Assoc	SB 79		X
Tom McIsaac	Belgrade City + Rural Fire	SB 79	✓	
DUANE LARSON	MT STATE FIRE CHIEFS ASSN.	SB 79	✓	
JOE TROPICA	Mt Assoc. of Clerks & R.C.	SB 79		
Phil Williams	Sen. Bob Williams	SB 79		
JEFF BRADLEY	DEPT OF COMMERCE	HB 34	✓	
Conrad Bramblett	" "	HB 34	✓	
Verlye Lohr	Mont. State Vol. Firemen's	HB 79	✓	
Patrick Parker	Cascade County Rural Fire	SB 79	✓	
Bill Ridgway	Lewis and Clark County	SB 79	✓	
Wm F. COWEN	MONTANA LAND TITLE ASSO	SB 79		✓
JEAN L. ERICKSON	MT State Firemen's Assoc.			X
Edward L. Flinn	MT SH. Co. of P. & B. P. M.	SB 79	✓	
Butch McDonald	Citizen	SB 79	✓	
Tom Leonard	West Helena Valley F.D.	SB 79	✓	

NAME: Bruce S. [unclear] DATE: 1/16/87

ADDRESS: 2521 S. Hoe West [unclear]

PHONE: 549-6172

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

REPRESENTING WHOM? Missouri Rural Air Dist.

DATE 1/16/87

BILL NO. SB79

APPEARING ON WHICH PROPOSAL: SB 79

DO YOU: SUPPORT? — AMEND? — OPPOSE? —

COMMENTS: The structure for new service units to
accomplish what SB 79 is to ensure that
smoke detectors are installed in residences
and public places under the code.

of the committee feels that the bill should be
amended to meet the structure given
in SB 79.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LESTER JOHNSON DATE: 16 JAN 87

ADDRESS: 200 W. PINE MISSOULA MT SENATE BUSINESS & INDUSTRY EXHIBIT NO. 2

PHONE: 406 721 2291 DATE: 1/16/87 BILL NO. SB 79

REPRESENTING WHOM? MISSOULA CITY FIRE AND MT. FIRE PREVENTION ASSOC.

APPEARING ON WHICH PROPOSAL: SB 79

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: A VERY NECESSARY BILL FOR PROTECTION OF LIFE, ESPECIALLY THOSE WHO ARE EITHER TOO YOUNG, TOO ELDERLY, OR UNABLE TO DO THINGS FOR THEMSELVES.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

FIRE DEATHS IN MISSOULA SINCE 1978 THAT COULD HAVE BEEN PREVENTED
WITH SMOKE DETECTORS:

February, 1978	Meggan Zachariasen	Age 9 months
January, 1979	Shelly Williams	Age 16 years
April, 1979	Irma Thompson	Age 88 years
January, 1984	Patrick Briggs	Age 26 years
January, 1984	George Ann Briggs	Age 24 years
January, 1984	Patrick Briggs	Age 5 years
January, 1984	Wendy Briggs	Age 3 years

CASES WHERE SMOKE DETECTORS WERE PRESENT AND WORKING AND ALERTED
PEOPLE:

August, 1986 Apartment house, 2 story (Wester) on Daly.
Approximately 7 residents were alerted because of
a fire in one unit, and were able to safely exit
the building.

November, 1986 Single family, melting wax on stove for candles,
ignited, detector alerted mother who was able to
exit home with 4 young children.

NAME: ROBERT PARK DATE: 1-16-87

ADDRESS: 3817 TLYBERLINE SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 4

PHONE: 543-4141 DATE: 1/16/87

BILL NO. SB 79

REPRESENTING WHOM? MRFD - INT'L Assoc. OF FF'S #2457

APPEARING ON WHICH PROPOSAL: SB 79

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: The fire fighters of the Missoula Rural Fire District fully support SB #79. We believe that smoke detectors save lives. ~~and~~ We have seen first-hand, this past year, to separate fires in homes resulting in 4 fire-related deaths. These deaths would probably have been prevented if smoke detectors had been present and three children and 1 young woman would be alive today.

Please give this bill a do pass recommendation, with amendments that meet the overall objectives of this bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bill Ke... DATE: 1/16/87

ADDRESS: 4424 Stewart St. Mansfield 58701

SENATE BUSINESS & INDUSTRY

PHONE: 251-5715

EXHIBIT NO. 5

REPRESENTING WHOM? Patrolman Jeff
Mansfield Road Fire District

DATE 1/16/87

BILL NO. SB79

APPEARING ON WHICH PROPOSAL: SB79

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: After having commanded one
incident involving multiple fatalities and
participation in another 8 days later in
which three children died due to a lack
of smoke detectors it became very obvious
that some change was needed. This bill
provides for that change.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bill Ridgway DATE: 1/16/87

ADDRESS: 7041. 1st Helena, MT SENATE BUS. N. SS & INDUSTRY

PHONE: 442-8000 EXHIBIT NO. 6
DATE: 1/16/87
BILL NO. SB 79

REPRESENTING WHOM? Lewis and Clark Rural Fire Council

APPEARING ON WHICH PROPOSAL: SP-77

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: PATRICK D PECKER DATE: 1-16-87
ADDRESS: 5425 62ND Ave SW SENATE BUSINESS & INDUSTRY
PHONE: 453-7404 EXHIBIT NO. 8
DATE: 1/16/87
BILL NO. SB 79

REPRESENTING WHOM? CASCADE County Rural Fire and the 15 departments

APPEARING ON WHICH PROPOSAL: SB 79

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

COMMENTS: We support the bill completely in order to save
lives

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



South Kalispell Volunteer Fire Department

1255 Willow Glen Drive
Kalispell, Montana 59901

January 15, 1987

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 9
DATE 1/16/87
BILL NO. SB 79

Re: Senate Bill 79

Dear Sirs,

As chief of a volunteer fire department, I am writing in support of Senate Bill 79 dealing with installation of fire alarms.

Although I would support this bill at anytime, it has become very much a part of my every day thoughts since December 11, 1986. On that date, the South Kalispell Volunteer Fire Department was called to a fire scene where there was a child still inside a mobile home. Although the fire department arrived within three minutes and we hit the fire with large quantities of water, it was impossible to save the child. As I was removing the body of a 5-year-old girl from this home, I asked myself -- why does this have to happen?

Perhaps a \$20.00 fire alarm could have alerted this family, and thus prevented a tragedy -- death, and the loss of a home and contents.

As responsible adults, safety in our daily living is vital! A small investment and a tragedy prevented merits my intense feelings for total support of Senate Bill 79.

Until you have removed the charred body of a 5-year-old from a home, it may be difficult for you to share these feelings with me. Please take this step to stopping similar tragedies. Technology has made it possible to have an alarm in every home; let's do it!

Sincerely,

Robert D. Lee, Chief
So. Kalispell Vol. Fire Dept.



SOUTH KALISPELL FIRE Department battles a trailer fire this morning on Willow Glen Drive, where a 5-year-old girl died. Below, the family

walks away from the scene of the tragedy. The victim's mother and a man at the house escaped with a 5-month-old baby.

Dec. 11, 1986

Five-year-old girl dies in Kalispell fire

A 5-year-old girl died this morning in a trailer fire on Willow Glen Drive.

Lisa Marie Smith was killed in the blaze, which was reported shortly before 9 a.m., according to preliminary reports from the sheriff's department.

Her mother, Ivy Smith, and a man at the house escaped the fire with a 5-month-old baby, according to spokeswoman Corky Derby.

South Kalispell Volunteer Fire Department responded to the fire. Chief Bob Lee said it appears the fire began in a

bedroom. Initial reports indicate the blaze began in the girl's room. Derby said.

Lee said the fire was extremely hot, quickly spreading through the small trailer.

The fire investigation team will be called to determine how the fire was started. Lee said it is too early to hazard a guess as to what caused the tragedy.

The investigation team is routinely called when someone is killed in a fire, Lee said.

Crews continued to mop up and secure the area around the trailer house this afternoon.



Photos by Sai Skog

Fatal fire apparently set by girl playing with matches

By CHERY SABOL
The Daily Inter Lake

The fire that killed 5-year-old Lisa Marie Smith Thursday morning was caused by the girl playing with matches, the county fire investigation team has ruled.

Investigators consider the case closed, believing Smith was playing with matches in her bedroom and ignited the fire that destroyed the trailer home, according to sheriff's spokeswoman Corky Derby.

Escaping injury in the blaze were Smith's mother, Ivy; a 5-month-old baby sister, Amber; and James Nelson, who was living with the family.

Nelson told officials that the child had played with matches before and was spanked in August for it. She had been doing it again recently, Nelson said.

According to the report, Nelson said Ivy Smith was awakened by smoke in the rental trailer.

He told Ms. Smith to get herself and the baby out of the trailer home, then went to Lisa's room. The door was hot, and when he opened it, the fire roared out at him and he backed away. The ceiling of the structure ignited, and Nelson left through a back door.

He said he re-entered the home

from the front door, again trying to save the little girl. He said he crawled on his stomach as far as the kitchen before the smoke became too thick and we was forced to leave.

Ivy Smith reported the fire, and the first volunteers from the South Kalispell fire department responded within two minutes, according to the report.

The fire was extremely hot, according to Bob Lee, chief of the fire department. One fireman was overcome with smoke, and was treated at the scene by Kalispell ambulance crews.

Officials said the the fire began in the immediate area of Lisa's bed, and there was no sign of an electrical problem. A state fire marshal will begin the state's investigation today.

An routine autopsy to discover cause of death was ordered on the girl, according to Sheriff Chuck Rhodes.

Her funeral will be Saturday at 11 a.m. at Weatherford's Funeral Home.

The family is staying with Nelson's parents in Kalispell, and needs clothing and household items such as sheets, blankets, dishes and small appliances, according to Connie Stein of the Red Cross.

Dec. 12, 1986

NAME: DUANE LARSON DATE: 1/16/87

ADDRESS: 1111 3rd Ave. S. Helena, MT 59601

PHONE: 755-6376

REPRESENTING WHOM? MONTANA STATE FIRE CLERKS ASSN & KATIE POLICE & SOUTH MOUNTAIN FIRE

APPEARING ON WHICH PROPOSAL: S.B. 79

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

COMMENTS: SMOKE DET ARE SINGLE MOST EFFECTIVE FC OF
NOTING THAT THE FIRE SERVICE HAS SEEN IN 27 YEARS I HAVE
NEVER ENCOUNTERED, OVER 50% OF MTS. HOME NOW HAVE
SMOKE DET. IT WOULD BE A VALIDATION IN AIDING THE
DEVELOPMENT OF MTS. HOME TO BECOME AN ADDED
METHOD OF SAFETY. SMOKE EXHAUSTERS (MAJORITY) ARE
IN THE HOME DELIVERED THE HOUR OF 11 PM + 6 AM (SOME
WORK). SMOKE DOESN'T ALWAYS COME IT HAS AN OFF
EFFECT. IT IS KNOWN THAT IN NEARLY ALL CASES A
ABLE AMT. OF SMOKE PRECEDES THE HEAT. WITH A SMOKE
DETECTOR INSTEAD THAT THE FIRST EARLY AMT. OF SMOKE IS
NOTICED & SMOKE IS SUBSIDES GREATLY INCREASED
STUDIES SHOW THAT WHEN THE FLAME REACH OUT, A PERSON
IN AVG. IS DEAD WITHIN 4 MINUTES

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A smoke detector would give the person a chance of
seeing the heat before it is too late.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 10
DATE 1/16/87
BILL NO. SB 79

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
FIRE MARSHAL BUREAU

SENATE BUSINESS & INDUSTRY

COMMITTEE NO. 11

DATE 1/16/87

BILL NO. SB 79

Room 371, Scott Hart Building, 303 North Roberts, Helena, Montana 59620-1417 (406) 444-2050

JUSTIFICATION: SB 79 SMOKE DETECTOR REQUIRED

JANUARY 16, 1987

	TOTAL INJURIES	DETECTOR NOT IN AREA OF ORIGIN	DEATHS	DETECTOR NOT IN AREA OF ORIGIN
1984	30	3	9	One Incident Two Deaths
1985	41	3	6	One Death

Past 10 years: 148 deaths in houses and mobile homes.

FIRES IN DWELLINGS/NO DETECTOR PRESENT

	1984	1985
Montana	65%	64.6% (NFIRS)
United States	43.6%	48%

Statistics show that in Montana we trail behind the rest of the country by a significant margin in homes protected by smoke detectors. Statistics further indicate that the homes where injuries and deaths occur are not protected by smoke detectors over 80% of the time.

In the case of mobile homes, I calculate that they make up approximately 16% of residences but during the past ten years they have accounted for 30% of deaths in residences.

I requested legislative council librarian to check for other states which have mandatory requirements. She reported FEMA (Federal Emergency Management Administration) states that there are 22 states and the District of Columbia that require smoke detectors.

In conversations and meetings with Fire Service Professionals since this legislation first came up there has been almost unanimous agreement that increasing the installation of smoke

JUSTIFICATION; SB 79 SMOKE DETECTOR REQUIRED

detectors in homes is the single most effective thing that we could do to lower the loss of life to fire in Montana.

The fiscal note details the minimum impact that I would expect to occur on the expenditure side of this bill. It is necessary that the appropriation be made so that additional inspectors could be added if the anticipated level of inspection requests were to exceed the projected levels.

Also, the amendment proposed is necessary to make this bill workable. The amendment would provide that the inspection fee would be paid to the agency doing the inspection and would place a fee at the time of filing to insure adequate funds for printing, record keeping, equipment, public education and 5 FTE;s for the Fire Marshal Bureau.

If the need for this legislation is agreed to by the committee, I would further suggest an amendment, the idea for which comes from Glen Drake, a lobbyist for the insurance industry. It would clarify that filing of a false affidavit was a misdemeanor and not admissible as evidence in a tort action or civil suite and only verifies that smoke detectors were in place and in working order at the time of transfer. This would help insure that the individual owners would verify that the Fire Marshal's Rules had been met rather than encouraging the over use of state and local government inspectors.

Amendments to SB 79 - White Copy

1. Page 2, line 3
Following: Line 2
Insert: "(2) At the time of filing, the seller shall pay a fee of \$5 to the county treasurer, and at the end of each month the county treasurer shall remit to the state treasurer for deposit in the state Fire Marshal account in the state special revenue account all the fees collected during that month."
Re-number: Subsequent subsections.
2. Page 2, line 6
Following: "fund"
Insert: "or in the revenue fund of the unit of local government which performed the inspection"

FIRE FATALITIES

<u>YEAR</u>	<u>HOUSE</u>	<u>MOBILE HOME</u>	<u>VEHICLE</u>	<u>APARTMENT</u>	<u>OTHER</u>	<u>TOTAL</u>
1986	2	6	5	0	0	13
1985	5	3	2	0	2	12
1984	12	6	3	0	6	27
1983	14	3	0	2	1	20
1982	7	3	1	1	2	14
1981	9	5	3	1	2	20
1980	9	4	4	0	2	19
1979	14	5	4	0	3	26
1978	17	2	2	1	3	25
1977	11	11	1	4	2	29
TOTAL-----	100-----	48-----	25-----	9-----	23-----	205-----

1/14/87

BASE-REPORT 18
SUMMARY OF FIRES BY ELEMENT
FOR TYPE OF SITUATION FOUND AND/OR FIXED PROPERTY USE

REPORT PERIOD - 01-01-85 THRU 12-31-85 COMPUTER RUN DATE - 11-14-86

STATE- ALL	COUNTY- ALL	FIRE DEPARTMENT- ALL										FDID - ALL
		S T R U C T U R E F I R E S										
		UNCLASS- IFIED	PUBLIC PROPERTY	EDUCA- TIONAL PROPERTY	INSTITU- TIONAL PROPERTY	RESIDEN- TIAL PROPERTY	STORE OFFICE PROPERTY	BAS INDS UTILITY PROPERTY	MANUFAC- TURING PROPERTY	STORAGE PROPERTY	SPECIAL PROPERTY	TOTAL
TOTAL STRUCTURE FIRES BY DETECTOR PERFORMANCE.....:												
UNKNOWN												
# OF OCCURRENCES	1752	3810	1495	2283	77287	5302	695	2976	5498	3047	104145	
% OF COLUMN TOTAL	51.74	36.29	37.79	35.05	32.83	35.24	26.57	34.68	23.55	24.86	32.38	
IN RM OF FIRE/OPERATED	145	467	442	1489	16800	612	103	708	179	54	20999	
# OF OCCURRENCES	4.28	4.44	11.17	22.86	7.13	4.06	3.93	8.25	.76	.44	6.53	
% OF COLUMN TOTAL	87	169	158	398	13248	265	24	117	154	49	14669	
# OF OCCURRENCES	2.56	1.60	3.99	6.11	5.62	1.76	.91	1.36	.65	.39	4.56	
% OF COLUMN TOTAL	35	206	124	311	6218	173	16	106	50	30	7269	
# OF OCCURRENCES	1.03	1.96	3.13	4.77	2.64	1.14	.61	1.23	.21	.24	2.26	
% OF COLUMN TOTAL	53	251	182	284	10647	301	22	158	170	61	12129	
# OF OCCURRENCES	1.56	2.39	4.60	4.36	4.52	2.00	.84	1.84	.72	.49	3.77	
% OF COLUMN TOTAL	36	261	203	589	4955	289	19	194	39	20	6605	
# OF OCCURRENCES	1.06	2.48	5.13	9.04	2.10	1.92	.72	2.26	.16	.16	2.05	
% OF COLUMN TOTAL	# OF OCCURRENCES	5	4	6	274	2	1	10	1	302		
% OF COLUMN TOTAL	.04	.10	.09	.11	.11	.01	.11	.11	.11	.09		
# OF OCCURRENCES	# OF OCCURRENCES	1	15	1	1	1	1	1	1	17		
% OF COLUMN TOTAL	% OF COLUMN TOTAL	.02	.02	.01	.01	.01	.01	.01	.01	.01		
NO DETECTORS PRESENT	1181	5193	1295	1083	102665	7906	1696	4193	16988	8899	151099	
# OF OCCURRENCES	34.87	49.46	32.73	16.62	43.61	52.54	64.85	48.86	72.78	72.62	46.99	
% OF COLUMN TOTAL	97	136	52	70	3256	195	40	117	261	94	4318	
# OF OCCURRENCES	2.86	1.29	1.31	1.07	1.38	1.29	1.52	1.36	1.11	.76	1.34	
% OF COLUMN TOTAL	3386	10498	3956	6513	235365	15045	2615	8580	23340	12254	321552	
** COLUMN TOTALS **												

BASE-REPORT 18
SUMMARY OF FIRES BY ELEMENT
FOR TYPE OF SITUATION FOUND AND/OR FIXED PROPERTY USE

REPORT PERIOD - 01-01-84 THRU 12-31-84 COMPUTER RUN DATE - 02-26-85

STATE- MT COUNTY- ALL FIRE DEPARTMENT- ALL FDID - ALL

	S T R U C T U R E F I R E S										TOTAL
	UNCLASSIFIED	PUBLIC ASSEMBLY	EDUCATIONAL	INDUSTRIAL	RESIDENTIAL	STORE	OFFICE	DEFENSE	MANUFACTURING	SPECIAL	
# OF OCCURRENCES	7	10	1	281	10	2	6	11	3	331	
% OF COLUMN TOTAL	63.63	18.86	9.09	19.77	17.85	8.33	24.00	8.08	15.00	18.69	
# OF OCCURRENCES IN RM OF FIRE/OPERATED	3	2	3	75	3	2	8.00	2		95	
% OF COLUMN TOTAL	3.77	3.77	27.27	57.14	5.35	1.47				5.36	
# OF OCCURRENCES NOT IN ROOM/OPERATED	1			1	1					67	
% OF COLUMN TOTAL	9.09			4.43	1.78					3.78	
# OF OCCURRENCES IN ROOM/NOT OPERATED	1			22						24	
% OF COLUMN TOTAL	1.88			1.54						1.35	
# OF OCCURRENCES NOT IN ROOM/NOT OPERATED				17						17	
% OF COLUMN TOTAL				1.19						.95	
# OF OCCURRENCES IN ROOM/FIRE TOO SMALL				37	1					43	
% OF COLUMN TOTAL				2.60	1.78					2.42	
# OF OCCURRENCES NO DETECTORS PRESENT	3	36	7	919	40	22	17	120	17	1185	
% OF COLUMN TOTAL	27.27	67.92	63.63	64.67	71.42	91.66	69.00	88.23	85.00	66.91	
# OF OCCURRENCES OTHER		1		7	1					9	
% OF COLUMN TOTAL		1.88		.49	1.78					.50	
** COLUMN TOTALS **	11	53	11	1421	56	24	25	136	20	1771	

U.S. has worst fire record

1-5-87

J.R.

By SYLVIA PORTER

In 1985 more than 2.3 million fires were reported in this country. They claimed 6,305 lives, inflicted more than 100,000 injuries and caused some \$7.3 billion property damage. Nearly 80 percent of all fire deaths occur in the home.

Most of these deaths could have been prevented.

According to the National Fire Protection Association (NFPA), few of us understand the extent of this national tragedy, much less get excited about it.

NFPA said that as bad as the figures look on the surface, they become even more distressing when compared with the fire safety records of other industrialized countries.

The latest figures from the United States Fire Administration show that while the rate in the United State hovers around 27 deaths for every 1 million people, the fire death rate in Germany is approximately nine per million. In Japan, the rate is 13 per million, and in England and France, 14 per million.

The horrible fact: With Scotland and Canada aside, the United States has the worst fire safety record in the industrialized world. The real shocker is that the difference is cultural, not technological.

What can be done?

Reducing the deaths and injuries from fire begins with three basic principles: prevention, early detection and quick suppression.

Smoke detectors, for example, have made a tremendous contribution. But today fire officials are finding that many people do not maintain the devices properly or, worse, remove the batteries to avoid "nuisance" alarms.

Residential fire sprinklers offer even greater promise for the future, but most private homes and other buildings constructed before the advent of reliable, fast-response systems will never have sprinklers.

One area where real progress can be made is improving the fire resistance of upholstered furniture and bedding.

According to the NFPA, nearly one-third of all fire deaths in the home are caused by a match or cigarette igniting bedding, upholstered furniture or rubbish. In hotels, one-third of all fires and half of all fatalities can be traced to careless smokers who ignite bedding or upholstery.

Sheh
FY
Jan
1/1/87

NAME: JOE TROPILA DATE: 1/16/87

ADDRESS: 709-2 ST. NW GREAT FALLS SENATE BUSINESS & INDUSTRY EXHIBIT NO. 12

PHONE: (406) 453-1124 DATE: 1/16/87 BILL NO. SB 79

REPRESENTING WHOM? MONT ASSOC OF CLERKS & RECORDERS

APPEARING ON WHICH PROPOSAL: SB 79

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

COMMENTS: GOOD PREMISE
WRONG VEHICLE

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: GENE PHILLIPS DATE: 1/16/87

ADDRESS: BOX 759 KALISPELL SENATE BUSINESS & INDUSTRY

PHONE: 752-6644, 442-0329 EXHIBIT NO. _____

REPRESENTING WHOM? Montana Land Title Assoc. DATE: 1/16/87

APPEARING ON WHICH PROPOSAL: SB 79 BILL NO. SB 79

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: WILLIAM F. GOWEN DATE: 16 Jan 1987
SENATE BUSINESS & INDUSTRY
ADDRESS: 1720 FLOWERREE HILL EXHIBIT NO. _____
PHONE: 442-5080 DATE: 1/16/87
BILL NO. SB79

REPRESENTING WHOM? MANHATTAN LAND TITLE ASSOCIATION

APPEARING ON WHICH PROPOSAL: SB79

DO YOU: SUPPORT? _____ AMEND? OPPOSE?

COMMENTS: Oppose the portion of the bill that would
attach the certificate to the mortgage deed.
I have no objection to smoke detectors.
It would put an unwarranted burden on
the recording office and title companies.

We would suggest that the certificate be required
and not attached with the recording of the deed.
Attachment on the Realty Transfer Act would
be one way of solving this objection.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

..... JANUARY 16 1937.....

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 34

THIRD reading copy (BLUE)
color

SPAETH (MCLANE)

REQUIRING THAT APPLICANTS FOR BARBER INSTRUCTOR'S CERTIFICATES BE
HOLDERS OF CERTIFICATES TO PRACTICE BARBERING

Respectfully report as follows: That HOUSE BILL No. 34

BE CONCURRED IN

~~50 PAGES~~

~~50 NOT PAGES~~

.....
SENATOR KOLSTAD,

Chairman.