

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Severson, on March 21, 1989, at 1:00 p.m., Room 402 at the State Capitol.

ROLL CALL

Members Present: Sen. Elmer Severson, Sen. John Anderson, Jr., Sen. Judy Jacobson, Sen. Al Bishop, Sen. Paul Rapp-Svrcek, Sen. Loren Jenkins, Sen. Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council

Announcements/Discussion: None

HEARING ON HOUSE BILL 447

Presentation and Opening Statement by Sponsor: Rep. Robert Clark left a testimony. See Exhibit #1.

List of Testifying Proponents and What Group they Represent:

Gary Marbut, Western Montana Fish & Game Assoc.,
Montana Action Shooting Council, Montana Rifle &
Pistol Assoc., Big Sky Practical Shooting Club
Ed Beall, Sports, Inc.
Bill Bigelow, National Rifle Association
Bud Elwell, Montana Weapons Collectors, Northwest
Montana Weapons Collectors
George Poston, Representing himself

List of Testifying Opponents and What Group They Represent:

Charles Gibson, Montana State Fire Chiefs Assoc.
Peter Mion, Dept. of Public Works of Missoula
Larry McCann, Western Fire Chiefs
Marshal Kyle, Assistant Fire Chief of Missoula
Bill Ream, Assistant Fire Chief of Missoula Rural Fire
District
Duane Larson, Retired Fire Chief of Kalispell
Ray Blehm, Jr., Montana State Fire Marshal

Testimony:

Gary Marbut stated he was a professional fire-fighter for 10 years, also an instructor of fire science at the university and community college level. He knows something about life safety and has a great respect for it. The fire chiefs use the Uniform Fire Code. Under the Uniform Fire Code a sporting goods store may stock no more than 20,000 primers. I am a competitive shooter and I buy packages of primers of 1,000. (He passed around a box of primers for the committee to see.) I buy one box every two weeks during a shooting season. Currently, if a sporting goods store has one box of each type of primer in each of the different brands, they are already way over the minimum allowed by the Uniform Fire Code. The current amount allowed is not enough for the sporting goods stores to satisfy their customers.

He then passed around a sample of smokeless powder for the committee to see. He showed a video demonstrating that smokeless powder burns at a controlled rate. He also mentioned that sporting goods stores cannot, under current law, carry enough smokeless powder in their store to satisfy their customers. He suggested some amendments. See Exhibit #2.

Ed Beall left his testimony. See Exhibit #3.

Bill Bigelow stated his support of this bill. It allows retailers a reasonable amount of storage for powder and primers. There is an 11% excise tax attached to these products. That tax is paid into the Pittman-Robertson Fund and comes back to the state. This involves how much primer and powder is sold in the state of Montana. We are doing our state a dis-service if we are sending this business out of the state. I urge support of this bill.

Bud Elwell stated that 90% of his membership are shooters. He urged support for this bill.

George Poston stated he, as a safety officer, investigated an accident at a gun club storage building that burned down. They had primers and smokeless powder in the building. The building had two sprinklers. The primers and smokeless powder was stored in metal cabinets and one sprinkler was above the cabinets. The roof and all walls collapsed. Not one single primer or any of the powder ignited. If those items are stored correctly, there will be no problem.

Charles Gibson left his testimony. See Exhibit #4. He also left with us a testimony from Peter A. Mion. See Exhibit #4a.

Larry McCann stated his organization develops the Uniform Fire Code. It is adopted by the state of Montana and is a companion code to the Uniform Building Code. If this bill passes, the Uniform Building Code will not have been addressed. The building code only allows the same amounts. When you go over those amounts, you change the classification of the building to "hazardous occupancy". Then the building owner has expensive changes to make. There is a system already in place to make changes in the Uniform Fire Code. Our opinion is that for the legislature to address this will not change anything because of the code system is already in place. The Uniform Building Code does not recognize what you are trying to do here.

Marshal Kyle stated that last year Mr. Marbut asked us to increase the gun powder storage in Missoula. We took an honest assessment looking at our establishments to find out what kind of life-safety factors this was involving to increase the storage. The sporting good outlets in Missoula all have common walls with other retail establishments. One has a common wall with a paint store, one with a restaurant and a hardware store. One has a children's toy store incorporated in the sporting goods store. We feel that this is a severe life-safety threat to the safety of our citizens. You were told that smokeless powder does not detonate. But it does. In 1981 some 4831 smokeless powder did detonate on a calm summer day all by itself. It was 500 lbs of smokeless powder in an 8x8 concrete structure with 6" thick walls and a steel door with a flat concrete roof. It was designed to contain fire or an explosion. We called the manufacturer and they told us it can become unstable and detonate by itself. See Exhibit #7.

Bill Ream stated that the above mentioned explosion would certainly be a threat to life and limb in a populated area. I strongly urge you do not pass this bill.

Duane Larson stated he opposes this bill on behalf of the Montana State Fire Chiefs and the fire service in general for the state of Montana. Rather than go through the legislative process we should go through the proper channels. I urge this committee to kill this bill and urge its supporters to go through the proper fire code change process. If this change has merit and is in the best interest of all concerned than

that code change will be adopted by the western fire chiefs and the ICBO. In that case it will be studied by a panel of experts who are qualified to do that.

Ray Blehm, Jr. stated he believes in the code process. What we deal with are consensus codes. These are codes that are well recognized by the courts. What is happening here is an exception to the code is being created. I think this is not a wise way to go about the process. I urge you to table this bill. If not, there are amendments that must be made and some of those were offered earlier by Mr. Marbut are some of them (See Exhibit #2).

Questions From Committee Members: Sen. Rapp-Svrcek asked Gary Marbut about going through the Uniform Fire Code amendment process. Mr. Marbut said that is one way to approach the situation. But Montana does not have a law to impact that. It is also my understanding that to make a change in the Uniform Fire Code is a time-consuming process. It would take a long time for the change to be put into effect.

Sen. Rapp-Svrcek asked Mr. Blehm if this bill were adopted would it be in place by August or would we have to wait for 1991. Mr. Blehm stated that once it is adopted by the western fire chiefs there would be a fee as well as a special amendment to Administrative Rules to adopt it in advance.

Sen. Bishop asked Larry McCann if there is a limit on the number of shotgun shells and rifle cartridges they can have in these retail establishments. Mr. McCann stated that there is not, only for primers and smokeless powder. There are no restrictions on ammo that is already loaded, just the components.

Sen. Jenkins asked Mr. McCann about chemicals. He said there is another amendment dealing with chemicals such as hair spray as well as the chemical manufacturing plant in this state.

Sen. Yellowtail asked Mr. Charles Gibson what the implications are of the Uniform Fire Code for the Uniform Building Code. Mr. Gibson stated that the Uniform Building Code is the parent to the Uniform Fire Code. The size of the structure and materials used in the structure are the safety end of the code. The Uniform Fire Code gets into how ammo is stored and distributed. If you start adding to the Uniform Fire Code you could compromise the Uniform Building Code.

Larry McCann mentioned that under the Uniform Building Code we build structures; under the Fire Code we maintain those structures as they were built under the Building Code. If we change the Uniform Fire Code, especially concerning gun powder under this bill, it will change the occupancy class of some retailers.

Sen. Rapp-Svrcek asked Mr. Beall if he is prepared to change the wiring in your stores. Mr. Beall said that re-constructing walls or changing wiring would be prohibitive. He stated that they originally went to the State Fire Marshal and that did not go anywhere. That is why we went to the legislature.

Sen. Jenkins asked Mr. McCann if this bill were to pass would all sporting goods stores have to change their wiring according to the two uniform codes? Mr. McCann stated that if the limits for the gun powder and primers were raised; article 9 of the Uniform Building Code sets out limits for amounts of chemicals you can have within these establishments before they have to comply with the letter of the code. If they go over the code the building's classification changes.

Sen. Jenkins asked Mr. Blehm what code this would go in. Mr. Blehm stated that this would go into the 1991 code. The 1988 code is already out. It would be my desire to adopt this on the regular cycle. If the legislature asked for this to be adopted immediately, it could be considered. But that would be ahead of the normal process. The new building code has been heard and is waiting for adoption according to the regular process. We are in the process now of adopting the 1988 fire codes.

Closing by Sponsor: Rep. Clark stated that the special process these codes normally go through makes it too long to wait for these changes to be made. If this bill does not go through we are right back to the point we are now. This bill is not excessive.

DISPOSITION OF HOUSE BILL 447

Discussion: Executive Session began at 11:50 a.m. on March 22, 1989 in Room 331. The session adjourned at 12:10 p.m. All members were present as well as the sponsor, Rep. Clark.

Sen. Rapp-Svrcek offered a set of amendments. See Exhibit #5. The effective date of the bill has been changed to April 1, 1990. The way this bill affects the sporting goods


businesses is a serious one. So I have created these amendments to allow the system to work as it should and I think these amendments are a good compromise.

Amendments and Votes: Sen. Rapp-Svrcek moved the proposed amendments he introduced. See Exhibit #6. The amendments passed on a voice vote.

Recommendation and Vote: Sen. Rapp-Svrcek moved the bill as amended. The bill passed on a voice vote. AND AS AMENDED BE CONCURRED IN.

ADJOURNMENT

Adjournment At: 2:37 p.m.


ELMER D. SEVERSON, Chairman

LAB/FISMIN.321

FISMIN.321

ROLL CALL

FISH AND GAME

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 3/21/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Elmer Severson	X		
Sen. John Anderson Jr.	X		
Sen. Judy Jacobson	X		
Sen. Al Bishop	X		
Sen. Paul Rapp-Svrcek	X		
Sen. Loren Jenkins	X		
Sen. Bill Yellowtail	X		

Each day attach to minutes.

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
FIRE MARSHAL BUREAU

SENATE FISH AND GAME

EXHIBIT NO. 1

DATE March 21, 1989

BILL NO. HB447

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

PROPOSED AMENDMENT TO UNIFORM FIRE CODE (HB447)

Draft of 3/7/89 Ray E. Blehm, Jr., State Fire Marshal
March 20, 1989

Storage of smokeless powder and small arms primers in retail occupancies.

U.F.C. Section 77.202 is amended by adding an exception to read as follows:

EXCEPTION:

1. Smokeless powder

(a) Sprinklered buildings - 400 pounds of smokeless powder may be stored in storage cabinets having walls of at least 1 inch (25.4 mm) thickness. Not more than 200 pounds may be stored in any one cabinet. Cabinets shall be separated from the customer service area. At the option of the local fire chief, storage cabinets may be required to be portable.

(b) Unsprinklered buildings -

(i) 400 pounds of smokeless powder may be stored in storage cabinets having walls of at least 1 inch (25.4 mm) thickness. Not more than 200 pounds may be stored in any one cabinet. The storage area for such cabinets shall be separated from the customer service area by fire barriers having a fire resistance rating of not less than 1 hour with all openings therein protected by 3/4 hour fire protection rated self-closing fire doors. Cabinets shall be separated by a distance of 25 feet and be secured against theft. At the option of the local fire chief, storage cabinets may be required to be portable. The separation distance between cabinets may be reduced when the cabinets are constructed to have a fire resistance of at least 1 hour, or

(ii) In a storage area separated by a continuous membrane either vertical or horizontal, such as a wall, floor or ceiling assembly that is designed and constructed to restrict the movement of smoke, 400 pounds of smokeless powder may be stored in cabinets constructed to have a fire resistance of at least 1 hour. Not more than 200 pounds may be stored in any one cabinet. Cabinets shall be separated by a distance of at least 25 feet and be secured against theft. At the option of the local fire chief, storage cabinets may be required to be portable. Storage area doors shall be self-closing.

SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 22, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration HB 447 (third reading copy -- blue), respectfully report that HB 447 be amended and as so amended be concurred in:

Sponsor: Clark (Rapp-Svrcek)
SENATE FISH AND GAME

EXHIBIT NO. 6

DATE March 21, 1989

BILL NO. HB447

1. Title, line 7.

Strike: "AN"

Insert: "A CONTINGENT"

2. Page 1, lines 18 and 19.

Strike: line 18 in its entirety through "or" on line 19

3. Page 1, line 25.

Following: "premises"

Insert: "of a building with a sprinkler system or 200 pounds on the premises of a building without a sprinkler system"

4. Page 2, line 2.

Strike: "25"

Insert: "20"

5. Page 2, lines 22 and 23

Strike: "MUST BE" on line 22 through "MARSHAL" on line 23

Insert: "is a room designed and constructed to restrict smoke travel, that is separate from the customer service area, that has a self-closing entrance door, and that conforms to one of the following:

(i) It is constructed of material sufficient to achieve a 1-hour fire resistant-rated barrier between the storage area and the customer service area. The smokeless powder must be stored in cabinets made of wood or equivalent material that is at least 1-inch thick, and each cabinet must contain no more than 200 pounds of smokeless powder. Cabinets must be separated by 25 feet.

(ii) It is protected by a fire suppression sprinkler system approved by the state fire marshal or a fire marshal of the local jurisdiction and the storage area has cabinets as provided for in subsection (1)(d)(i).

(iii) Smokeless powder stock is contained in a cabinet with casters and constructed of wood at least 1-inch thick that is covered on all sides with 5/8 inch sheetrock"

6. Page 3, line 2.

Following: "primers"

Insert: "in a building with a sprinkler system or 10,000 primers in a building without a sprinkler system"

7. Page 3, line 3.

Strike: "AND"

8. Page 3, lines 4 and 5."

Following: "MUST" on line 4

Strike: remainder of line 4 through "MARSHAL" on line 5

Insert: "conform to the conditions imposed in subsections (1)(a) through (1)(d), except that no more than 125,000 small arms primers may be stored in one cabinet, and the minimum required separation between cabinets is 15 feet; and

(c) small arms primers are retained in packaging approved by the U.S. department of transportation"

9. Page 5, line 17.

Following: "adopted"

Insert: "under 50-3-102 and 50-3-103"

10. Page 6, line 15.

Following: "date."

Insert: "(1) [This act] is void if:

(a) the western fire chiefs association adopts at its annual meeting in August 1989 the proposed changes to article 77 of the uniform fire code that are specifically referred to as amendments to division II "storage", regarding smokeless powder and small arms primers for retail sales;

(b) the proposed changes are no more restrictive than the terms of [this act]; and

(c) the state fire marshal adopts the amended provisions for storage of smokeless powder and small arms primer for retail sales by March 31, 1990.

(2)"

11. Page 6, line 16.

Strike: "July 1, 1989"

Insert: "April 1, 1990"

AND AS AMENDED BE CONCURRED IN

Signed: 

Elmer D. Severson, Chairman

4/10/90
3/31/90
10/0/90

(c) Sprinklered storage areas - 400 pounds of smokeless powder may be stored as provided for in paragraph 1(a) of this exception provided the storage area is separated by a continuous membrane either vertical or horizontal, such as a wall, floor or ceiling assembly that is designed and constructed to restrict the movement of smoke. Storage area doors shall be self-closing.

2. Small Arms Primers.

(a) Quantities not exceeding 250,000 small arms primers may be stored in a storage area in a retail occupancy if not more than 100,000 are stored in any one pile and piles are at least 15 feet apart. The storage area shall be separated from the customer service area by fire barriers having a fire resistance rating of not less than 1 hour with all openings therein protected by 3/4 hour fire protection rated self-closing fire doors or protected by an automatic sprinkler system.

(b) In a storage area separated by a continuous membrane either vertical or horizontal, such as a wall, floor or ceiling assembly that is designed and constructed to restrict the movement of smoke, 200,000 small arms primers may be stored in a cabinet constructed to have a fire resistance of at least one hour. At the option of the local fire chief the storage cabinet may be required to be portable. Storage area doors shall be self-closing.

3. Repackaging of smokeless powder is not allowed in retail occupancies.

MONTANA RIFLE AND PISTOL ASSOCIATION

AMENDMENTS FOR HB447

Offered to the Senate Fish and Game Committee

SENATE FISH AND GAME

EXHIBIT NO. 2

AMENDMENT # 1: Page 1, line 19

Following: "greater than"

Strike: "1 pound"

Insert: "15 pounds"

DATE March 21, 1989

BILL NO. HB447

AMENDMENT # 2: Page 2, line 8

Following: "area"

Insert: "is a room designed and constructed to restrict smoke travel, separate from the customer service area, and conforms to one of the following:

"(i) the storage room is constructed of materials sufficient to achieve a one-hour fire-resistance rated barrier between the storage and the customer service area, with smokeless powder stored in 1 inch thick wood or better cabinets, and with no more than 200 pounds of smokeless powder per cabinet and 25 feet separation between cabinets, or

"(ii) the storage room is protected by a fire suppression sprinkler system approved by the state fire marshal or a fire marshal of local jurisdiction and with cabinets as in (i) above, or

"(iii) smokeless powder stock is contained in approved Class II magazines, or is contained in magazines approved by the state fire marshal or the fire marshal of local jurisdiction, or is contained in cabinets with casters and constructed of at least 1 inch of wood and covered on all sides with 5/8 inch sheetrock, with no more than 200 pounds of smokeless powder stored in any one magazine or cabinet and 25 feet separation between magazines or cabinets."

AMENDMENT # 3: Page 2, lines 22 and 23

Strike: "MUST BE APPROVED BY THE STATE FIRE MARSHAL."

AMENDMENT # 4: Page 3, lines 4 and 5

Strike: "MUST BE APPROVED BY THE STATE FIRE MARSHAL."

AMENDMENT # 5: Page 3, line 4

Following: "area"

Insert: "must conform to the conditions imposed in (1)(a) through (1)(d) of this section, excepting that no more than 125,000 small arms primers may be stored in one magazine or cabinet and minimum required separation between cabinets or magazines is 15 feet, and"

AMENDMENT # 6: Page 3, line 6

Insert: "(c) small arms primers are retained in packaging approved by the U.S. department of transportation."

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE March 21, 1989

BILL NO. HB 447

Good Afternoon,

My name is Ed Beall. I represent a group of sporting goods retailers called Sports Inc. Sports Inc. numbers 171 member stores and is based out of Lewistown, Montana. Nineteen (19) of these stores are in Montana cities and are independently owned and operated. As a representative of these store's I would like to express our support for House Bill 447.

I am also the manager and buyer for Capital Sports here in Helena. Our basis for support of this bill stems from the unrealistic restrictions placed upon our business by outdated fire codes. Currently, we are restricted to the storage of 100 pounds or less of smokeless powder and 20,000 small arms primers.

There are a number of problems with the current limits. In the case of smokeless powders the initial problem is that there are 65 different types of powders that are available and in use.

Exhibit A.

As you can see if we were to keep all types in stock, we would only be able to have 1.54 cans of each powder in the store. We continuously stock 56 of these powders so we can keep 1.79 lbs in stock with the current codes. On a good day we may have around 10 requests for the same type of powder. If we run a promotion with powder we may sell 100 pounds in one day. As the situation stands today, we have to store our powder outside the city in a magazine. This means we have to run to the magazine almost daily and or lose a sale because we do not have the powder on hand. Many of our customers are from out of town and just aren't able to hang around or come back later. The only other option is to disregard the code and be in violation of the 100 lb limit.

Another problem is that the quantity that a retailer must purchase at one time to be making a competitive purchase generally exceeds 100 pounds.

On Exhibit C You will find that the minimum order I can buy from Hodgdon Powder Co. is 100 pounds of smokeless powder. (this includes Hodgdon, Winchester and Hercules mixed.) To get the best discount and prepaid freight from Hodgdon Powder Co., I need to buy 300 pounds at one time.

On Exhibit D. The best discounts available are on a 500 pound purchase and again their minimum order is 100 pounds. (This includes Dupont and Accurate powders) As you may have concluded the 100 pound limit is obviously a major problem in purchasing smokeless powder. A realistic quantity of powder for our store to stock would be 400 to 500 pounds. This is based upon an estimated bi-monthly usage.

In regards to small arms primers, again 20,000 ea. primers is unrealistically small. In exhibit B you can see that there

are 3~~5~~ different types of primers. We stock all these types. If we were to only buy one carton of each type that would equate to 3~~5~~,000 primers. Already we would be in violation of the existing code. All of these primers must be purchased in quantities of at least 1000 ea. In order to buy them direct from the manufacturer you must buy each in quantities of 5,000 (1 case). This equates to 1~~75~~,000 primers. Again as you can see a restriction of 20,000 primers is unrealistic. In the case of our operation 250,000 primers would be a reasonable quantity to be in stock.

Naturally, both smokeless powder and primers are a concern in the matter of safety. It seems though, that undue restrictions have been placed upon both, whereas in the case of other flammables such as coleman fuel, propane, paint thinners, turpentine and other flammables you find on retail shelves are not so severely restricted. Case in point, the Coast to Coast next to us which is a relatively small hardware store has 500 Gallons plus of such flammables on the sales floor with no restrictions.

Smokeless powder burns, it does not explode. Primers must be struck to ignite. This combined with the storage conditions contained in HB 447 would seemingly provide for a safer situation than what you might find in any hardware store or automotive store in town.

~~An item not discussed in this bill that does need attention is that of Black Powder. We propose an amendment to the state code to allow for the storage of 20 pounds of Black Powder instead of the current restriction of 5 pounds.~~

~~Again, the situation is the same. There are four types of Black Powder 1F, 2F, 3F, 4F. These powders are used for muzzle loading rifles, pistols and shotguns. While black powder is definitely more volatile than smokeless powder, if it is stored in compliance with the storage constraints in the current codes it would be as safe as 5 pounds.~~

Thank you for your consideration

VARIETIES AND QUANTITY OF POWDERS

OGDON	DUPONT	WINCHESTER	HERCULES	ACCURATE
4227	700-X	680	RED DOT	5
14198	800-X	748	GREEN DOT	7
4322	PB	760	BLUE DOT	9
4335	SR4756	231	HERCO	223
44895	SR4759	296	UNIQUE	2460
3LC	SR762.5	452AA	BULLSEYE	2520
4380	1MR3031	473AA	2400	3100
H414	1MR4064	540	RELOADER 7	5744
H4350	1MR4198	571	RELOADER 12	8700
H4831	1MR4227		RELOADER 15	
H450	1MR4320		RELOADER 19	
H870	1MR4350		RELOADER 22	
HP38	1MR4831			
TRAP 100	1MR4895			
HS-6	1MR7828			
HS-7				
H-110				
RS				
P				
CTG				

65 DIFFERENT TYPES OF SMOKELESS POWDERS
 AVAILABLE IN 1LB, 5LB, 8LB, 12LB CANISTERS
 CASE PACKS ARE (10cs) AND (25cs)

B.

SMALL ARMS PRIMERS

CCI	FEDERAL	REMINGTON	WINCHESTER
200	100	1 1/2	1 1/2
250	150	2 1/2	1 1/2 M
300	155	5 1/2	6 1/2
350	200	6 1/2	7
400	205	7 1/2	8 1/2
450	210	9 1/2	8 1/2 M
500	215	9 1/2 M	.
550	205M		209
BR2	210M	209	
BR4	209		

35 DIFFERENT TYPES

100 PRIMERS PER BOX , 10 BOXES PER CARTON.

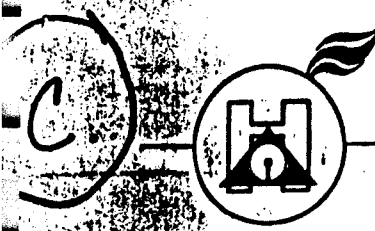
5 CARTONS PER CASE. (5,000 PRIMERS PER CASE)

AVERAGE SALE

1.39 EA.

OR

13.90 CT.



HODGDON POWDER COMPANY, INC.

WATS 1-800-622-4366
913-362-9455
FAX-1-913-362-1307

6231 ROBINSON • P. O. BOX 2932 • SHAWNEE MISSION, KANSAS 66201

CONFIDENTIAL WHOLESALE TERMS EFFECTIVE JUNE 15, 1988

MINIMUM ORDERS: 100 lb. net weight of smokeless powder, Pyrodex, black powder, or accessories. Quoted prices are for full case quantities. (Hodgdon Brand Products in less than case lots can be added for making up difference between net weight of manufacturer's standard container pack and the optimal shipping weight of 100 lbs.)

Our fill rate on orders historically has averaged 97%. However, shortages do occur from time to time. Therefore, we recommend all orders indicate acceptable substitutes allowing shipment of a full 100 lb. unit.

QUANTITY DISCOUNT: Orders for powder quantities of a full ton or more, may be delivered by our truck, and enjoy a special quantity discount as reflected on our price schedule. To qualify for ton lot pricing, the order must be for a minimum of 2,000 lbs. net weight, shipped at one time, and shipped to one destination. Orders may "mix or match" full cases of smokeless powder (all brands), Pyrodex, and black powder in any combination.

1988 DROP SHIPMENTS PROGRAMS: Two different programs are offered to wholesale accounts desiring products drop shipped directly to their dealers. Drop shipments may consist of Pyrodex, smokeless powder in 8 lb. containers or less, plus any quantity of non-powder items. (Black Powder cannot be offered on drop-ship basis.) All orders processed under drop ship programs will be priced per our "ton" schedule. A certified copy of your dealer's FFL must accompany the order. Freight and terms for both drop ship programs are the same as for other orders. When ordering, please specify which of the two drop ship programs you desire.

"PLAN A"

Broken cases, all brands. Minimum order for 100 lbs. net weight, or increments thereof, and shipped to a single destination.

IMR, Hercules, and Winchester products can be "mixed or matched" using any combination. However, the composite order for any manufacturer must conform to that manufacturer's standard container pack, i.e. an order for IMR rifle powder can include any combination of container sizes or burning rates, but the number of 1 lb. containers in the order must total 25, 50, 75, etc.; the number of 8 lb. caddies must total 4, 8, 12, etc.

Hodgdon Brand smokeless powders and Pyrodex may be "mixed or matched" by container size and burning rate without conforming to manufacturer's standard container pack, providing at least 10% of order consists of Hodgdon Brand Smokeless Powder, i.e. one order could include 5-H380, 8-H4227, 20-H110, 1-5 lb. H4831, etc.

To cover added cost of repackaging, processing and freight, a fee of \$40 cwt. is added to invoice.

"PLAN B"

Full cases only of all brands, or broken cases of Hodgdon Brand only. Minimum order for 100 lbs. net weight, or increments thereof, and shipped to a single destination.

IMR, Hercules, and Winchester Smokeless Powder must be ordered in factory full case lots.

(continued on back page)



Roundup
COMPANY
Powder

P.O. Box 160, Miles City, Montana 59301, (406) 232-1632

D.

WHOLESALE TERMS AND ORDERING INSTRUCTIONS

Effective January 1, 1987

Minimum Orders: Full case lots of smokeless powder or black powder. Prices quoted are for full cases. You can mix different numbers of the same brand within the case.

Discounts: You can obtain quantity discounts on orders over 500 lbs. See price list for current prices. You may combine full cases of smokeless powder (all brands) and black powder in order to obtain a quantity discount.

Shipping Information: All prices are quoted FOB Miles City, Montana. Discount quantities may be delivered by our truck at no additional cost. Orders shipped by UPS will have actual freight and handling charges added. A certified reproduction of your current Federal Firearms License must be on file with us or accompany your order before shipment can be made. Prices are subject to change without notice and become effective immediately upon being announced.

Credit: Credit must be approved by our credit department. Applications for credit are available on request.

Payment Terms: Net 30 days, 1 1/2% per month interest on past due accounts. Orders under \$ 150.00 must be prepaid or will be sent COD.

"Protecting the Big Sky Country"

MONTANA STATE FIRE CHIEFS' ASSOCIATION



SENATE FISH AND GAME
EXHIBIT NO. 4
DATE March 21, 1989
BILL NO. HB447

March 20, 1989

Senator Paul Rapp-Svrcek
Capital Station
Helena, MT 59620

The Honorable Senator Rapp-Svrcek:

The Montana State Fire Chief's Association very much appreciates the efforts that have been put forth to modify this Bill to accommodate all the interested parties.

However, the Montana State Fire Chief's Association cannot support this Bill because it does not follow the guidelines set forth in the 1985 Uniform Fire Code. Which is the present adopted Fire Code of the State of Montana.

The Uniform Fire Code is developed through its parent organization, The Western Fire Chief's Association. The Western Fire Chief's Association has well established procedures for receiving, initiating, studying, challenging, and processing Code changes.

These changes are initiated, studied, and challenged by professional Fire Chiefs, Fire Service engineers and specialists from the businesses and industries effected. It is a process that is both thorough and democratic.

The Uniform Code process involves a year in which all interested parties have time to digest the material submitted, and then appear at two public hearings to act as proponents or stand in opposition to the material.

Presently that process is taking place for changes in the smokeless powder and small arms primers portion of the Uniform Fire Codes.

The Montana State Fire Chief's Association strongly feels that this is the process that should be used to modify or change this adopted code.

The process of changing fire codes in the rushed 90 day session of this Legislature, could lead to the compromising of Uniform Codes not envisioned during the process.

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The Montana State Fire Chief's Association would like this Bill either tabled or defeated and the formal Uniform Fire Code hearing process accepted so that this code could be safely changed or modified by a large cross section of experts in the field.

Sincerely,

Charles H. Gibson

Charles H. Gibson, President,
Montana State Fire Chief's Association

BUILDING INSPECTION DIVISION
DEPARTMENT OF PUBLIC WORKS
201 West Spruce Street, Missoula, Montana 59802-4297

SENATE FISH AND GAME

MEMORANDUM

EXHIBIT NO. 4a

TO: Members of the Senate Fish & Game Committee

DATE March 21, 1989

FROM: Peter A. Mion, Building Official

BILL NO. HB 447
P.A. Mion

DATE: March 19, 1989

RE: Comment on HB 447

Position: Opposition to this legislation.

The Uniform Building Code (UBC), in the 1988 Edition as well as past editions has addressed the problem of life hazard by the use of the following means: 1) The building's height and area. Depending upon both the Occupancy (i.e., the use within the building), and the Type of Construction (i.e., the type of materials used in the buildings construction); will in turn restrict the size of the building, and, in combination with the Fire Code--which controls the method of storage, control the quantity of hazard present within the building.

2) When the hazard, as identified above exceeds a certain quantity, by size of building; other code requirements are triggered, e.g., automatic fire extinguisher system, travel distance for exiting, number of exits, exit door hardware, and Corridor protection.

It is very important to remember all these elements are brought into play based upon the buildings size in square footage, which the Fire Code is limiting the quantity of hazard, through its requirements on storage. This is how the Building and Fire codes work together. However, if we now increase these storage quantities (i.e., the amount per unit of area), we increase the potential hazard level to exceed the quantity that was assumed would be present when the building was designed.

When amendments are made to an ancillary code, without regard to their effect on the parent (the Building Code) or other related codes (i.e., Mechanical, Electrical, etc.) you have set into motion the possibility for further conflicts which can have a serious detrimental effect on future buildings in Montana. I would suggest, before we made individual changes within a code, that the proposal, if it is meritorious of future consideration, be submitted to the Model Code group. Once submitted to this body; the change must stand the close scrutiny of various code groups, then be voted into the code. This procedure assures that a change has more than local interest, is in fact based upon merit, and is not in conflict with other codes.

Amendments to Hb Bill No. 447
3rd Reading Copy

Requested by Sen. Rapp-Svreck
For Senate Fish and Game

Prepared by Andrea Merrill
March 21, 1989

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE March 22, 1989

FILE NO. HB447

1. Title, line 7.

Strike: "AN"

Insert: "A CONTINGENT"

2. Page 1, lines 18 and 19.

Strike: line 18 in its entirety through "or" on line 19

3. Page 2, line 2.

Strike: "25"

Insert: "20"

4. Page 2, lines 22 and 23

Strike: "MUST BE" on line 22 through line 23 in its entirety

Insert: "is a room designed and constructed to restrict smoke travel, that is separate from the customer service area, that has a self-closing entrance door, and that conforms to one of the following:

(i) It is constructed of material sufficient to achieve a 1-hour fire resistant-rated barrier between the storage area and the customer service area. The smokeless powder must be stored in cabinets made of wood or equivalent material that is at least 1-inch thick and each cabinet must contain no more than 200 pounds of smokeless powder. Cabinets must be separated by 25 feet."

(ii) It is protected by a fire suppression sprinkler system approved by the state fire marshal or a fire marshal of the local jurisdiction and the storage area has cabinets as provided for in subsection (1)(d)(i).

(iii) Smokeless powder stock is contained in cabinets with casters and constructed of wood at least 1-inch thick that is covered on all sides with 5/8 inch sheetrock, with no more than 200 pounds of smokeless powder stored in any one cabinet and 25 feet separation between cabinets."

5. Page 3, line 2.

Following: "primers"

Insert: "in a building with a sprinkler system or 10,000 primers in a building without a sprinkler system"

6. Page 3, line 3..

Strike: "AND"

7. Page 3, lines 4 and 5."

Following: "MUST"

Strike: remainder of line 4 through "MARSHAL" on line 5

Insert: "conform to the conditions imposed in subsections (1)(a) through (1)(d), except that no more than 125,000 small arms primers may be stored in one cabinet, and the minimum required separation between cabinets is 15 feet; and

(c) small arms primers are retained in packaging approved by the U.S. department of transportation"

8. Page 5, line 17.

Following: "adopted"

Insert: "under 50-3-103"

9. Page 6, line 15.

Following: "date."

Insert: "(1) [This act] is null and void if:

(a) the western firechiefs association adopts at its annual meeting in August 1989 the proposed changes to article 77 of the uniform fire code that are specifically referred to as amendments to division II "storage", regarding smokeless powder and small arms primer for retail sales; and

(b) the state fire marshal adopts the amended provisions for storage of smokeless powder and small arms primer for retail sales by March 31, 1990.

(2)"

10. Page 6, line 16.

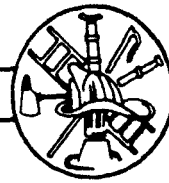
Strike: "July 1, 1989"

Insert: "April 1, 1990"



MISSOULA CITY FIRE DEPARTMENT

200 W. PINE • MISSOULA, MT 59802-4220 • (406) 721-2291



March 22, 1989

Senator Elmer D. Severson
Capital Station
Helena, MT 59620

SENATE FISH AND GAME

EXHIBIT NO. 7

DATE March 21, 1989

BILL NO. HB 447

The Honorable Senator Severson:

In March of 1988, Gary Marbut requested an expansion of smokeless powder and primer limits, citing the inability of local merchants to compete with other areas. This request was submitted to the Judicial Review Committee of the Missoula City Council. Notification was given to Mr. Marbut that a hearing would be held on April 13, 1988. Gary Marbut, nor any of the local merchants attended this hearing. Later in the year, Gary Marbut again requested an expansion of these limits. Again a hearing was held and again, Gary Marbut and local merchants failed to attend. These hearings resulted in a recommendation that local merchants establish a powder magazine outside heavily populated areas. The City of Billings successfully stores quantities over the Uniform Fire Code Limits in this manner. Missoula does not have a large powder magazine. The last remaining large magazine self detonated due to 500# of military smokeless powder (1MR 4831) that was being used by a local merchant to reload hunting ammunition. One of Mr. Marbut's supporting arguments was that Missoula citizens are able to purchase 100# quantities of smokeless powder in Spokane. Through contact with the Spokane Fire Department, we were informed that Spokane merchants must purchase a permit to sell gun powder and during inspections all quantities over the Uniform Fire Code limits are confiscated. This quantity of powder must have been obtained from the merchant's powder magazine located outside a heavily populated area. At no time did anyone contact Missoula Fire Department Administration concerning changes to the Uniform Fire Code.

The Uniform Fire Code is continually revised on an annual schedule. (see attached). Any individual or organization may submit a change. If House Bill 447 becomes law, not only will it circumvent the Uniform Fire code, but it will cause confusion with the Uniform Building Code. The U.B.C. requires that smokeless powder storage over limits established in the U.F.C. changes the building classification from B2 Occupancy to H1 Occupancy. Some requirements of an H1 Occupancy are:

The building must be 60' from all property lines and public ways.

Building areas over 200 sq. ft. require 2 exits.

Corridors serving more than 10 require 1 hour construction.

Buildings over 1500 sq. ft. require automatic fire-extinguishing systems.

I seriously doubt local merchants wish to meet these expensive requirements.

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In summary, the Missoula Fire Department supports safe requirements adopted annually in the U.B.C. and U.F.C. Individual state laws circumventing these codes lead to confusion by the merchant and the enforcing agency. Current revisions of the U.F.C. & U.B.C. dealing with smokeless powder storage are being considered. Therefore, we ask that you please vote against H.B. 447.

Sincerely,

A handwritten signature in cursive script that reads "Marshall R. Kyle".

Marshall R. Kyle, Assistant Fire Chief
Missoula Fire Department

MRK/mag

enc.

EXCERPT FROM THE RULES OF PROCEDURE OF THE UNIFORM FIRE CODE COMMITTEE

A. PURPOSE:

The purpose of these rules is to establish necessary procedures for receiving, initiating, studying, challenging and processing code changes to the Uniform Fire Code and the Uniform Fire Code Standards.

B. INITIATION AND PROCESSING OF CODE AND STANDARD CHANGES:

1. General

Any individual or organization may submit a change.

2. Format of Code or Standard Change Submittals

Proposed changes shall be submitted as follows:

- a. Each proposed change shall be submitted on separate 8 1/2-inch by 11-inch sheets, typewritten and double spaced. A single proposal may include revisions to a number of related code sections.
- b. Wording to be deleted shall be shown with a line through such wording.
- c. Words to be added shall be underlined. Proposals adding provisions shall designate the specific section of the code in which the new wording would appear.
- d. Drawings, photographs, charts or other figures shall be submitted in a form suitable for reproduction.
- e. Each change shall be accompanied by a reason. Where reference to other related proposals is desired, an appropriate cross-reference shall be included.
- f. Variations to this procedure, when necessary due to the nature of the proposed change, shall be in a manner consistent with the intent of these rules.
- g. The proposed change, together with supporting data, shall be submitted in at least 12 copies to the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California 90601, for processing.

3. Processing

Such changes shall be transmitted to the Western Fire Chiefs Association or the International Conference of Building Officials for publication and distribution to interested parties. All changes shall be reviewed by the Uniform Fire Code Committee established in accordance with these rules.

4. Meetings

- a. The Uniform Fire Code Committee shall schedule meetings of such length and frequency as required to accommodate its work load.
- b. Notices of the Uniform Fire Code Committee meetings held for the purpose of considering code changes shall be announced in publications that are distributed to interested parties.
- c. A majority of the Uniform Fire Code Committee members shall constitute a quorum for the conduct of business at any meeting. A majority vote of the entire committee is required to adopt a motion which recommends an action on a code or standard change.
- d. Except for editorial changes, corrections of typographical errors and minor corrections or additions which clarify but do not change the intent or purpose of the code or standard, no action shall be taken on a proposed change before the Uniform Fire Code Committee unless such action is preceded by a public hearing permitting the opportunity for proponents or opponents to express their views.

6. Committee Recommendations and Report

- a. The Uniform Fire Code Committee shall report prior to the annual meeting its recommendations on each proposed change. Such report shall be published and distributed prior to the annual meeting. The Uniform Fire Code Committee shall recommend one of the following on all code changes:
 - (i) Approval.
 - (ii) Approval as Revised.
 - (iii) Disapproval.
 - (iv) Further Study.
- b. Proponents may withdraw submittals at any regularly scheduled meeting prior to publication of the annual report of the committee. In such an event, the committee may choose to sponsor the proposal.

WFCA Code Committee Meetings

The Western Fire Chiefs Uniform Fire Code Committee has scheduled its meeting for December 13 and 14, 1988, to consider the 1989 code change submittals. The meeting will be held at Embassy Suites, 110 West Washington Street, Indianapolis, Indiana 46204, (317) 635-1000. The Embassy has set aside a block of rooms for this meeting, and they will be available until November 1, 1988. Persons planning to attend the meeting should make reservations by that date and notify the hotel that their stay will be in connection with the Uniform Fire Code Committee meeting.

Code Change Submittal Deadline

The deadline to submit code changes for consideration at the December, 1988, meeting of the Uniform Fire Code Committee is July 15, 1988, unless the issues in the proposal are to be considered at this year's Western Fire Chiefs Association's Annual Meeting. If the issues in a code change proposal were considered at the annual meeting, the deadline is August 18, 1988. The code change must be received at the Western Fire Chiefs Whittier office by the dates announced above.

The agenda for the Uniform Fire Code Committee will consist primarily of the 1989 new code change submittals to be published in the Western Fire Chiefs Newsletter Supplement or *Building Standards*, Part III, November-December, 1988 issue.

The Article 79 Correlation Subcommittee has scheduled its next meeting for August 30 and 31, 1988, at the Best Western Thunderbird Motel in Bloomington, Minnesota. Persons planning to attend this meeting should let the hotel know that their stay will be in connection with the Article 79 Subcommittee meeting. A tentative fourth meeting is scheduled for November 2 and 3, 1988, at the Fiesta Inn, 2100 South Priest Drive, Tempe, AZ 85282, (602) 967-1411. Since the fourth meeting is only tentative, interested members should contact Karen Bozarth, fire and life safety specialist, at ICBO/WFCA headquarters, 5360 South Workman Mill Road, Whittier, CA 90601, (213) 699-0541, before making final arrangements for attending this meeting.

Agendas and additional details on the Uniform Fire Code Committee's December meeting or the Article 79 Subcommittee meeting may also be obtained by writing or calling Karen Bozarth at the location set forth above.

Adding Sprinklers to Buildings (continued)

Sprinkler systems, when properly installed, serve not only as round-the-clock fire protection but also as an excellent fire-detection system. A supervisory signal, separate and distinct from any other building supervisory signals, should be provided to indicate any condition that might impair satisfactory operation of the sprinkler system. Sprinkler control valves should be monitored, for if they are shut off for any reason, sprinkler protection is incapacitated. Fire-pump power supplies and operating conditions should also be monitored as an impairment to the pumps could mean that the flow and pressure requirements at upper floors will not be met, or worse, that no water will be available. Water-level and temperature supervision as well as pressure supervision should be provided on all water tanks.

Sprinkler water-flow alarms should be installed on each floor. They serve as constant alarm protection, and also aid in pinpointing the seat of fires, since smoke infiltrating more than one story can result in "fires" being reported on several levels.

The water-flow device should be set so that the operation of a single sprinkler will actuate the alarm system. The operation of the flow device should be indicated on an annunciator and/or register in the building's emergency communications center at grade level at the normal point of fire department access.

Code Change Cycle—Uniform Fire Code

DESCRIPTION OF ACTIVITY	DATES				
	1987-88	1988-89	1989-90	1990-91	1991-92
	Scheduled				Tentative
	1987	1988	1989	1990	1991
Deadline for receipt of new code change proposals	July 15 *(August 18, 1988)	July 15 *(August 18, 1989)	July 15 *(August 17, 1990)	July 15 *(August 22, 1991)	July 15 *(August 8, 1992)
Members receive publication of new proposed code changes	October 19	October 20	October 28	October 19	October 18
U.F.C.C. Open Code Hearing	December 8-10 Las Vegas, NV	December 13-14 Indianapolis, IN	December 4-7 Boise, ID	December 3-7 **TBA	December 9-12 **TBA
	1988	1989	1990	1991	1992
Members receive U.F.C.C. report	March 1	March 1	March 1	March 1	March 2
Deadline for receipt of challenges to the U.F.C. Report	April 15	April 15	April 15	April 15	April 15
Members receive Challenge Agenda for the annual meeting code change session	June 16	June 15	June 15	June 10	June 11
WFCA Annual Meeting—Final Code Action	July 31-August 4 Portland, OR	July 30-August 3 Tucson, AZ	August 5-9 San Jose, CA	July 21-25 Portland, OR	July 26-August 15 **TBA

*The deadlines for receipt of code changes that are related to code change issues considered at the annual meeting are shown in parentheses.

**To be announced

DATE March 21, 1989COMMITTEE ON Fish & Game

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Charles Brooks	MT. R. Tail Assoc.	HB447	X	
Marshall R. Hyle	Missoula Fire Dept.	HB447		X
Charles H. Johnson	Mont. Lt. Fire Chiefs	HB447		X
M. Quaresima	MT STATE FIRE CHIEFS	HB447		X
A. M. Elwell	WCSM	HB447	✓	
Bill Bigelow	NRA	HB447	✓	
LE McCann	Western Fire Chiefs	HB447		
ED BEAM	SPORTS INC.	HB447	✓	
Kay Foster	City of Bozeman	"		X