

**DIVISION OF CRIMINAL INVESTIGATION**  
**DEPARTMENT OF JUSTICE**  
**STATE OF MONTANA**

BUSINESS & LABOR

CHAPTER 11  
DATE 3-3-11  
BILL NO. HB 307

Steve Bullock  
Attorney General



PO Box 201417  
2225 Eleventh Avenue  
Helena, MT 59620-1417  
(406) 444-3874  
FAX: (406) 444-2759

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HB 307

I am Deputy State Fire Marshal Pat Clinch, and I am asking you to table HB 307. HB 307 will not let the Building Codes Council adopt as part of the state building code a provision to require **life safety fire sprinklers** in new homes built in Montana. This bill is a major change in the way building codes are adopted in Montana. Currently the building codes council MCA 50-60-115, made up of 12 members who are appointed to the council, have unique skills and knowledge that allow them to determine the appropriate codes to include in the state building code.

The building code council is required to determine the needs of the construction industry, the public interest, cost-effectiveness and **safety** when adopting the codes. The intent of the International Residential Code is to establish **minimum requirements to safeguard the public safety**, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and **safety to life and property from fire** and other hazards attributed to the built environment and **to provide safety to the firefighters and emergency responders during emergency operations**.

This bill takes that decision process away from the council with respect to fire sprinklers before the council has had a chance to review and alter or adopt this section of the residential code. If this bill becomes law the code council may have to alter other sections of the residential building code to meet the intent of the code and the needs of public safety.

Our concern is that a precedent may be set that the next code topic a group may not endorse will be brought here to the legislature and not through the current process of using the building codes council that is charged with implementation and interpretation of the state building code.

We urge you to table this bill and let the established course of building code adoption be followed.

I have included statistics for fire deaths in Montana back to 1976 and residential fire deaths and property loss for 2000 – 2010. To date in 2011 there have been 8 fire deaths, and 7 of those deaths have been in residential occupancies.

## MONTANA RESIDENTIAL FIRES 2000-2010

| YEAR   | TOTAL FIRES | FIRE DEATHS | PROPERTY LOSS \$ | CONTENTS LOSS \$ | TOTAL \$         |
|--------|-------------|-------------|------------------|------------------|------------------|
| 2000   | 254         | 8           | \$3,428,325.00   | \$1,286,233.00   | \$4,714,558.00   |
| 2001   | 582         | 6           | \$26,277,130.00  | \$5,414,005.00   | \$31,691,135.00  |
| 2002   | 529         | 6           | \$6,838,567.00   | \$1,871,904.00   | \$8,710,471.00   |
| 2003   | 557         | 9           | \$6,623,689.00   | \$3,092,750.00   | \$9,716,439.00   |
| 2004   | 686         | 12          | \$6,560,647.00   | \$2,649,768.00   | \$9,210,415.00   |
| 2005   | 762         | 7           | \$9,445,991.00   | \$3,028,641.00   | \$12,474,632.00  |
| 2006   | 763         | 8           | \$7,787,284.00   | \$2,422,527.00   | \$10,209,811.00  |
| 2007   | 728         | 10          | \$14,101,438.00  | \$3,752,884.00   | \$17,854,322.00  |
| 2008   | 690         | 7           | \$11,461,224.00  | \$4,773,388.00   | \$16,234,612.00  |
| 2009   | 513         | 9           | \$11,860,876.00  | \$2,586,580.00   | \$14,447,456.00  |
| 2010   | 442         | 9           | \$36,960,626.00  | \$2,523,177.00   | \$39,483,803.00  |
| TOTALS | 6506        | 91          | \$141,345,797.00 | \$33,401,857.00  | \$174,747,654.00 |

# MONTANA FIRE DEATHS

| YEAR          | DEATHS     | VEHICLE    | RESIDENTIAL | OTHERS    |
|---------------|------------|------------|-------------|-----------|
| 1976          | 21         | 4          | 14          | 3         |
| 1977          | 30         | 2          | 25          | 3         |
| 1978          | 25         | 2          | 20          | 3         |
| 1979          | 26         | 4          | 19          | 3         |
| 1980          | 19         | 4          | 13          | 2         |
| 1981          | 20         | 4          | 15          | 1         |
| 1982          | 14         | 1          | 11          | 2         |
| 1983          | 20         | 0          | 19          | 1         |
| 1984          | 27         | 3          | 19          | 5         |
| 1985          | 13         | 3          | 8           | 2         |
| 1986          | 13         | 5          | 8           | 0         |
| 1987          | 21         | 1          | 18          | 2         |
| 1988          | 28         | 6          | 19          | 3         |
| 1989          | 13         | 1          | 9           | 3         |
| 1990          | 22         | 6          | 11          | 5         |
| 1991          | 30         | 8          | 19          | 3         |
| 1992          | 14         | 3          | 10          | 1         |
| 1993          | 17         | 1          | 14          | 2         |
| 1994          | 15         | 6          | 7           | 2         |
| 1995          | 13         | 0          | 9           | 4         |
| 1996          | 14         | 0          | 13          | 1         |
| 1997          | 14         | 7          | 6           | 1         |
| 1998          | 22         | 1          | 17          | 4         |
| 1999          | 15         | 2          | 12          | 1         |
| 2000          | 11         | 3          | 8           | 0         |
| 2001          | 10         | 3          | 6           | 1         |
| 2002          | 13         | 3          | 6           | 4         |
| 2003          | 13         | 3          | 9           | 1         |
| 2004          | 17         | 5          | 12          | 0         |
| 2005          | 12         | 3          | 7           | 2         |
| 2006          | 15         | 5          | 8           | 2         |
| 2007          | 13         | 0          | 10          | 3         |
| 2008          | 9          | 2          | 7           | 0         |
| 2009          | 10         | 1          | 9           | 0         |
| 2010          | 9          | 0          | 9           | 0         |
| <b>Totals</b> | <b>598</b> | <b>102</b> | <b>426</b>  | <b>70</b> |