EXHIBIT
DATE 1/21/15
HB 161

BILLINGS FIRE DEPARTMENT
Paul A. Dextras
FIRE CHIEF

2305 8th Avenue North
Billings, Montana 59101
(406) 657-8423
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CITY OF BILLINGS

January 20, 2015

Judiciary Committee
Montana Legislature
Helena, MT 59620

Dear Committee Chairperson and Committee Members:

The Billings Fire Department supports House Bill 161 which modifies the current language in Montana Code Annotated (MCA) 50-63-201 concerning the investigation of fires. The current language mandates public sector fire investigators to determine the exact cause of every fire that causes property damage. HB 161 improves the language and makes it consistent with nationally excepted standards and guides currently being used across the state.

As a certified fire investigator and someone that has been investigating the origin and cause of fires in Montana for the past 15 years, I can attest that this law has concerned me throughout my career. It is virtually impossible to determine the exact cause of every fire. Many times the extent of fire damage to a building is so great that it is unsafe or not feasible to determine the exact cause of the fire. Additionally, many jurisdictions do not have the funding or resources available to hire specialized engineers or testing laboratories to examine appliances and electrical systems to determine the exact cause or reason for failure.

The proposed changes contained in this bill will continue the requirement for fires to be investigated to determine the origin and cause but does so in a manner that is practical for state and local jurisdictions. Please support House Bill 161. Your support of this bill is very much appreciated by me and other fire investigators throughout Montana.

Sincerely,

Michael E. Spini
Fire Marshal

To protect life and property
while recognizing our people as the key to our success

Montana Chapter
I.A.A.I.

2305 8th Ave North
Billings, MT 59101

President
Trever Schilling

Vice President
Sally McKenna

Secretary/Treasurer
Brett Lapham

Board Members
Mike Spini
Dick Swingley
John Fairchild

www.mtiaai.com

January 16, 2015

RE: House Bill 161

To whom it may concern,

The Montana Chapter of the International Association of Arson Investigators (MT I.A.A.I) is a local organization founded under the International Association of Arson Investigators. Our members are comprised of any representative of a government agency, any representative of a business or industry who's concerned or is actively engaged in some phase of investigation or suppression of fire or arson. This includes the state fire marshal's office, municipal fire marshal's offices, county sheriff's departments, municipal police departments and private fire investigation companies.

Our members approached Representative Vince Ricci to address the current language issues in Montana Code Annotated (MCA 50-63-201). HB 161adjusts MCA 50-63-201 to be consistent with nationally recognized guides, such as National Fire Protection Association 921 (NFPA 921). NFPA 921 was developed by a technical committee comprised of fire investigators across the country. The purpose of the document is to provide guidance to investigators that is based on scientific practices and methods that are widely accepted and considered to be the standard of care.

Public fire investigators across the state cannot determine the exact cause of every fire that occurs. This is financially unfeasible and in some cases impossible to accomplish due to the nature and circumstances of the fire.

The changes proposed in HB 161 follows the nationally excepted standard of care for fire investigators and still requires fires to be investigated to ensure crimes have not been committed.

Respectfully,

Trever Schilling

Trever Schilling IAAI-CFI
MT IAAI President.

MISSOULA FIRE DEPARTMENT
625 E. Pine, Missoula, MT 59802
Office (406)552-6210 Fax (406)552-6184
www.ci.missoula.mt.us/fire

January 19, 2015

TO: Whom it may Concern

RE: House Bill 161 Support

Greetings Law Makers and Fellow Constituents,

I write today expressing my support of this "good-housekeeping" bill. I believe the original drafters of Section 50-63-201, MCA had good intentions when they first wrote the language currently in law. In fact much of it is word for word from the International Fire Code, the adopted fire code of the State of Montana and its local Jurisdictions. Although the fire code gives adopting agencies and the personnel enforcing the code authority to investigate all fires and explosions, State Law mandates that these actions take place. That being said House Bill 161 will provide a more accurate depiction of investigative course of action as per the NFPA's 921 *Guide for Fire and Explosion Investigations.* This recognized Guide sequences fire investigations first by origin; one must know where a fire originates, followed by the rendering of a determination of cause.

The other change of language in House Bill 161 strikes the word "exact" from Section 50-63-201, MCA. The word exact when dealing with a potential litigious issue opens up a realm of scrutiny that would make any fire investigation origin and cause determination nightmarish, without the admission of guilt or eyewitness accounts.

Thank you for your consideration.

Respectfully,

Gordy Hughes

Fire Marshal
Missoula Fire Dept.
625 E. Pine, Missoula, MT 59802

THE MISSOULA FIRE DEPARTMENT IS AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYE M / F / V / H

GREAT FALLS FIRE RESCUE

105 9th Street South
Great Falls, MT 59401

Phone: 406-727-8070
Fax: 406-454-2454

Date: January 15, 2015

TO: Whom it may Concern

RE: House Bill 161 Support

To Whom it may concern,

I support with the proposed changes to House Bill 161.

Section 50-63-201, MCA in its current form states "exact" cause and circumstances. The current language places a unrealistic expectation on the investigator because not all fires can be exactly determined. National Fire Protection Association 921 Guide For Fire & Explosion Investigations allows for the Fire Investigator to select from four final causes of fire they are, Accidental, Natural, Incendiary, and Undetermined. The striking of the word exact would more accurately reflect NFPA 921.

NFPA 921 states " *The cause of a fire or the causes of damage or casualties may be grouped in broad categories for general discussions, for assignment of legal responsibility or culpability, or for reporting purposes*" page 921-204.

The changes to House Bill No.161 would more accurately reflect the guide that Fire Investigators are held to and use as guidance for fire investigations.

Additionally rewording the sequence of cause, origin and circumstances, into origin, cause and circumstance. This change more accurately represent the process in which a Fire Investigator uses to process the scene and make a determination of cause.

Respectfully,

Ron Martin
Deputy Fire Marshal
Great Falls Fire / Rescue

Dirk Johnson
Fire Marshal
Great Falls Fire / Rescue

LOCKWOOD RURAL FIRE DISTRICT #8
3329 DRIFTWOOD LANE, BILLINGS, MONTANA 59101
PHONE 406-252-1460 FAX 406-256-8231
FIRE CHIEF • John Staley

To: Members of the 2015 Montana Legislature

Re: House Bill 161

I offer this letter of support for the aforementioned House Bill 161. I believe the Bill will assist us in the fire service and the State of Montana in cleaning up a previously adopted bill adopted with good intent.

The original bill intended to clarify the operations and responsibility of a local jurisdiction to investigate all fires and determine the exact cause and origin of the incident. We believe this re-wording of the language is more in line with the intent of every organization to try to determine the origin and the cause of the fire. An exact cause is often very difficult and places an unreasonable expectation on the local jurisdiction.

The Fire Code adopted by municipalities and Counties in Montana, as well as the State of Montana gives us the authority to investigate all fires within our jurisdiction, it is, as I am sure you are aware, the Montana Code that requires that we perform this important task. The changes made with the adoption of this bill by removing the word **exact** is a more reasonable expectation as a result of a fire investigation.

I ask that you please consider supporting the adoption of this bill and its current language.

John Staley

John Staley Fire Chief

Lockwood Fire District 8

County of Yellowstone

BOARD OF TRUSTEES • PENNY HELMS • XZLMAR ANDERSON • FROSTY ERBEN • MARK MORSE • CAROL RASH

Yellowstone County

OFFICE OF THE SHERIFF

P.O. BOX 35020
BILLINGS, MT 59107-5020
(406) 256-2939
(406) 256-2949 FAX

To whom it may concern,

I am writing this letter to show support for the wording changes being proposed in House Bill No. 161 introduced by V. Ricci.

Section 50-63-201 MCA, requires fire investigators to determine an exact cause for any fire which would be in conflict with NFPA 921 *Guide for Fire and Explosion Investigations,* and the determinations listed therein. NFPA 921 listed the four types of fire and explosion determinations as Accidental, Natural Incendiary, and Undetermined. The change to this language would maintain consistency with NFPA 921.

Under certain circumstances the damage done by fire can and does render a particular cause of the fire unable to be detectable. The current language of this MCA Code creates an un-obtainable goal in these types of circumstances and opens each agency and investigator to potential civil litigation without an admission of guilt or first-hand eyewitness accounts. Correcting the language in the current language relieves the investigator, agency, and State of this potential pitfall as well as provided the consistency needed to comply with NFPA 921.

Thank you for your consideration,

Daniel B. Paris
Detective Sergeant/Fire Marshal
Yellowstone County Sheriff's Office
2550 3rd Ave. N. Billings, MT 59101