

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2327

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2327

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 02/05/09

Recorder Job Number: 8796

Committee Clerk Signature

*Kate Quind*

Minutes:

**Senator Potter:** Tracy Potter, this bill may seem like pet peeve legislation, but it is not. It has a real impact, I do have testimony from Steve Alexander, the actor who plays General Custer; see attached testimony #1.

Boy Scout, Girl Scout troops, & reenactors have stayed in the barracks. In recent years we have been prevented from doing that because the state Fire Marshal says must have exit sign, lighted exit way. Everything that we do at Ft. Lincoln is intended to convey that the year is 1875 and that you are living part of that history. This has been a very popular thing that has prevented from happening because of a regulation. We attempted to work as alternatives, we suggested that we could have battery operated, we could put them up temporarily but we wouldn't be affecting the overall image of the place on a daily basis. Were told they needed to be hard wired. Up were up against national fire codes that were being imposed by the state Fire Marshal. I was to be clear; no one is more concerned about the safety than me. But there should be alternative methods. Soldiers, when they stayed in the barracks, would post a guard, we can do that. This is a completely doable; we have door that open and windows that open we can make this a safe experience. There are other places that can do this, as long as they take safety precautions. What we are suggesting is a process by which the state Fire Marshal

would rule as to the adequate, we think that this is a moderate proposal and we would ask for your favorable consideration.

**Senator Nelson:** Do you know if at the other state campgrounds have fire alarms.

**Senator Potter:** I don't know for certain, I have stayed in other cabins and I don't recall. We have guests in the camp ground and no one is inspecting that. When reenactors come they stay on the parade ground and no one monitors them. This is just another option we would like to be able to provide.

**Senator Ohelke:** Line 13, would you be flexible enough to change 'shall' to 'may'? Having the word 'shall' seems restricting for a fire marshal, they do have some circumstances not feeling comfortable forcing the issue.

**Senator Potter:** General Custer had 40+ dogs, there is a 'may' and there is a 'shall'. The committee will do what it will and we will be accepting of the amendment. I would like to point out that the Fire marshal shall or must adopt rules that give us a procedure through which he may approve the procedures. We want them to take a positive action to provide us with a road map.

**Senator Cook:** Shall adopt rules that he may approve. If he were to adopt rules, then the rules will have to define criteria, if that criteria is followed how would be able to discipline.

**Senator Potter:** My intention is that he has to adopt the rules that show us there is a process. He could still disapprove the procedures. I trust our admin rules committee I think that we don't want to take away, but we do want flexibility and have them. Risk management would have a field day.

**Senator Cook:** The rules that he would have to adopt would be as simple as saying the exemption would be submitted to fire marshal.

**Senator Dever:** In 2001 or 2003 there was a bill to allow parks, under certain circumstances, to serve alcohol. Director of state parks tried to get it into the Century Code; I ended up telling him to put them together himself. It is not a question of if but how can you do that and ensure the safety of those that stay there.

**Senator Potter:** I remember those bills and those rules are in effect.

**Senator Dever:** All you other bills have to do with your pet peeves.

**Kermit Lindstrom:** I am on the Board of Directors of the Ft Lincoln foundation. I am here to testify in favor of this bill. Because I am on the board Tracy works for me. I can tell you that the board is not going to allow this program to put people in some sort of danger. We will see to make sure that everyone who visits stays safe. But this gives us the opportunity to be flexible and do things for our reenactors and in order to give you an idea what a reenactor is. I recommend a Do Pass.

**Al Johnson:** I am here to support this program my name is 1<sup>st</sup> Sgt Al Johnson, I am the current frontier military director at Ft. Lincoln, this is my passion, I am approaching my 16<sup>th</sup> season at Ft. Lincoln. It is our youth that participate in the sleepovers. 90% of what they do they take with them when they leave. In the 90's the program started, Boy Scouts, Girl Scouts, other reenactors would experience the rigors of being a soldier, at least for one night. Kids would march eat, pull guard duty, pull fire watch, the types of things that solders in the 19<sup>th</sup> Century would do. The following morning, flag raising would occur and the kids loved it. Fire safety for the program has always been my concern. I have testimony from a Boy Sout leader and interpreter. I want to be brief and appeal to you as a teacher, a friend of Ft. Lincoln, and a living historian.

**Senator Dever:** We pulled fire watch in basic training.

**Al Johnson:** I am also a 20 year veteran of the United States Airforce as well, and I remember pulling fire watch in basic training.

**Senator Dever:** Anyone else to testify in support of SB2327? Kermit can I ask you a question, you mentioned you were on the board, I would imagine you have special insurance and weather it addresses the kinds of issues that we are talking about here?

**Kermit Lindstrom:** We have insurance on buildings, guests, help we are concerned with that. We review our insurance at least once a year.

**Senator Dever:** I imagine that it addresses the fact that these buildings are constructed they way they were originally.

**Kermit Lindstrom:** Well, they are all wood and if you get foolish with them they will burn down. As you know, the first Custer House did burn down and George and Elizabeth were on the parade grounds watching it go down in the middle of the winter.

**Senator Dever:** Is there anyone to testify in opposition or in a neutral position on SB2327?

**Raymond Lambert:** See attached testimony #2.

**Senator Nelson:** Is it safer to sleep in tents than it is to sleep in the barracks?

**Raymond Lambert:** The tents I am not familiar with, there are standards for tents that the state has not adopted. Not sure which would be safer? My concern is the large capacity of people that are sleeping in re constructed building.

**Senator Dever:** Are they in violation now?

**Raymond Lambert:** The primary concern is when people sleep in them, what we will accept for minimum standards, in the discussion we have had in many places; we do have ability to set standards. The smoke detector is and has been the primary issues in these facilities.

**Senator Ohelke:** Is there such a thing as a portable smoke detector? Can portable unit brought in when something like this is happening?

**Raymond Lambert:** There is, yes but the real issue is when they are sleeping in there. The battery operated ones are all interconnected remote or hardwired. Code says hard wired, we would open to detector that is less than hard wired.

**Senator Cook:** Who would inspect Ft. Lincoln?

**Raymond Lambert:** We have a deputy who would inspect it. I too do them as needed. It would be one of my staff or myself under the Century Code we are mandated to inspect facilities.

**Senator Nelson:** I am confused, why not battery operated?

**Raymond Lambert:** That is correct; I would assume that your home, when built that was code for period it was built. In the 60's is when they were first mandated. Those detectors suggested to be changed every 10 years.

**Senator Nelson:** What are the rules for apartments?

**Raymond Lambert:** In apartment's hardwired are required today. A newest standard is 1 in common area and one in each sleeping room.

**Senator Cook:** Liability, when we went through the issue of getting schools inspected. You have a job, and inspect and report and if you report to the school board then they have liability. Is there a shift in liability if we do this?

**Raymond Lambert:** A tremendous shift in liability. Accept responsibility to assume national and international code. I will not sign the request to go below the minimum standard of having, at least, operational smoke detectors.

**Senator Horne:** Sensing that Ft. Lincoln folks want to be able to use the barracks for Boy Scouts and staff. If this were allowed what steps need to be taken to be done?

**Raymond Lambert:** That would be the standard that I have discussed in the past with the operators of the facility. To allow tours and tourists to come though the facility that is acceptable. No intention of shutting that down, I appreciate the passion for what they do. No

way of knowing what the person who is standing guard will do. 46 people who lost lives in residential settings sleeping in places without operation smoke detectors.

**Senator Dever:** The minimum standard is smoke detectors, but you would like to see lighting and sprinklers?

**Raymond Lambert:** Love to see emergency lights and exit signage. Waking up by smoke detectors in the middle of the night causes chaos. Like to see those clearly lit and battery operated sign, emergency lighting is battery operated. With the laws of electricity power there would have signage. Battery operated would be fine. We have not even brought into system, they are not there and try to not maintain in fire code. Life safety code, which is where lighting comes in. Rules would include minimum standards. I cannot in good faith adopt a rule or standard that would not provide for adequate means of exit.

**Senator Dever:** That might be different on a single level structure, like the barracks is.

**Raymond Lambert:** That is correct.

**Senator Ohelke:** Since facilities are maintained like they were when they were first built, this has base board heating or fireplace. Or is there no heating at all?

**Raymond Lambert:** The heating system is those of the era. That was a very unsafe condition with the venting of the heat system. Pot belly stove, improper heat venting out to the chimney that was easily overcome issue. Other places around the state have the same issue.

**Senator Dever:** We will close the public hearing on SB2327.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2327

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 02/05/09

Recorder Job Number: 9384

Committee Clerk Signature

*Kelley Oliver*

Minutes:

**Senator Nelson:** Tracy says that they lose power out there sometimes.

**Senator Oehlke:** He said that if one went off then they would all have to go off. The facility doesn't like it because it is not like it was 150 years ago, but safety is a huge issue. What if we forced it to happen and a fire did happen? If there is an emergency and you can see smoke, adults or kids, it will be a mess. People will be injured trying to get out, even if they don't get injured by the smoke.

**Senator Horne:** Is there electricity out there now?

**Senator Dever:** No.

A motion for a do not pass was made by Senator Oehlke with a second by Senator Cook. The motion passed 5-0 with Senator Horne carrying the bill.



1

2327  
Carmel  
Horne

## Committee



Do Not Pass

DeWitt

Cal

[illegible]

5

A large, handwritten lowercase letter 'e' is shown on primary ruled lines. The letter is formed with a single continuous stroke, starting from the middle line, curving up to touch the top line, across to the right, and then curving down to touch the bottom line before returning to the start.

\_\_\_\_\_

---

**If the vote is on an amendment, briefly indicate intent:**

**REPORT OF STANDING COMMITTEE (410)**  
February 13, 2009 1:44 p.m.

**Module No: SR-29-2675**  
**Carrier: Horne**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2327: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2327 was placed on the Eleventh order on the calendar.

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2327

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2327

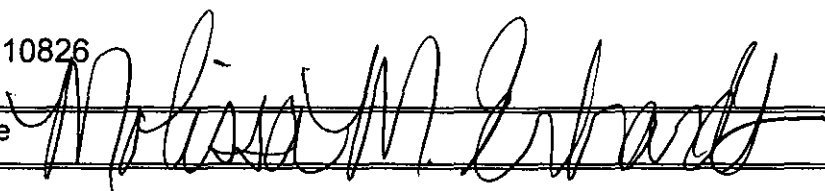
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/12/2009

Recorder Job Number: 10826

Committee Clerk Signature



Minutes:

**Chairman Grande:** Open the hearing on SB 2327. Clerk read the title.

**Senator Tracy Potter, District 35, Bismarck:** This bill Senate Bill 2327 is about

15 or 16 years in the making I guess. Being a historian I often refer back to

history and I hope that you don't mind too much so I will take you back to 1993

because that is when we built the barracks at Ft Abraham Lincoln Foundation.

Ft. Abraham Lincoln Foundation received some federal funds and built the

building, donated it to the State of ND, and the State owns it, the Ft. Lincoln

Foundation does a lease wherein we provide interruptive services in this building.

The winter in 1993 we had a maintenance guy who had some time on his hands

so he built bunks in the barracks. So if you go out there today you will see a

whole row of wooden bunks. I am must admit rather sheepishly that they are not

historically accurate. Single wooden bunks never existed in the United States

military, double bunks, and triple bunks did, until the Surgeon General of the

Army in 1873 said that is not really healthy. We need to do something else and

so they gave a no bid contract to a company in Pennsylvania that created iron bunks. We have one of those just to show people what is really true at Ft. Lincoln. This is the way we operate and that is why I bring it up. We try to show people what life was really like in the 1870's, but we have these bunks and we are not going to throw them away we have built them. So starting in 1994, I believe is the first time after I'd taken over out there at Ft. Lincoln we started letting groups staying there. Boy Scout groups, re-enactment groups, and we would always have a staff person available that we would let them stay there. We figured this isn't bad we even rented them out for about \$100 a night and it was a great experience. The kids loved it, the Girl Scouts, Boy Scouts, and re-enactment groups. We were certainly doing that by 1995 and we did it about one, two and three times every year that this would happen. So a lot of people got an experience of staying in the barracks. We established procedures with what staff we had to have there, what other services we could provide, we would take them over to the granary where the bathrooms were and show them that. We would take them on night time hikes and we would make them stay up as on guard duty, a couple of them so the rest could sleep, and just kind of showed them what life was like in the frontier military. Beginning about three or four years ago we were notified by the State Parks Department that we would no longer be able to do this. That we were in violation of Fire Code and that the building was

not equipped for overnight stays. We said what can we do about it? We, at first of course, were in denial, don't make us do this. Then we went through acceptance and said how do we work with it, what can we do? What we found was we didn't have any options? The only options were to put up lighted Exit Signs permanently affixed, which would mean we would have to hardwire the barracks, which isn't hardwired now. So we would have a big cost in doing that and we would have to hardwire smoke detectors we were told, we just couldn't do it and the programs ended. The Scouts have not been able to stay there. We have re-enacting groups that want to come out. Last summer we had a group that wanted to come out there and they brought their own horses to Ft. Lincoln and this was a great group. They paid thousands of dollars to a travel tour operator, who does specialty tours, and he had them come to Ft. Lincoln with their military uniforms and their era appropriate Seventh Cavalry Uniforms and their horses and they participated in our event out there and they were great. All they wanted from us was to be able to stay in the barracks and we couldn't provide them with that opportunity. We just can't do this. There are two good reasons why we can't do it, I only mentioned cost. The other reason is it would ruin the historical integrity of the site. We have rebuilt these things to look like you are back in 1875. To put up a big lighted Exit Sign in the place of our picture of President Grant that was a good Republican President I must say, over the

fireplace, but if we put a lighted exit sign we have taken away the illusion that you are going back to 1875 and that is what we are all about. That is what Sergeant Johnson is all about, the illusion that you are visiting 1875. "History comes to Life at Ft. Lincoln." It is living history we call it. This is a very good way to teach history to people. I am an old history teacher and I have to tell you that this is the way that it gets done because you personalize it and people understand it, they live it, they smell it, they feel it. Eventually we talked directly with the Fire Marshall about this and just couldn't come to an accommodation. We talked directly to the Attorney General about it, who said he was an Eagle Scout, and he thought that would be a great idea to stay there. But we couldn't get it done.

That is the reason there is a bill in front of you here. Just to take you through the bill very briefly. All the changes up to Line 12 are simply Legislative Council cleaning up the bill as they so often do and just changing the words around. But starting on Line 13 you will see what we are suggesting, if, the Fire Marshall shall adopt rules and provide a procedure through which he can approve a request for an exemption from the State Fire Code for temporary occupancy of a structure that is a reconstruction or a restoration. They have to be fire safety procedures that are consistent with the historical nature of the building. We think that we can come to an accommodation. There are things that we are willing to do. We are not writing a law for a special privilege for Ft. Lincoln, although why not, but this

would be for reconstructions all over the place and for any of the reconstructions in the State. It wouldn't necessarily just pertain to the barracks and maybe someone wants to pay me a \$1000 to sleep in the Custer House one night and we can figure out how to get that done. But for Ft. Lincoln, what I would suggest are things like we would be glad to have battery operated smoke detectors and I have staff that would check those battery operated smoke detectors on a regular basis. It is actually safer than hardwired smoke detectors because we often have power outages out there and the battery operated ones will work. If you know the batteries are good. We will always have staff there that is a requirement of our contract with the Parks Department. But we would be glad to make the reenactors, the Boy Scouts, or the Girl Scouts and assign them two hour shifts and make them stay awake during the night with flashlights in their hands so that if there were anything they could lead the direction. We will have fire drills and we will do what is necessary to make this safe. We just want to be able to approach the Fire Marshall with these kinds of procedures and have him give the input. When we talked about this in the Senate GVA, he basically told the committee, he told them quite directly that even if we pass this he is not going to approve procedures that are not appropriate. I think that is exactly what he ought to do. He is in charge of Fire Safety, he is in charge of making sure that we don't kill people. That is great, but that is not a reason to kill the bill. In fact, that is a



reason to vote for the bill because you know you have somebody there who will be stern about making sure that there is Fire Safety and won't approve procedures that are halfway. But what you will be getting is a statement of Legislative Intent that you think it is okay that the Boy Scouts stay in the barracks if we can figure out how to make it safe and maintain the historical integrity. With that I want to make sure that I am making no offense towards the Fire Marshall, the Attorney General's Office, I admire their work. This is strictly a matter of trying to find an accommodation that allows us to have some fun out at Ft. Lincoln and continue these processes. I would be glad to stand for any questions.

**Chairman Grande:** Question with the consistent historic nature of the structure. He would have to right rule to match the 1870's and I don't think we had any Fire Marshall rules in the 1870's so in other words he wouldn't have to do anything or he probably couldn't according to this.

**Sen. Potter:** I believe that it can be read in another way. I don't think that we are suggesting that his rules have to come from the 1870's. What we are saying is that his rules must accommodate the illusion that we are trying to portray that it is 1875 while you are in there. So that the business of a hardwired lighted Exit sign, it didn't happen then, it wasn't there then. They did have Fire Safety procedures then but I am not suggesting that he has to adopt them because

those Fire Safety procedures were basically what I am saying somebody stay up all night and make sure that the men don't burn up. In fact, Ft. Lincoln had many fires, the stables burned down, the barracks burned down, no one was ever killed in any of these fires because they followed military procedures and that is what we are suggesting we can probably do.

**Rep. Froseth:** On Line 17, consistent with a historical nature would that mean a bunch of wooden buckets full of water.

**Sen. Potter:** And sand. We are not intending to fight these fires we are intending to make sure people are safely exiting the building.

**Rep. Meier:** How many year round staff do you have?

**Sen. Potter:** The entire staff is nine. We have two full-time year round staff that our housed at Ft. Lincoln, in addition to the park manager and the park ranger and whatever staff the State has to offer.

**Rep. Meier:** Would you be interested in an Emergency Clause on this bill so you can start having the Scouts stay out there once again?

**Sen. Potter:** I prefer to see bills not to go back to the House. We don't need to do this before our event in June. But you know you are right this year is Frontier Army Days, I would like to be able to house some people. In fact, I didn't bring it but in testimony in the Senate we had a letter from General Custer. We have a

re-enactor who lives in Libby Custer's old house in Monroe, MI. He comes out

here every year to portray General Custer, he wants to bring some re-enactors from Gettysburgh, and this is the thing that just thrills them, to sleep in the 7<sup>th</sup> Calvary Barracks at Ft. Lincoln and I can't offer that yet.

**Rep. Dahl:** You talked about the Legislative Intent but have you had any discussion with the Fire Marshall about any consensus that could be reached. Because we could pass this but if there is nothing could be agreeable to both sides then it would seem to be futile.

**Sen. Potter:** I have made suggestions along the lines that I have offered to you. But they have not yet agreed upon. Again, you may be right in the current situation this won't work. The Legislation should still be there because I won't be at Ft. Lincoln forever, the Fire Marshall won't be the Fire Marshall forever and this is just good common sense that should be followed.

**Rep. Kasper:** On Line 14, you used the words, "The Fire Marshall may approve," would you consider the word "shall" ?

**Sen. Potter:** Yes I did. But I really do think that I don't want to direct that he has to approve a request. I just want to make sure that there is a procedure to which I can ask for a request for a waiver from the code and if the Legislature has suggested it that ought to help.

**Rep. Kasper:** But even if you request, the Fire Marshall can say "No, go."

**Sen. Potter:** That is exactly right and he may say that.

**Rep. Kasper:** Which means that you are in the same position that you are in now, so you are simply looking for a little Legislative cover, is that the intent of this?

**Sen. Potter:** Yes. So you can see just how moderate I am. I am just suggesting that you give us a shot, give us a change, give us an opportunity, and yes, Legislative direction that you should at least consider these alternative procedures.

**Chairman Grande:** Any other questions?

**Rep. Nathe:** How big is the bunkhouse and how many people can sleep there?

**Sen. Potter:** The barracks were built for two companies of men. A company generally has about 50 men in it and we were sleeping about groups of 20 to 40 in it.

**Chairman Grande:** Anyone else wishing to speak in favor of 2327?

**First Sergeant Al Johnson, Frontier Military Interpretive Director at Fort**

**Abraham Lincoln Foundation:** Testimony. See Attachment # 1.

**Vice Chairman Randy Boehning:** The question I have is with the bunkhouses, is there more than one exit?

**Al Johnson:** Yes.

**Vice Chairman Randy Boehning:** So there is an exit on both ends of the barracks?

**Al Johnson:** Yes.

**Chairman Grande:** Any other questions from the committee?

**Rep. Kasper:** How many years have you been working out there?

**Al Johnson:** Fifteen years.

**Rep. Kasper:** Have you ever had a fire incident in the time that you have been working there?

**Al Johnson:** No sir.

**Rep. Nathe:** Is there any cooking or anything that is happening in the bunkhouse that would lead to a fire or anything along those lines that would lead to a fire?

**Al Johnson:** Not cooking per say. The cooking is done in a metal container outside of the barracks but within close enough proximity that adult supervision, if not myself, would have to monitor and supervise yet. But there is no cooking done inside the barracks.

**Rep. Nathe:** Any other activity that could lead to a fire?

**Al Johnson:** There is a pot-bellied stove but that is also watched day and night but we don't use it.

**Chairman Grande:** Any other questions from the committee? Any others in favor of 2327? Anyone else in favor of? Opposition to 2327?

**Craig Sjoberg, Training Officer, Mandan Rural Fire Department, here at the request of the Mandan Rural Fire Chief, Lynn Gustin:** We are voicing opposition to Senate Bill 2327. Testimony. See Attachment # 2.

**Chairman Grande:** Any questions from the committee?

**Rep. Kasper:** Were you ever a Boy Scout?

**Craig Sjoberg:** I was a tenderfoot. My Dad was an Eagle Scout and Dan Schellske and Marine Trnka, Park Rangers at Ft. Lincoln and the pleasure of having one of our volunteer firemen, Jared Hopkins, as a seasonal employee, and he is an Eagle Scout as well.

**Rep. Kasper:** Just sort of referring to your experience. Would you say that one of the things of the Boy Scout code is to teach, young men, and with the Girl Scouts, young women, to be responsible citizens?

**Craig Sjoberg:** Yes sir.

**Rep. Kasper:** And as explained by Sen. Potter the safety measures that they go through when people would be occupying the structure, it appears to me those safety measures are more stringent than anyone in the population during the day walking through the barracks or walking through the area. Because those people are walking unsupervised and we have Boy Scouts that are being supervised. You see any dilemma or any disparity in what you are saying between

unsupervised people who could through a match easily compared to Boy Scouts who are there to learn a code of conduct and are supervised?

**Craig Sjoberg:** I have been at Ft. Abraham Lincoln for night time events twice and that is (can't understand word) experience. But I do have to admit that during those two times after dark with the general population there I was really worried.

**Rep. Kasper:** In your testimony you talked about 26 minutes to get to the location. Now, I have driven through Mandan and gone down to Ft. Abraham Lincoln and I think without speeding it takes me four or five minutes to get there on the highway. Where do you come up with the 26 minutes to get there and what is the reason for such a long response compared to the three minutes response in other areas?

**Craig Sjoberg:** The three minutes response is an ISO standard, I may be wrong with that, for career fire departments. The 26 minutes is obtained from, I live in Mandan just North of Dairy Queen, and it takes me 5.5 to 6 minutes to get to our fire station from my home. Then donn our personal protective equipment, get the trucks fired up and go. Potentially right around seven minutes especially at night and sometimes during the day when people are at work and their employers don't let the volunteers go. The resulting acting minutes is an average. The average of 19 minutes was observed by myself yesterday in my personal vehicle

driving from our fire station, which is located in NW Mandan across the street from Cloverdale Foods, taking the fastest route through Mandan, which was Old Red Trail to Collins, down Collins to Main Street and stopped at the red light at Main Street for its entirety, East on Main Street to 6<sup>th</sup> Avenue, which is Highway 1806 South and the speed limit once you hit the highway is 60 MPH. Then when I rolled up to the Northeast corner of the barracks, it was 19 minutes.

**Rep. Kasper:** In reading your Item 5, skilled craftsmen, interior and exterior wood shingles and wood porches, that is hard to describe of my lake home.

**Chairman Grande:** Any other questions from the committee? Opposition to 2327?

**Gary Retterrath, Fire Chief Valley City ND, representing the ND Fire Chiefs**

**Association:** On February 5<sup>th</sup> we had a Chief's conference or a career Chief's meeting in Mandan discussing some of these bills that were in the Legislature and this was one of them. We had a discussion on why this bill was this way and we never did talk to the Fire Marshall because he was not there at that meeting. I guess this is (coughing) and as career Fire Chief's, the ones who work full time, we looked at the bill and did not think it was a good bill and it really does disallow certain fire safety measures or devices in buildings where people are sleeping. We say that is not a good thing, we try to teach Fire Fighters to be safe, we try to



teach kids to be safe and we ask them do their smoke detectors work, do they have a Fire Safety plan and that would also go along with this type of a building. We have been talking about Ft. Lincoln this last half hour but this obviously affects the whole State and the historical buildings and where I live there is historical buildings and I don't think it is necessary that the State Fire Marshal adopt new rules for my city, which I think this is saying that he can, I don't think that is a good idea. I have made rules in my city on the particular buildings in my city and we did require smoke detectors, fire extinguishers, some training of the personnel that worked there, lights and flashing lights, interconnected smoke detectors from one floor to the next. Those are just basic fire safety devices and I don't think we should go any less than that. I don't believe that battery operated smoke detectors are the best thing and sometimes there is no alternative but electric operated detectors are better backups and the interconnected are just basic and I think that is what every historic building should have. In a home obviously that is what we promote is basic fire safety and sometimes that is even hard to get that taught in the schools and the homes. The basic things are what are needed and at Ft. Lincoln that would not really meet basic fire safety measures. Sometimes in this building, if we are talking about occasional use, I would imagine that since it is an International Renowned Building that you would want it to be used a lot and I am afraid that that would happen a lot and bringing

more people in that would happen a lot. It will bring up the chances of something happening in there. I don't what the regulations are now; can you have lanterns in there, can you smoke, what kind of mattress are there and I think we under estimate the power of fire. The individual from Mandan Rural is talking about how fire travels in a hurry. With an interior finish of a building like that, and not all historic buildings are like that but this is one that probably would not have a very good interior finish which means fire can travel fairly easy. So the Fire Chief's Association is against this bill because it doesn't really meet basic Fire Safety practices. I would certainly promote the use of the building but I don't think the Fire Safety level is where it should be. Again, it is a Statewide Law and we know what is best in our city and I don't know that the Fire Marshal knows exactly what that building is in certain cities. The Fire Chief's did say "No" to this bill and there were 10 of them there.

**Rep. Karls:** In your practice you said that you have historic buildings in your area are they typically not for profit and are they taxed with property taxes to pay for fire coverage or fire protection?

**Gary Retterrath:** This particular one that I am referring to or at least one of them is a State Building and it is on the campus of the Valley City State University. I don't believe there is any tax there. The other one that is downtown is a museum and I don't believe it is tax exempt.

**Rep. Karls:** So when there is a fire call at these places, theoretically, who picks up the tab?

**Gary Retterath:** There is no tab except for what is in the city budget. Through the city taxes and there is nobody else and they don't bill for that type of thing.

**Chairman Grande:** Any other opposition?

**Ray Lambert, ND State Fire Marshall:** Testimony. See Attachment # 3.

Before I close my testimony, I heard some very enticing testimony and I too am very passionate about ND and Ft. Abraham Lincoln in particular, I have spent many a time over there. One calculation I did do really quick is that they have not had a fire in this facility, I did find that there has been fires at Ft. Abraham Lincoln, recent fires at Ft. Abraham Lincoln, followed by the initial response, although the Mandan Rural Fire District has primary responsibility there, the National Parks and the Parks Systems there also has Fire Fighting capabilities, they do initial response. With a quick initial response from the Park System and the encampment re-enactors at the time very hastily putting water in anything they could find at hand and after the loss of one or two tents they did manage to extinguish a grass fire that was spreading across Ft. Abraham Lincoln's grounds. It just did not reach the permanent facilities that were there. I think that we were very fortunate for that to have happened. Spreading grass fires is certainly always a concern and it just isn't necessarily a fire starting in the facility itself that

I have issue with. Continued with testimony. I would also mention that under the current standards that we have adopted my door is wide open and I have ability to examine and exempt any of the standards that are in place at the time if it is reasonable or being reasonable that is in place today. One of the very first paragraphs gives the authority of the jurisdiction that relativity. There has been many conversations in other areas of the State on virtually the same issue of historical facilities and one example would be Ft. Buford in the Williston area. We have roughly the same issue that occurred up there with a reconstruction of the barracks of the 1800 era. The requirements that we are asking that they maintain would be minimum smoke detection for early notification of a fire that would occur in a facility such as this one. Emergency lightning, and a facility that currently has no electricity you clearly have heard today, to allow the individuals in unfamiliar settings to safely Exit these buildings if an emergency occurred. Properly identifying the Exit's in the facility, so if at 3 am the undesired emission of a fire occurs, you have the detector to detect, sound the alarm, ample lighting, only emergency, we are not asking for the illumination we have in here today, but for emergency situations and properly marked Exits so each individual in their would know where they are to go and where there Exits are actually located.

Madam Chairman and members of the Governmental and Veterans Affairs

Committee thank you for the opportunity to appear before you and to provide my

testimony in opposition to passage of SB 2327 and I would be happy to address questions that you would have.

**Chairman Grande:** Questions from the committee?

**Vice Chairman Randy Boehning:** Could they do this without hard wiring the building and is there a battery system that would work, so if a fire does break out the smoke detectors would go off, is there some way they could do this battery operated instead of hard wire it? I am assuming that this building was built to code back then, if they had a code then. But things go out of code and things change.

**Ray Lambert:** The standards that you are asking of this question I have been asked before in years past and I was asked again very recently. To my knowledge and my ability I have been unable to find an Emergency Operating System that will activate in an (don't understand) in a loss of power. That power is a key issue. In the emergency systems for lighting and exciting signage it is only available and maintains itself on a normal electrical grid. There is none that we are aware of and have been able to find that has any other triggering mechanism where it doesn't have any other normal electrical service to it. Smoke detection systems obviously are available in battery operated systems. The codes that we have adopted has very well in place safety standards that are outlined for historical facilities and understanding and with due respect to their

construction era and the intended use and how their being used today it clearly states what minimum standards should be applied. Again that is where this is coming from and to totally answer your question there is not a system that I am aware of that will truly operate without an electrical service.

**Rep. Karls:** As I am looking at you I am looking over your shoulder and I see a very unobtrusive, looks like a fire light, and I would consider this somewhat of a historical building. Is this what we are talking about?

**Ray Lambert:** This is a fire alarm-sounding device that is inter-connected to an alarm system throughout the building and if anywhere in the building there is a detection of a fire this alarm bell will ring and the lighting device you see on this one is a special device especially designed for an interior fire and for individuals who are visually impaired or whatever. That is also (can't understand words) on the ceiling are spray persistent that were recently installed in the Capital to add a higher level of safety and they were not installed at the original construction and I find them very unobtrusive. They are there and they serve a wonderful purpose and I do not see where life-saving equipment degrades from the historical value of the structure.

**Chairman Grande:** Any other questions? Opposition to 2327?

**Tom Trenbeath, Chief Deputy, Attorney General, State of ND:** This

Legislature has adopted the international building code under 54-21.303 and has

exempted there from the State Fire Code 54-21.304 which is contained in the rules promulgated by the State Fire Marshall under the supervision of the Attorney General all in accordance with Section 18-01-04. In short the statute which is the subject of amendment by SB 2327 is the only statutory authority for the State Fire Code. You have already heard that this bill is also in failure of interested parties to convince the State Fire Marshall or the Attorney General to relax the State Fire Code to allow different fire safety standards for restored and/or reconstructed historical structures. Members of the committee and Madam Chairman I have visited some of the great historical structures of this country included among them Mt. Vernon, Ford's Theatre, Mark Twain's home in Hartford, CT, they are all fire protected but the difference is that no one sleeps there and they still have fire protections. What are these structures that are intended to be exempted and for what purpose do they not now comply with the state fire code?

**Tom Trenbeath:** Buildings at several of the old forts and, in particular, the bunk house at Ft. Lincoln, a totally wooden structure, which you have heard, containing wooden bunk beds which we are also worried about and the proposed usage, particularly to allow Boy and Girl Scouts to sleep overnight in the structures without the benefit of a fire alarm or emergency lighting. They promise to have someone stay awake all night. In the military, you could threaten them

with shooting if they didn't. You can't do that with the Boy Scouts and I would suggest you can't do that with the sergeant here either. In short, this bill is an attempt to allow an exemption from rules intended to protect human life and property for the most flammable structures while occupied by our most vulnerable and valuable citizens. The fire marshal and the attorney general would not allow this. Although there may be a place for exceptions to fire rules and exceptions allowing the most vulnerable to sleep in the most flammable structure 26 minutes from a fire station without benefit of acceptable warning devices is not the place to start in the opinion of our attorney general. The comment was made that there has never been a fire out there since 1993 when the structures were built. I might suggest that the building, which preceded this building on which we are testifying right now, had not experienced a previous fire until the one that destroyed it. That is what I have to say. I will stand for some questions.

**Dallencheck:** I want to go back to something Mr. Lambert testified to and I just want to make sure I have this right in my mind. Did he say he already has the authority to make some exemptions if he would like to?

**Tom Trenbeath:** I will confess that I have not read the entire regulations in the state. If one of my division directors, in this case, the state fire marshal tells me



that he has the ability to exempt under certain conditions, I could go along with that.

**Chairman Grande:** Any other questions from the committee? Thank you sir.  
Opposition?

**Lois Hartman, Executive Director, ND Firefighters Association:** In that capacity, I am the Training Director for the Fire Service of ND. We are in opposition of SB 2327 because of the life safety risk that we are taking for those who are staying. As firefighters, we would never want to see life safety guideline rules and regulations set aside for the enjoyment of any citizen and that is what this bill is asking the Fire Marshal to do. We would be opposed to that; but also as a mother and a grandmother and a past Boy Scout leader, I would severely oppose this bill because it places in jeopardy the lives of young people that I would be in charge of. I would urge a "do not pass" with this bill.

**Chairman Grande:** Questions? Opposition? Opposition? Neutral? Close.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One SB 2327

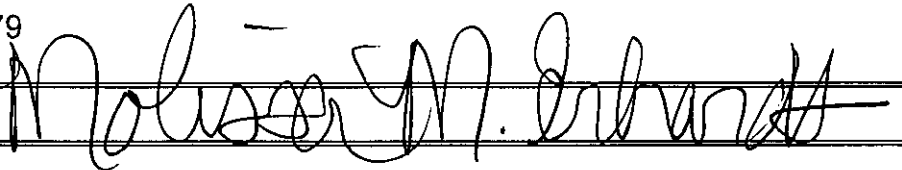
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/19/2009

Recorder Job Number: 11279

Committee Clerk Signature



Minutes:

### COMMITTEE WORK ONE:

**Chairman Grande:** We will discuss SB 2327.

**Vice Chairman Randy Boehning:** I talked with the State Fire Marshall and with the Electrical Board on Friday on the way home and no matter what if we do pass this bill the State Fire Marshall will not grant him any other exemptions for not having smoke detectors or anything like that in there. After talking with the State Fire Marshall what he is going to require them to do no matter what will be to have a minimum number of smoke detectors in the building and Exit lights and Emergency lightning at each entrance. You see a lot of the buildings that have a battery pack that have the emergency that says Exit and it has the two lights on it that is going to be the minimum requirements he is going to let them get by with. With some of those battery packs they are able to shut the Exit light off so when the smoke detectors do go off the lights come on and the Exit light comes on at the same time and that is what the State Fire Marshall is going to require whether

we pass this bill or not and I know the Attorney General's Office will back the Fire Marshall on this. We could pass this but it is not going to do any good. Basically, it is going to be a minimal expense to do it so when the Boy Scouts and whoever else sleeps in the barracks out there will be safe and with that I move a Do Not Pass and have already talked to Senator Potter and told him what was going to happen with the minimum stuff. The way it sounds right now there is a subpanel in the building for power and they won't be required to put any additional lighting in the building so it will just be the minimum emergency safety features.

**Rep. Froseth:** 2<sup>nd</sup>.

**Chairman Grande:** Any discussion?

**Rep. Wolf:** This says "may", it doesn't say "will approve" "shall approve" and in this building this is not just about Tracy Potter and it is not just about Ft. Lincoln. It is about everything across our State and if there is another building somewhere across our State that the Fire Marshall would see fit to go outside of his requirements, I'd like to give him the authority to do that. Whether he ever chooses to exercise it, he won't always be the Fire Marshall, maybe the next one would. I guess it unties their hands a little bit and gives them a little bit of leeway in their own job. They are not going to do something that is going to be detrimental to the public. That is what they are hired to protect the public against

fires and to keep our kids safe and keep us safe. When you go into these historical structures and I look at this as letting him do the job he was hired to do. He was hired to use his brain, he was hired to keep us safe, let him do it.

**Vice Chairman Randy Boehning:** I guess we are going to tell the State Fire Marshall he "shall adopt rules which may approve a request". I think if he approves a request for Ft. Lincoln he is going to have to approve a request for all of them. I know the Attorney General's Office will not allow it, they will have to have safety out there. When I talked to him, the Fire Marshall could say we need the full nine yards out there but after I talked to him he said what they would agree to would be the minimum number of smoke detectors and Exit lights at each entrance without having the lights on. He can do this now and we don't need the bill to do that.

**Rep. Wolf:** The Fire Marshall has the authority to do this right now it is in the Century Code?

**Vice Chairman Randy Boehning:** He has the authority right now in rules from my understanding after talking to Mr. Lampert.

**Chairman Grande:** My concern starts on Line 16; "The rules must provide for Fire Safety procedures and methods that are consistent with the historic nature of the structure." Those new rules that he chooses to write must be consistent with the year of the building.

**Rep. Froseth:** I guess my concern is this is that it is a liability and it might cause a liability. If there is a fire disaster who is liable? It is State owned property and it could open up a big lawsuit for us. There are just a lot of things here that are to iffy.

**Chairman Grande:** Any other discussion? The clerk will call the roll on a Do Not Pass.

**Clerk Erhardt:** Roll Call: Yes: 9. No: 3. Absent: 1. Carrier: Rep. Boehning.

Date: 3/19/9

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2307

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Amended

Motion Made By Boehning Seconded By Froseth

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Amerman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Boehning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Conklin	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Dahl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Schneider	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Froseth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Winrich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Karls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Wolf	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Kasper	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Rep. Meier	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Rep. Nathe	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

Total (Yes) 9 No 3

Absent 1

Floor Assignment Rep. Boehning

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2327: Government and Veterans Affairs Committee (Rep. Grande, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).  
SB 2327 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2327



**Potter, Tracy A.**

---

**From:** Matt Schanandore [matt@fortlincoln.org]  
**Sent:** Wednesday, February 04, 2009 4:22 PM  
**To:** Potter, Tracy A.  
**Subject:** fw: Barracks Request

Hey Tracy

From Steve Alexander for tomorrow's committee hearing

Matt

---

**From:** CusterGAC@aol.com  
**Sent:** Wednesday, February 04, 2009 3:49 PM  
**To:** matt@fortlincoln.org  
**Subject:** Barracks Request

To the Chairman of Government & Veteran Affairs:

Dear Mr. Dever,

For the last two decades I have had the privilege of portraying General George Armstrong Custer for festivals and events across the United States and Canada.

One of my greatest joys is participating at the events held at Fort Abraham Lincoln. In my travels I'm approached by reenactors who wish to be a part of Fort Lincoln's activities and much like myself they fly into Bismarck sans tentage and other trappings for setting up on the parade grounds as many of the local reenactment groups do for the weekend event.

I'm often asked could these living historians utilize the barracks as many of the reenactors who bring horses actually livery their mounts in the reconstructed stables?

Obliviously their stay would require policing of the barracks, a fire watch and the proper fire extinguishers during the evening hours in order to maintain the historical integrity of the barracks during visitation hours to the park.

My experience with reenactors and living historians is their profound dedication to this unique hobby and their strict adherence to detail and authenticity. The cost to this endeavor does not often permit that they can stay in sterling hotels and hovels.

Opening the barracks for their accommodation could see an increase in attendance during this economic strife that has seen diminished reenactor participation.

I hope you'll consider this thought as a means of keeping the spirit alive and healthy at Fort Abraham Lincoln for generations to come.

Sincerely,  
Steve Alexander  
Living Historian

---

Keep up to date on the latest news - [from sports scores to stocks and so much more.](#)

Testimony on Senate Bill 2327  
Governmental and Veterans Affairs Committee  
By Raymond Lambert, North Dakota State Fire Marshal  
February 5, 2009

Good morning, Mr. Chairman and Members of the Governmental and Veterans Affairs Committee, I am Raymond Lambert, North Dakota State Fire Marshal. This position falls under the North Dakota Office of Attorney General. I am here this morning to give testimony in opposition to the passage of Senate Bill 2327.

North Dakota Century Code Chapter 18-01-04 has the State Fire Marshal adopting rules and standards that are consistent with fire prevention standards to prevent hazardous conditions and reduce loss of life by fire. Chapter 18-01-04 is the very beginning of the Century Code statute that governs the activities of the State Fire Marshal Office. This section of the Century Code is shown in the first portion of Senate Bill 2327 starting with Line 6 and continuing through to Line 13.

If adopted, Senate Bill 2327 would adopt rules that would provide a procedure for the Fire Marshal to approve a request for an exemption of the minimum safety standards that are designed to reduce hazardous conditions and prevent the loss of life in a fire situation. It also states that the rules must provide for safety procedures and methods that are consistent with the historical nature of the structures intended for this exception. The rules in force today

were adopted to prevent just such occurrences, which in the early days allowed conditions to exist that were very hazardous and created circumstances that could cause a large loss of life in the event of a fire.

I'd like to share some data and numbers with the committee regarding the number of fire fatalities in North Dakota. The reasons and circumstances of these fire deaths vary greatly. From January of 2002 through January 2009 we have had 56 lives lost to fire in the State of North Dakota. Forty six of those fatalities occurred in residential settings, which is 82% of the total number of fire deaths.

Senate Bill 2327 is asking that the State Fire Marshal adopt standards and rules to exempt the laws that require operational smoke detectors, adequate emergency lighting, and in some cases, exit signage in reconstructed or renovated historical structures. I would like to make mention that of those 46 lives that were lost from 2002 through January 2009 occurred in residences that should have had operational smoke detectors but did not. To date, admittedly with some very quick research, I have not been able to document a single loss of life in a fire situation in a residential setting where the smoke detectors were operational.

I will close my testimony in opposition to Senate Bill 2327 by saying that in years past, we've learned lessons from fires and the tragic loss of lives in

those fires. The citizens of North Dakota have benefited greatly from the improvement and development of technology and the standards that have mandated the installation of these life-saving devices. I would ask that Senate Bill 2327 be defeated and allow us to maintain minimum life-saving devices in every dwelling that is occupied and/or used as sleeping quarters.

Mr. Chairman and Members of the Governmental and Veterans Affairs Committee, I thank you for the opportunity to appear before you to provide my testimony in opposition to passage of Senate Bill 2327. I would be happy to answer any questions at this time.

Raymond Lambert  
North Dakota State Fire Marshal

Attachment  
#1

Testimony for Senate-  
Fsgt. Al Johnson-FALF

Good morning ladies and gentlemen. Let me introduce myself. My name is Fsgt. Al Johnson- I am the Frontier Mil. Interp. Dir. I have been with the FALF for about 15 years, retired military, and very passionate about interpreting the history to all ages, especially our youth. It's our youth that participate in such programs as the one in the barracks that will be remembered for a lifetime. 90% of what kids do. That hands-on experience is how they will learn the history at FAL.

A little history - Back in the mid to late 1990s- Being a Soldier program in barracks. BSA and GSA, and young folks enjoyed experiencing the rigors of being a soldier. At least for a night. Kids would march, eat, pull guard duty, fatigue duties, and fire watch all night, and raise the flag the following morning. The kids loved it. And so did the parents!

Fire safety for this program has always been my main concern. At no time were there any incidents concerning fire safety. Cooking and fire watches were very closely monitored during the day and night.

I have testimonies from a Boy Scout leader and several Living Historians that all said they would love to see this program continue without any delays. I appeal to you as a teacher, Living Historian, and a front line interpreter to bring back this exciting Living History program to the Central Barracks. Thank You.

**SENATE BILL NO. 2327**

Attachment  
#2

1. GREETING
2. INTRO. ~~CRAIG SJOBERG~~ TRNG MRFD, MRFD, CHIEF LYNN GUSTIN  
OPPOSITION TO SB # 2327
3. MRFD FIRE/RESCUE BEAUTIFULLY RESTORED PLACE OF INTERNATIONAL  
PROM - PEOPLE FAR & WIDE VISIT - A DESTINATION - SPECIAL PLACE  
LEGEND BORN & SPIRIT LIVE ON - FORT ABRAHAM LINCOLN - PEOPLE  
ALL WALKS & ETHNICITIES - TOGETHER - COMMON GOAL - FT. ABRAHAM  
LINCOLN FOUNDATION - WONDERFUL WORK - GRATEFUL - THANK YOU
4. JOE PATERNO - 89 YOUNG - 59 COACH - PENN STATE - WINNINGEST - THE  
MINUTE YOU THINK YOU GOT IT MADE, DISASTER IS JUST AROUND CORNER.
5. BUILDINGS - METICULOUSLY RESTORED - SKILLED CRAFTSMEN - PLANS OF  
MID 1800'S - INT. & EXT. WOOD - WOOD SHINGLES - WOOD PORCHES -  
HISTORICALLY CORRECT - OPEN AIR DESIGN - WOOD CONSTR. DRIES WITH  
TIME  
HIGHLY COMBUSTIBLE ENVIRONMENT - FAST MOVING FIRE - UNRESTRICT  
FIRE GROWTH & SPREAD - HIGH HEAT GENERATION
6. MRFD - VOLUNTEER FD - STATIONS NOT STAFFED - RESPOND FROM ELSE-----  
750 SQ. MILES - I-94 - 1806 & 6 - 2 STATIONS - 35 VOL FF - 10 APPARATUS -  
AVERAGE 15 FF/CALL - TIME OF DAY - DAY OF WEEK - RESPONSE TO FORT  
LINCOLN 26 MINUTES - 7 AND 20 - ACCESS - DRIVE OFF ROADWAY - WET
7. RECENTLY LEARNED OF SLEEPOVERS
8. HOW MANY OF US - HOME FIRE ESCAPE PLAN - FAMILIAR W/ FIRE ESCAPE  
PLANS ELSEWHERE - ENJOY OURSELVES - DARKNESS - CLOTHES, SHOES,  
CELL PHONE - TAKE A LOT FOR GRANTED - OTHERS PROVIDE OUR SAFETY  
FIRE PROTECTION CODES - FD ALWAYS THERE QUICKLY - JOE PATERNO  
DISASTER JUST AROUND THE CORNER.
9. NOW - NO ELECTRICITY - NO SMOKE DETECTORS - NO EXIT SIGNAGE - NO  
NO EMERGENCY LIGHTING - SPEND TIME LOCATING CLOTHES, SHOES, CELL  
- FD WILL BE THERE - NOT NOTIFIED - WHEN NOTIFIED, 26 MIN. RESPONSE
10. CLOSE - NOW HAVE GOOD, WHY LOWER STANDARDS ? - RESPECT WONDERFUL  
ACCOMPLISHMENT FT ABRAHAM LINCOLN FOUNDATION - MAINTAIN DIGNITY  
INTEGRITY OF THE DESTINATION - SPECIAL PLACE - MAINTAIN NORTH  
DAKOTA REP AS A GREAT HOST & TAKE CARE OF OUR GUESTS - REMEMBER -  
PLACE OF INTERNATIONAL REKNOWN - THE WHOLE WORLD IS WATCHING -  
LET US NOT PLACE AMBIANCE OVER LIFE SAFETY

**PLEASE DO NOT ALLOW SB 2327 TO PASS !**

Testimony on Senate Bill 2327  
Government and Veterans Affairs Committee  
By Raymond Lambert, North Dakota State Fire Marshal  
March 12, 2009

Attachment  
#3

Good morning, Madam Chairman and Members of the Government and Veterans Affairs Committee, I am Raymond Lambert, North Dakota State Fire Marshal. This position falls under the North Dakota Office of Attorney General. I am here this morning to give testimony in opposition to the passage of Senate Bill 2327.

North Dakota Century Code Chapter 18-01-04 requires the State Fire Marshal adopt rules and standards that are consistent with fire prevention standards to prevent hazardous conditions and reduce loss of life by fire. Chapter 18-01-04 is the very beginning of the Century Code statute that governs the activities of the State Fire Marshal Office. This section of the Century Code is shown in the first portion of Senate Bill 2327 starting with Line 6 and continuing through to Line 13.

If passed, Senate Bill 2327 would have the State Fire Marshal adopt rules that would provide a procedure for the State Fire Marshal to approve a request for an exemption of the minimum safety standards that are designed to reduce hazardous conditions and prevent the loss of life in a fire situation. It also states that the rules must provide for safety procedures and methods that are consistent with the historical nature of the structures intended for this exception.

To me, this means no fire safety equipment at all will be installed, as none existed at the time the original buildings were constructed. The rules in place today were adopted to prevent just such occurrences, which in the early days allowed conditions to exist that were very hazardous and created circumstances that caused the loss of lives due to fire. Fires from years past in structures such as the barracks at Fort Lincoln with no life safety equipment installed are the driving factors that produced the minimum life safety equipment and standards that are in place today, not only in North Dakota but throughout the nation.

I'd like to share some data and numbers with the committee regarding the number of fire fatalities in North Dakota. The reasons and circumstances of these fire deaths vary greatly. From January of 2002 through January 2009 we have had 56 lives lost to fire in the State of North Dakota. Forty six of those fatalities occurred in residential settings, which is 82% of the total number of fire deaths.

Senate Bill 2327 is asking that the State Fire Marshal adopt standards and rules to exempt the laws that require operational smoke detectors, adequate emergency lighting, and in some cases, exit signage in reconstructed or renovated historical structures. I would like to make mention that of those 46 lives that were lost from 2002 through January 2009 occurred in residences that should have had operational smoke detectors but did not. To date, admittedly with some very quick research, I have not been able to document a single loss



of life in a fire situation in a residential setting where the smoke detectors were provided and operational.

I will close my testimony in opposition to Senate Bill 2327 by saying that in years past, we've learned lessons from fires and the tragic loss of lives in those fires. The citizens of North Dakota have benefited greatly from the improvement and development of technology and the standards that have mandated the installation of these life-saving devices. I ask that Senate Bill 2327 be defeated and allow us to maintain minimum life-saving devices in every structure that is occupied and/or used for sleeping quarters.

Madam Chairman and Members of the Government and Veterans Affairs Committee, I thank you for the opportunity to appear before you to provide my testimony in opposition to passage of Senate Bill 2327. I would be happy to answer any questions at this time.

Raymond Lambert  
North Dakota State Fire Marshal