

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 9, 1981

The meeting was called to order by Chairman Hazelbaker at 10 a.m. in room 404 of the Capitol Building on Monday, March 9.

ROLL CALL: All members were present.

SCHEDULED FOR HEARING WERE HOUSE BILLS NO. 130, 132, 396 and 350.

HOUSE BILL No. 130: Representative Jacobsen, District 1. I am a farm dealer. This bill allows a retailer of farm implements or heavy equipment to require a distributor or manufacturer to repurchase the retailers's stock upon cancellation of their contract. The retailer may elect to keep the stock. If a retailer dies his heirs may have the option of enforcing the remedies of this act. When I first introduced this bill it was the intention to get them some kind of contract protection. We have dealers in heavy equipment who want to be included. There are so many dealers going out of business and their contraxts are similar. Basically the bill attempts to correct this. I believe there are several proponents.

PROPONENTS:

MIKE G. MATZ: Western Equipment Company. He related an example of what had happened to him regarding a manufacturer and that he now is sitting with about \$15,000 worth of equipment that he is stuck with.

RALLY BOWEN: Tri-State Equipment Company. We had an occasion where a manufacturer introduced a line that conflicted with a line we already had. I support the bill.

JIM STEFFICK: I am representing myself. About four years ago I closed out a business that I had had for about twenty years. If we had had a law like this at that time it would have saved me about \$40,000. You have to have an agreement. When you close it out then you find just what kind of a giant you are up against. I had about \$40,000 worth of parts and inventory that they wouldn't take back.

GARY HURD: Westmont Tractor Company. We need 130 for the protection of people my friend told you about. The year to year contract agreement is what is getting us. When you become pretty successful then is when the changes can affect you. Large dealers are involved. What if you have 50,000 in non-returnable items. He explained a contract where if the dollar items do not exceed \$7 in a cancellation then it is their option. He discussed the needed changes. We need your help and we need this bill for our protection.

JOHN POSTON: Montana Heavy Equipment Dealers. This is a situation where the lesser of two unequals is asking your help. In Montana most of the dealers are family operations. By the nature of the business we deal in large sums of money. The standard now seems to be on an annual basis. The manufacturer can now terminate the

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contract or force an additional line that you may not be able to sell. This creates great problems. Sometimes you have a large inventory of a discontinued brand. Look to the Minnesota and Missouri laws to see how they were helped. Many times the contracts are drafted without any protection for the dealer. Sometimes the manufacturer will terminate on the death of the owner and they come in and settle the estate, or in a divorce. He gave examples of cases he was familiar with. The John Deere man said that if we would send a copy of the bill they would have no opposition.

AVIS ANN TOBIN: Montana Hardware and Implement Association. Representative Jacobsen asked for our support on this bill. We request that it have some amendments. We wanted it similar to the law in Minnesota. I am representing 96% of the farm equipment dealers in Montana. Section 7 concerns us. This states that the law would apply to any contract on the books at the present time. Over the years most of these problems are resolved voluntarily. I am not very familiar with the heavy equipment operators and their problems. since I deal with farm equipment. If the bill establishes basic guidelines then we are in support of the bill.

OPPONENTS:

WM. ZUMPF: Horizon Equipment Company, Miles City. I own an equipment company. I do not agree with the legislation because it will interfere with contract agreements. I think this kind of legislation would limit competition. If this bill were enacted it would protect the dealers most. He mentioned the lists of dealers that would be affected. How can you define the difference between new and used. It could be out of date and obsolete but still be unused, if it sat on your showroom floor. It would incur additional cost. I am proud to be a part of the farm equipment industry. I believe business can best be served by having as few regulations as possible. This proposed legislation is not necessary and in my view is not conducive to proper business regulations.

QUESTIONS FROM THE COMMITTEE:

SENATOR GOODOVER: How would this work if a manufacturer went out of business and cancelled contracts and had no money to buy back inventory.

REPRESENTATIVE JACOBSEN: It would be the same as any bankruptcy. It would be on a pro-rata basis. The dealer would probably try to sell at a discount.

GARY HURD: Gave an example. We are in a lawsuit right now.

SENATOR BLAYLOCK: What if a dealer wants to drop a line. Will the manufacturer have to take back the inventory. The current laws are not specific. He discussed the inventory and the basic contracts. On page seven, in effect this covers existing contracts. Is this true.

MR. JACOBSEN: The wording is the same for the existing contracts. There was discussion whether this was a violation of the language.

MR. POSTON: The language only pertains to the new expiration date.

MR. BLAYLOCK: I think it is disturbing that contract.

SENATOR KOLSTAD: I think it could be unconstitutional. Section Six is the reason we should not pass this bill. At the present time there is nothing to keep you from going into a court action right now. The contracts are very specific right now on how they would handle cancellation.

MR. JACOBSEN: This would be a means to initiate the action.

There was considerable discussion about the automobile dealers.

MR. KOLSTAD commented that he did not see a need for the bill.

SENATOR BOYLAN asked how it pertained to farm equipment.

MR. JACOBSEN stated that it was mostly for heavy equipment. He also mentioned that most contracts are renewable from year to year.

MR. KOLSTAD: There is really no way to determine what is new and what is used. He gave the example of a demonstrator. Who makes the determination, is that spelled out in this bill.

MR. JACOBSEN: The returnable items would be spelled out.

There was discussion about new and used, on page 3, line 19.

SENATOR HAZELBAKER asked whether if a dealer is left with a large inventory, could he discount it to some other franchised dealer.

MR. HURD: Sometimes you can but you have to take a loss on it if you can move it. We have 90 lines at the present time. He discussed the whole goods and the unused goods. We have one item on our inventory now worth \$4,000.

MR. POSTON: It is a matter of supply and demand. Usually you have to take a 20% loss.

AVIS TOBIN: After discussion about various types of equipment, commented that she was not familiar with the heavy equipment, only farm equipment.

Discussion about the different problems of the two industries.

SENATOR BLAYLOCK commented that it relieves the dealer of the necessity of exercising prudence in building up his inventory.

REPRESENTATIVE JACOBSEN: I think a dealer would put in a large inventory supply of parts if he knew he would not get stuck with it.

SENATOR REGAN: What if we amend this according to the Minnesota law.

MR. JACOBSEN: I think it would be too restrictive. We didn't want to cover signs, and shop manuals and things like that.

MR. KOLSTAD: The manufacturers support the Minnesota law.

MRS. REGAN: I want to ask the heavy equipment dealers if they have looked at the Minnesota law and still want to be in the bill.

The answer was, "yes, we have."

AVIS TOBIN: The manufacturers and the dealers should sit down and work out an agreement if this bill passes.

MRS. REGAN: I would like the researcher to make copies of the Minnesota law and have the dealers look at this before the end of the day. This was agreed to.

MR. JACOBSEN: In closing, I would like to relate one incident. White Equipment bought out another dealer in two different towns. One closed out and when they went to return the inventory they were charged even though they had a contract. He discussed other legal proceedings.

MR. KOLSTAD commented that he was also familiar with that deal and he felt it was somewhat different than that.

The hearing closed on House Bill No. 130.

HOUSE BILL NO. 132: Representative Jacobsen, District 1. This bill exempts structures costing less than \$100,000 from the applicability of building construction standards, unless a local government unit wishes to include certain structures under the standards. Factory built buildings, recreational vehicles, and elevators are also excluded from the standards. He discussed the building inspectors

and the state permit. I have some admendments that we worked out with the Department of Administration. What this bill does is exempt those cities that do not have a building inspector from the building code. I hope you will give it a do pass.

PROPONENTS:

DAN MIZNER: League of Cities and Towns. The bill will help the situation in general. The bill does not affect the major cities across the state. That is my concern. He mentioned the enforcement, and the harassment of citizens by the state. I think the attempt was made to help solve these problems in regard to the small community. I think the amendments are ok if they meet the satisfaction of the sponsor.

JAMES KEMBEL: Department of Administration. The bill in its current form was unenforceable but we can live with the bill with the amendments. He explained the amendments and the reason for them. They would make the enforcement consistent with current codes. It would be up to the city whether they wanted to do this or not. Nothing lless than a 5 plex would be looked at except for plumbing and electrical. Amendment No. 4 clarifies the existing law. This is consistent with state law as it is. It also includes open meeting law, (b) of 4.

IRWIN DILLINGER: Montana Building Materials Dealers. Our concern is with the small communities without building inspectors. We have had projects where people don't open a business because of these laws.

OPPONENTS:

H. S. HANSON: Montana Technical Council. We oppose this bill. We feel that buildings should be built to a state code. It will make no difference to the design group, we have to build to the minimum code. When a building is funded by HUD it will have to be to a minimum code. We will not loan money unless there is a statement that the building has been built to the code. I am a member of a Savings and Loan. I saw a program on 60 minutes about this very thing. He read from a copy of the February 14 Missoulain. Attached. I want to make three comments. Number 1, all buildings should be built according to a minimum standard. Number 2, when a building is sold - will the new owner be told about the code variations. And, number 3, the loaning facilities will start requiring statements that the building meets the code.

BOB KELLY: Building codes have to do with about 50% fire and life safety. If the building code is done away with there is a chance that those requirements will not be built into the bill. Fire and

building codes are companion codes. It would be much more costly for the owner to put in the proper requirements later. We would have to study the amendment before giving our support.

W. JACK SMITH: Butte, Silver Bow. I am opposed for several reasons. The life, safety aspect of this thing is our concern. He mentioned the need to have permits. We also require a 24 hour advance notice of inspection. I have been a builder for 25 years and I know the importance of the building codes.

ED SHEEHY, JR: Housing Association. What we are talking about here is modular housing. I think it is important to remember why we have a building code on residential dwellings. We are going to exclude these from building codes unless a municipality wants it. Section 5 applies to modular housing. He discussed the need to have a clear understanding of the bill.

LESTER JOHNSON: Fire Marshall, Missoula. In the chance there would be disincorporation of the city of Missoula, we could have a problem. In a small area a contractor could build a public building and if nobody reviewed his plans he could find problems with exits, fire extinguishers, lights, and things like that. If the amendments don't affect public buildings then I am concerned.

BOB JOHNSON: Missoula rural Fire District. We oppose this bill. It is just not a good bill as far as life and safety is concerned. I think there should be some clarification of elevators. If I understand the amendments right they only make the bill worse. We need to enforce the building codes.

AL SIMPSON: I agree that the amendments make the bill worse. We need to clarify. He also stressed the need for enforcement of the building codes.

ED JOHNSON: Montana Fire Chiefs Association. I came here to help Mr. Kemble today. We have to go out into the county now because there is nobody out there. We have trouble enforcing right now. I am opposed to the bill, with or without the amendments.

QUESTIONS FROM THE COMMITTEE:

SENATOR LEE: Does this still apply to all public buildings.

MR. KEMBLE: The way it is now amended it now involves public buildings. The city could limit the enforcement and the county could handle their own building codes.

MR. LEE: Asking of Mr. Sheehy, do you comply to national building codes, and Mr. Sheehy stated that the purpose was to get uniform standards for mobile homes.

SENATOR REGAN: If I understand the thrust of the bill what you are objecting to is the state inspection. What I want to know is if all you are trying to do is to exclude a building up in the highline from inspection. Discussion followed this comment.

REPRESENTATIVE JACOBSEN defined a public place as covered in the bill. This inspection can be done at a local level.

SENATOR REGAN: I think this can be done in about two paragraphs. We don't need this.

SENATOR GOODOVER wondered what if the building was sold later. There was general discussion about this.

REPRESENTATIVE JACOBSEN: The factory-built homes are not subject to our inspection. He discussed the charge for the state building inspector to do this. He gave exhibits and a sample of the form that has to be filled out by the citizen. He commented that they are so complicated that it takes an architect to fill one out.

There was general discussion about the type of construction that might be required for selling real estate.

The hearing closed on House Bill No. 132.

HOUSE BILL NO. 396: Representative Robert Anderson, District 16. This bill adopts the revised uniform enforcement of foreign judgments act. The bill allows judgments, decrees, or orders of courts of other states to be filed and enforced in Montana district courts. A commission was established in the late 1800's. Montana has three members on this commission. In talking with Diana Dowling, she mentioned the number of people involved and the congestion in our court system. This bill allows for compliance and makes the process less complicated. It is important to note that the act is to determine if the judgment is authentic. He discussed the responsibility of the court before executing. He discussed the amendment on page 1, lines 20 - 23.

LARRY WEINBERG: Department of Revenue. We do endorse this bill. There are nineteen other states that presently have adopted the uniform judgment act. It will make it easier for Montana residents to go to other states when a bill like this is there.

BEN AGNEW: Independent Business and Associated Credit Bureaus of Montana. The present form is out of date and a burden to the Montana court system, Montana taxpayer and consumers. Creditors and debtors are both responsible for goods and services whether they provide or accept the service. Debt collection is one of our services and sometimes a debtor will go to another state. The cost of goods and services increase whenever you have people not paying their debts.

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EXECUTIVE ACTION:

HOUSE BILL No. 350:

SENATOR GOODOVER moved to amend to read "if taken within twelve months." The committee felt there should be a time limit.


The motion carried with the vote unanimous.

SENATOR GOODOVER moved House Bill No. 350 be concurred in as amended. The motion carried with the vote unanimous. Senator Goodover will carry.

HOUSE BILL NO. 396:

SENATOR REGAN moved be concurred in. The motion carried with the vote unanimous. Senator Anderson will carry since he is a co-sponsor of the bill.

The meeting adjourned at 11:45 a.m.



Frank W. Hazelbaker, Chairman

Mary Ellen Connelly, Secretary

J. C. WEINGARTNER: State Bar of Montana. I think this is a good bill and it will help to unclutter the courts.

TOM HONZEL: County Attorneys. The amendment takes care of the fears that we had. He discussed problems that might come up because of Indian jurisdiction. This amendment helps alleviate this. We would hope that you would enact it.

QUESTIONS FROM THE COMMITTEE:

SENATOR BLAYLOCK: I need to clarify this. How does it work now.

MR. WEINBERG explained the present law and how it works.

Discussion followed.

MR. WEINBERG: A person can still bring a defense. He elaborated further. He explained the procedure as it is now and as it would be with the bill. The judgment must be authenticated by the court and have the court seal.

With no further questions the hearing closed on House Bill No. 396.

HOUSE BILL NO. 350: Representative Meyer, District 42. This bill provides that once an applicant passes one part of the examination to be licensed as a real estate broker or salesman he is not required to repeat that portion of the exam. The bill also eliminates any restrictions on the number of times the exam may be taken. This would not in any way affect the material and there would be no cost to the state because the applicant bears the cost. The bill will probably inform a person better because he can take it a part at a time so he can study for one part at a time.

CLIFF CHRISTIAN: I would suggest an amendment. On page 2, line 3, strike "may" and insert "shall". Maybe consider the time element and suggest a time period.

SENATOR REGAN: Is there a specific score or do they average the score together.

MR. CHRISTIAN: There is no combining on the scoring.

SENATOR BLAYLOCK: Commented about the price of taking the test and how often it is given.

The hearing closed on House Bill No. 350.

ROLL CALL

BUSINESS and INDUSTRY

COMMITTEE

47th LEGISLATIVE SESSION -- 1981

Date 3/9/81

NAME	PRESENT	ABSENT	EXCUSED
Goodover, Pat - Vice Chairman	✓		
Hazelbaker, Frank - Chairman	✓		
Blaylock, Chet	✓		
Boylan, Paul	✓		✓
Dover, Harold			
Kolstad, Allen	✓		
Lee, Gary	✓		
Regan, Pat	✓		

Each day attach to minutes.

NAME: B. GARY HULL DATE: 3-9-81

ADDRESS: Box 8209-MISSOULA, MONT. 59807

PHONE: 228-6666

REPRESENTING WHOM? WESTMONT FACTOR Co.

APPEARING ON WHICH PROPOSAL: HB 130

DO YOU: SUPPORT? V AMEND? OPPOSE?

COMMENTS: The Heavy Equipment industry
needs support & protection after making
a dollar investment to be able to return
products if they so elect to drop a line or
want to get out of business.

Contracts written between dealers &
manufactures on startup, can be changed,
& usually is upon the first rewrite. This
takes place after the first year and the
investment has been made.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: M/m, Zump DATE: 3/5/81

ADDRESS: 1812 Sudlow Miles City

PHONE: 232-4477

REPRESENTING WHOM? HORIZON Equipment Co

APPEARING ON WHICH PROPOSAL: N. 6. 130

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Quinn Ann Toker DATE: 3-9-81

ADDRESS: Helena

PHONE: 442-1590

REPRESENTING WHOM? Mont. & Impl. Comm.

APPEARING ON WHICH PROPOSAL: HB 130

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: H. S. HANSON DATE: 3/9/81

ADDRESS: ARIZONA

PHONE: _____

REPRESENTING WHOM? MONT. TECHNICAL COUNCIL

APPEARING ON WHICH PROPOSAL: HB-132

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

COMMENTS: _____

- 1) All BLDG Shown For Future According to a minimum standard.
 - 2) WHEN BLDG is sold - Will the new owner be told about the code violations.
 - 3) LENDING FACILITIES will start requiring STATEMENTS THAT THE BLDG MEETS CODE.
- _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Bobinski DATE: 3/9/81

ADDRESS: Rm 219 Mitchell Bldg

PHONE: 449-2421

REPRESENTING WHOM? Dept. of Administration

APPEARING ON WHICH PROPOSAL: HB 132

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Jack Smith DATE: Mar 9, 1961

ADDRESS: Butte-Silver Bow Courthouse, Butte, Mont 59701

PHONE: 723-8262-Ext 222

REPRESENTING WHOM? Butte-Silver Bow & Spring Mountain Co. & International Bldg. Co.

APPEARING ON WHICH PROPOSAL: H.B. 132

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: John A. Smith DATE: Dec 17, 1961

ADDRESS: 1107 Yagout

PHONE: 944-5013

REPRESENTING WHOM? None

APPEARING ON WHICH PROPOSAL: _____

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

COMMENTS: 1-5-7

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: CLIFF CHRISTIAN DATE: 3-9

ADDRESS: 600 PARK AVE

PHONE: 3-4032

REPRESENTING WHOM? MT ASSN OF REACTORS

APPEARING ON WHICH PROPOSAL: HB 350

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE :

ADDRESS:

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU :

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: BEN AGNEW DATE: _____

ADDRESS: 416 - 19th St. W. Billings, MT.

PHONE: 656-6946

REPRESENTING WHOM? Independent Business AND Associated Credit Bureaus of Montana

APPEARING ON WHICH PROPOSAL: H.B. 396 Foreign Judgment Act.

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

COMMENTS: Present form is out of date AND A
Burden to the MONTANA Court System, MONTANA
TAX Payer, AND Consumers. Creditors AND Debtors
are both responsible for goods AND Services whether
they provide or accept the Services.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE :

3/9/81

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DEPARTMENT OF ADMINISTRATION

BUILDING CODES DIVISION

CAPITOL STATION

HELENA, MONTANA 59601

Telephone (406) 449-3933

Form #1

Permit # _____

WORK SHEET to be provided with plans and specifications, building permit fee, and plan review application to provide required code information to expedite plan review.

INSTRUCTIONS (Please read carefully)

1. Complete this form as applicable to your proposed work.
2. Supplement the information provided in this form with a dimensioned site plan showing all property lines, buildings, streets and alleys. Provide dimensioned floor plans showing all rooms, doors, windows, plumbing fixtures, and an electrical layout including all floors, basement and garage.
3. Post the State of Montana "Inspection Record" card on the construction site as soon as possible.
4. Notify in writing when changes are to be made on the approved application.
5. Consult your local Health Department to determine if water, well, and sewage disposal permits and approvals are required. Provide one copy of such permits with your submittal. Also, check local zoning and covenant requirements.
6. Electrical, Plumbing and Mechanical permits as applicable must be obtained.
7. The Building Code Division reserves the right as prescribed in Section 304A of the Uniform Building Code to establish construction costs for permit purposes based on the latest Building Valuation Data contained in the building standards of the International Conference of Building Officials.
8. If the applicant desires a copy of this information, please have such copies made prior to submittal.

GENERAL INFORMATION (1)

_____ square feet is the area of proposed construction.
_____ square feet is the total area of building at ground elevation.
_____ basement; _____ crawl space; _____ slab on grade.
_____ number of stories.
_____ building height.
_____ basement ceiling height.
_____ first story ceiling height.
_____ second story ceiling height.

OCCUPANCY SEPARATION (2)

- _____ attached garage.
- _____ garage below habitable space.
- _____ one hour fire resistive construction on garage side between garage and residence.
- _____ self closing, tight fitting solid wood door at least 1 3/8" thick provided between garage and residence, if attached.

LOCATION ON PROPERTY (3)

- _____ There is at least 3 feet from the proposed work to all property lines.
- _____ There is at least 6 feet between proposed work and any other separate building on the property that does not have fire resistive exterior walls.
- _____ No roof overhang is closer than 2 feet to the property line.
- _____ No roof overhang is closer than 4 feet to the overhang of any other separate building on the property that does not have fire resistive exterior walls.

OCCUPANCY REQUIREMENTS (4)

- _____ All sleeping rooms have an exterior door or at least an exterior operable window with:
 - _____ minimum net clear opening of 5.7 square feet.
 - _____ minimum net clear opening height of 24 inches.
 - _____ minimum net clear opening width of 20 inches.
 - _____ a finished sill height no more than 44 inches above the floor.
- _____ Bathrooms, water closet compartments, laundry rooms and similar rooms have one of the following:
 - _____ naturally ventilated by means of openings to the exterior with an area of not less than one twentieth of the floor area of such room with a minimum of 1½ square feet.
 - _____ a mechanical ventilation system connected directly to the outside capable of providing at least five air changes per hour.
- _____ A smoke detector receiving its primary power from the building wiring is provided in the hall or area giving access to the sleeping room and is installed in accordance with manufacturers instructions.
- _____ All habitable rooms are provided with heating facilities capable of maintaining a room temperature of at least 70 degrees F at a point 3 feet above the floor at a minimum design temperature of -30 degrees F.
- _____ Attached carport.
- _____ Self closing doors are provided between the carport and residence.
- _____ There are no openable windows between the garage and carport.

TYPE OF CONSTRUCTION REQUIREMENTS (5)

- _____ Balconies, porches, landings or ramps more than 30 inches above other surfaces are provided with 36 inch high guardrails that will not permit a sphere 9 inches in diameter to pass through.
- _____ Minimum flame spread rating of foam plastic insulation.
- _____ Minimum smoke developed rating of foam plastic insulation.
- _____ Foam plastic insulation interior finish cover material.

DETAILED CODE REQUIREMENTS (6)

- _____ Footings are placed on undisturbed soil, _____ bearing soil description.

Footing and Foundation Construction:

- _____ masonry; _____ concrete; _____ treated wood.
- _____ Footings extend 36 inches below finish grade.
- _____ Foundations supporting untreated wood extend at least 6 inches above finished grade.
- _____ Foundation plates have $\frac{1}{2}$ inch steel anchor bolts embedded at least 7 inches in concrete or 15 inches in masonry spaced at 6 feet o.c. with at least two bolts in each piece within 12 inches of the piece end.
- _____ Provisions have been made for the control and drainage of surface water around the work.
- _____ exterior veneer anchorage has been provided.

Roof Coverings

- _____ built up roof; _____ # asphalt shingles; _____ # self sealing asphalt shingles; _____ wood shingles; _____ wood shakes; _____ ga. (_____ flat or _____ ribbed) (_____ steel or _____ nonferrous) metal.
- _____ Eave underlayment consisting of two layers of 15# asphalt felt applied shingle fashion and mopped together extending to a point 24 inches inside the exterior wall line for asphalt shingles and 36 inches inside the wall line for wood shingles or wood shake roofs is provided.
- _____ Wood shakes are applied over 15# asphalt felt underlayment with 18 inch strips of 30# asphalt felt shingled between each course.
- _____ Roof slope in inches vertical rise per 12 inches horizontal run.
- _____ Attic access not less than 22 inches x 30 inches is provided for attic spaces that have a vertical clear height of 30 inches or more.

Attic Ventilation is Provided by Screened:

- _____ gable vents; _____ eave vents; _____ hip or roof vents; _____ ridge vents.

Flashing and counter flashing is provided at the juncture of the roof and vertical surfaces _____ gauge _____ material.

Roof valley flashing is _____ gauge _____ material.

Stairway

_____ rise; _____ run; _____ width; _____ handrail on one side; _____ headroom clearance.

Fireplace or Fireplace Store

_____ manufacturer _____ manufacturer number.

_____ UL label; _____ other approval; _____ solid fuel; _____ gas burning; _____ installed in accordance with manufacturers instructions; _____ inch wide hearth of _____ extending _____ inches each side of opening or stove.

_____ Water resistant gypsum backing board is provided at tub and shower.

_____ Gypsum board used in exterior locations is of the water resistant type.

Safety Glazing

_____ glass doors; _____ sliding glass doors; _____ storm doors;

_____ glazing immediately adjacent to doors and walking surfaces, that is greater than 18 inches wide and is not protected by guardrails;

_____ shower doors; _____ tub enclosures.

STRUCTURAL (7)

Loads

_____ psf live load (snow), _____ psf dead load, roof _____ psf live load, _____ psf dead load, floor _____ psf wind pressure, wall.

Roof Framing

2 x _____ at _____ inches o.c.; _____ grade; _____ species trusses manufacturer by _____ at _____ inches o.c.

Ceiling Framing

2 x _____ at _____ inches o.c.; _____ grade; _____ species.

Floor Framing

2 x _____ at _____ inches o.c.; _____ grade; _____ species.

Wall Framing

2 x _____ at _____ inches o.c.; _____ grade; _____ species.

Roof Sheathing

_____ inch thick _____ exterior glue _____ grade plywood.

_____ Other.

Wall Sheathing

_____ inch thick _____ interior _____ exterior _____ grade plywood
_____ Other.
_____ corner bracing.

Subfloor and Underlayment

_____ inch thick _____ interior _____ exterior _____ grade plywood subfloor
_____ inch thick _____ underlayment
_____ Other.

Floor Joist

_____ 1½ inch end bearing on wood or metal.
_____ 3 inch end bearing on masonry.
_____ 1 x 4 ribbon strip and nailed to studs.
_____ 2 inch thick solid blocked ends.
_____ with rim joist at ends.
_____ End notches not to exceed ¼ joist depth.
_____ No holes bored within 2 inches of joist top or bottom.
_____ No holes in joist of size exceeding 1/3 joist depth.
_____ No notches in joist top or bottom exceeding 1/6 joist depth.
_____ No notches in joist in middle third of the span.
_____ 4 inch minimum joist lap for joist framing from opposite side into center support or use of approved joist ties.
_____ Joist provided with framing anchors or 2 x 2 ledger when framing into beam sides.
_____ Double trimmer and header joist for spans exceeding 4 feet.
_____ Double joist provided under parallel partitions.
_____ Bridging; _____ type.

Headers

_____, 2 x _____ headers are provided for all openings in bearing walls with spans exceeding 4 feet.
_____ at least 18 inches minimum clearance is provided to wood joist and 12 inches minimum clearance to wood girders in crawl spaces to the ground unless special provisions are made.
_____ Crawl space access not less than 18 inches x 24 inches is provided.
_____ Screened crawl space ventilators are provided.
_____ # asphalt felt or building paper is applied over the wall studs or between the sheathing and exterior finish.

Firestopping 2" Thick

- _____ in stud walls at ceiling and floor levels.
- _____ between stair stringers at top and bottom.
- _____ between studs along and in line with run of stair adjoining stud wall.
- _____ around top, bottom, sides and end of sliding door pockets.
- _____ at pipes.
- _____ at proper distances from metal flue collars.

Concrete

- _____ width _____ depth footings _____ reinforcing.
- _____ size _____ depth footing _____ reinforcing.
- _____ thick foundation walls _____ reinforcing.
- _____ thick basement floor _____ reinforcing.
- _____ thick garage floor _____ reinforcing.
- _____ thick slab on grade _____ reinforcing.
- _____ psi concrete design strength.

PLUMBING (8)

- _____ Hot and cold running water is provided at each sink, lavatory, tub or shower.
- _____ Copper water piping inside building.
- _____ Galvanized water piping inside building.
- _____ Energy efficient _____ gas _____ electric hot water heater.
- _____ Adequate combustion air to fuel fired hot water heater.
- _____ Hot water heater vent or chimney installed in accordance with manufacturers instructions.
- _____ Plumbing to be done by _____ in compliance with the Montana Plumbing Code.

MECHANICAL (9)

- _____ energy efficient _____ gas; _____ oil;
- _____ coal; _____ liquified petroleum gas; _____ electric;
- _____ other heating system.
- _____ adequate combustion air to fuel fired heating system.
- _____ vent or chimney installed in accordance with manufacturers instructions.

ELECTRICAL (10)

_____ bathroom; _____ garage; _____ grade level accessible receptacles have ground fault circuit protection.

_____ All wiring except low voltage system wiring is #12 or greater wire size.

_____ Electrical work to be done by _____ in compliance with the Montana Electrical Code.

INSULATION (11)

_____ inches thick; _____ R value roof insulation.

_____ inches thick; _____ R value ceiling insulation.

_____ inches thick; _____ R value wall insulation.

_____ inches thick; _____ R value floor insulation.

_____ inches thick; _____ R value foundation insulation.

_____ inches thick; _____ R value slab on grade perimeter insulation to a depth of at least 24 inches below the slab.

Box 1357
Conrad, Montana
February 18, 1981

Representative Rex Manuel,
Capitol Post Office
Helena, Montana

Dear Rex,

I see in the paper where a bill is coming up concerning how cities care for their garbage disposal grounds and a bill pertaining to subdivision laws. I think the laws governing our city dumps are going to cost too much for these smaller towns to comply. Large cities may be able to live up with these regulations but it is breaking smaller towns. I think these regulations should be relaxed.

The subdivision laws are completely asinine. Our son farms with his brother-in-law and father-in-law at Rudyard. Rudyard and Hingham has now consolidated their schools and there is a demand now for lots in Rudyard. There are very few lots available anymore so our son's relatives are asked many times if they would sell any lots as they farm on three sides of Rudyard. They looked into it and it would cost around \$70,000 to bring in about 24 lots. About half of that would be for sewer and water pipes, the other half would be for the legal red tape of the subdivision law. Isn't that crazy??? Where else can Rudyard grow except into the surrounding farm land? Why should these stupid subdivision laws be allowed to run up the cost so high. I think these laws should be relaxed and the bureaucrats curbed back on their rules and regulations.

In the last Legislative session a bill was passed directing cities to have all building projects inspected. Conrad had to hire an inspector which has been a big expense. His insurance coverage has also been expensive. The other day in the paper, the City Council told one man that he would have to have a permit to finish siding his house which he had started a year ago. The Council referred to and blamed a Code book the state put out. Now isn't that another crazy regulation. That man is not going to do anyone any harm with his siding job even if he sells that house. I am against that inspection bill. That should not have been passed. I'll take my chances when I buy a house or building. I do not think having an inspector will make things that much better, he will just add expense. I'm getting fed up with all of this govt red tape and regulations. I think state govt regulations should be cut back just like federal regulations are going to be. People do not want all of this big brother stuff so why do the legislators pass more and more bills like this and allow the bureaucrats to write more rules.

I ran for the City Council two years ago and I came close to making it. I'm going to try again this fall. I realize that if I get on the Council there will be problems and many of them will be due to legal red tape as I have mentioned before. Many times the legislators pass laws for the cities and do not provide the money to operate on. I would appreciate it if you keep all of this in mind when you vote on bills this session.

Sincerely yours,

Paul H. H. H. H.

Bluntwood Mont
Jan 18 1981

To Rep.
Glenn Jacobson.
Helena Mt.

Dear Sir:

I am very concerned about
the passage of HB 138, this bill
is needed because the cost of
housing inflation & inspection which
are not really needed, are driving the
cost of living up to when the
economy is really in a bad way.
These inspectors that are traveling
the state & I understand they are
only 2 can not really do the
job. & really are not doing it
all they really want is the
money. we do not need the services
of them. at all, the matter I
feel can be taken care of
locally at a lot less cost.
I and many others are not
disputing the codes that must

certainly are needed, but the way
that they are presented to the
builder, owner etc. I do not think
that the Legislature intent was
to harass private peoples Homes
& small businesses trying to build a
home under most inflated times that
we have been with an extra cost
that really doesn't do anything but
duplicate his costs. These inspectors
give you nothing for your money.
I think as a builder with quite a
good reputation am as qualified as to
what is good construction, as he is
I've had 2 meetings with him
& he told ~~me~~ he was a contractor
himself, but because of an injury he
got this job. In sum we have
Contractors in the area are as
qualified as he is. I strongly
urge you & your fellow Rep to
really consider this Bill HB 132
on its merits we need it.

3

In other word Glena this
is just another Rip off.

You don't get a receipt for what
he has done or anything that
shows you were paid one.

I asked 2 home owners here
about the above statement & they
said all they had is the
Cancelled check for payment no
paper to show if the inspection
was O.K. or if the was
infraction.

The Electrical & the plumbing
inspectors are doing a good job at
a moderate cost & you get an
approval from them when there
are them.

Thank You

Respectfully Yours

Kevin R. Conner
309 Olive St
Pest. Control

Department of Administration
Building Codes Division
State of Montana
Capitol Station
Helena, Montana 59601

SEPT. 1980

Gentlemen:

I have received your letter, certified letter stating I have no building permit. I am sending you a copy of the building permit I received from the city of Baker. I provided them with a dimension sight plan locating all buildings on the sight. It went before my city government and was approved. I believe in my city government. I think this is the government closest to the individual and therefore allows the greatest degree of freedom, however, if you have some quarrel on the permit issued to me by my city government I would like for you to take it up with them not me. I have an enormous amount of work to get done on this house before bad weather sets in. When I went to the city office to pick up this permit I specifically asked the clerk if there was anything else I needed, she stated I could feel free to go to work on my house. There was a period of time between receiving my permit and the time I went to work, I would have thought if the state wished me to obtain a permit also they would have contacted me at that time so I could have scrapped the project. I don't think it is fair or right for the state to intervene when I am twenty some thousand dollars into the project most of my life savings involved, I consider this to be very poor judgement on the part of the state. I don't know what freedom means to the people administering this department, I only know what it means to me, it means the right to go to work each day without harassment. I have lived in this state all my life, forty two years with the exception of two years spent out of the state in the military. I have paid taxes in this state for all of my adult life, I would hate to think that now my efforts are going to be used against me to destroy the right to make a living.

ST. 70 I was visited by your inspector, I believe his name is Wayne Mureay, he seemed like a nice fellow, I have no complaints on his mannorisms, he was not arrogant or insulting, but he refused to acknowledge my city government, he did not wish to see the permit issued by the city. I offered to pay for the permit if he filled it out, he stated he did not have time. I have looked over the permit, I don't believe in all honesty I could answer many of the questions on it.

I have built approximately four other houses in this community over the past twelve years, one of which is my own. This is the way in which I subsidize the income earned off of a small drive inn, if this is a crime then I am guilty. I have obtained a copy of the law which I seem to have broken from the city attorney who was good enough to furnish me with a sixteen page copy, I don't pretend to understand it, I have read parts of it and I must wonder what type of individuals would initiate laws that seem to destroy one mans freedom to elavate another man. I understand the law was passed to promote the public health and safety, if your department feels that my building is unsafe to the public then I will send you the matches to burn it down and spend whatever part of my life it takes to pay the mortgage, and if this is your idea of justice so be it. As far I as I know no one has ever gotten sick or been injured living in one of my houses which I have built over the last ten to twelve year because of the way it was built, if they have complained to the state I am unaware of it, if they have I would certainly like to know so I can correct whatever is wrong with the particular home if it is injuring someone.

I have not been visited by your plumbing inspector, however my property has, a tag was left there stating no more work shall be done on these premisis under penalty of section 50-60-505. I am not sure what that means. I would have liked to talk to your plumbing inspector, I could use information, if your department is to help citizens I could have used a copy of the most recent plumbing book with diagrams to show how the proper plumbing should be installed, if your department wishes to help me I very badly need this information and since the city does not issue plumbing permits I would need a plumbing permit, if this is the law

I would only like to make one other comment, I believe in the freedom of the individual I would like the state to trust me enough to be able to use my god given talents and what little brain power I have to choose the way in which I feel is best to improve ry own property in my own city. If anyone up there is listening this is just one citizen asking for freedom. This letter is an attempt to explain my situation and some of my convictions and beliefs. It is also my prayer,

HERB KETTERLING

BAKER, MONT.

Plentywood, Montana
January 19, 1981

Glenn E. Jacobsen
Capital Station
Box 83
Helena, Montana

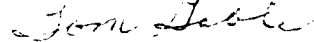
Dear Glenn,

This is a last minute note so maybe it won't be of any help to you now. (but in the future)

I'm in favor of your bill HB131 and give you all my support on your proposal so do all you can to make it become possible.

All goes as we plan we'll see you this coming week-end.

Tom Gable



19 January 1981

SUBJECT: Building Codes & Inspection Fees

TO: Representative Glen Jacobsen
Capital Station
Box 83
Helena, Montana 59601

Reference is made to your article "Report to the People" in the Plentywood Herald dtd 14 January 1981 regarding HB-130.

This letter is being written in support of your measure being introduced into the state legislature on the above bill. As an individual who has been in the building business for the past 28 years, I feel qualified to voice an opinion that some type of revision is necessary by the Building Codes Division.

What I am suggesting are the following changes:

1. That a local building inspector be appointed county wide in populated areas of pre-determined size in place of a state employed individual to handle inspection of residential dwellings. This person could be someone of retirement age with a background of general contracting. Fees charged for this inspection would supplement Social Security for the individual and also be cheaper for the home owner than that charged by the state. A local retiree would also do just as thorough a job as he would have more time to do it, be just as able to keep up with local and state building codes and also be more readily available. (I have no intention of retiring so am not applying for the job).
- 2.. Public buildings or buildings of a determined size and cost could still be state inspected to meet all necessary codes and liabilities. Control could still be regulated through local government.

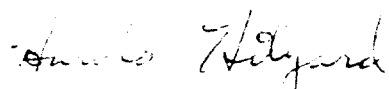
Bureaucratic red-tape and unnecessary controls are choking smaller communities and driving already spiraling costs to proportions that stop young families from purchasing their own homes already.

People in sparsely populated areas do their own "policing" as far as building contractors go. Anyone who does shoddy workmanship just is no longer in the business. If the state feels that liability is the issue here, they should have started 75 years ago, when building practices were really sub-standard instead of now.

How did we manage to survive this long without the state and federal government to protect us?

Thanks for hearing me out on this issue, Glen. I realize that in the last paragraph or so I have gotten a little off the track on the issue at hand but if it will help you at all as far as an opinion is concerned, I put it in.

Good luck on HB-136 !!!



Harold Hilyard
Boundary Builders

Many things in building code of city for people's safety

There are a multitude of things in the city's new Uniform Building Code that most people would not think about and they are there for their safety, Howard Murrain, Conrad's new building inspector, told members and guests of the Conrad Chamber of Commerce last Thursday noon at the Ancient Mariner.

He stated the application was six feet long and covers roofing slope, attic ventilation and requires, among many things, that fire-resistant sheetrock be installed between a house and garage when attached, no openable window between the two (to prevent auto fumes from getting into the house), smoke detectors in new homes, and bedroom window sills no higher than 44 inches from the floor to allow persons to escape out the window in event of fire. He said high windows in homes in Helena caused five fire deaths.

Houses must be anchored to the foundation, Murrain said he was in Rapid City, South Dakota after a serious flood there several years ago and houses that weren't bolted down floated away like houseboats. "Not that that would happen here," he said, "but the code requires it."

Murrain said there was a section in the state code that allows the city to apply for more exemptions and that city officials may want to consider adding them to the present list.

They include replacing a door or window, kitchen cabinets and wall paneling as long as it doesn't disturb the house support structure or enclose a furnace to the point it prevents adequate air for the furnace to function properly.

Murrain expected to get the state code on fireplaces and wood stoves installation this week. He said that Doug Herman, secretary of the Conrad Volunteer Fire Department had pamphlets from the state fire marshal that cover the installation and inspection of wood stoves and fireplaces. That they have the Underwriters Laboratory approval is a must, Murrain said.

Mayor Don McClain reinforced Murrain's statements. He spoke of a local resident that

enclosed a shower and was unaware that he needed to install water-resistant sheetrock. "Learning of this, his hand was worth the price," McClain said.

"If you are not aware of some of the things in the code, talk to your legislator. They are bound to enforce it as it is. If they don't, the state will come in."

Elmer Munson, Conrad contractor, confirmed that it took him 2½ months to get a permit when under state supervision. "Now Murrain can issue a permit in a matter of hours," McClain added. The mayor also indicated the same could be said for inspections, too.

From January 12, 1981, to February 12, permitted construction in the city had an estimated value of \$73,725, Murrain said. "The next 30 days look even better," he added. See related story on page 1.

Even these are covered by permits and the Council for

Why can state inspectors not come with us with that? They don't. The emergency is a dead line of 1 or 2 weeks for state inspection.

I'm sure Conrad is going to float away someday in a flood. How ridiculous can they get.

If I want high windows in a bedroom, I do not think any bureau at in Helena should be able to. I can't have them.

2007

[illegible]

^a The number of subjects who were included in each group was 10.

[illegible]

2. The following information is being furnished to you for your information:

102

(Continued on page 14)

S. Howard Murrain, the building inspector, 406 South

6. Robert Gouge, 702 South Virginia Street, is close to

7. Butter Food, to replace five display cases. Application.

6. Transfer Disruptors, \$13

South Front Street, to suspend ceiling and stud in and insulate and panel an office room.

Estimated cost \$2,000. Incidentally, owner of Triangle

Distributors is George Ellinson, city alderman.

9. Arnot's, Inc., to replace a door at the store. Applications

Application not returned.

Permit to replace
a door!!!!

Building permit exemptions may still need zoning check

Conrad building permits are required for all forms of construction except:

1. One-story tool or storage shed or playhouse providing the roof area does not exceed 100 square feet.
2. Fences not over 6 feet high.
3. Oil derricks.
4. Cans, canisters and partitions not over 5 feet high.
5. Retaining walls which are not over 4 feet in height.

*I find these
very ridiculous*

measured from the bottom of the footing to the top of the wall.

6. Water tanks, 5,000 gallons or less, supported directly on grade.

7. Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.

8. Painting, papering and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery, such as those used by Pondera Players.

10. Window coverings supported by an exterior wall if they project no more than 54 inches.

11. Prefabricated swimming pools, resting above ground and not exceeding 5,000 gallons.

However, zoning permits are required in four of the 11 above categories as well as for sidewalks because lot line and spacing considerations are involved. They are No. 1, 2, 5 and 7. There is no charge for them.

City of Conrad, Montana
January 12, 1961

Box 1357
Conrad, Montana
February 19, 1981

Senate Gary Aklestad
Representative Melvin Underdal
Representative Rex Manuel
Capitol Post Office
Helena, Montana

Dear Legislators,

I am writing to object to a bill that was passed two years ago forcing cities to enforce the Uniform Building Code. I have enclosed copies of articles from our Conrad paper and it sounds as if a permit is needed for anything and everything in the line of construction in a house or building except painting and papering. I do not think we should be required to have a permit to sheetrock our walls or insulate a house or change a door or window. The next thing will be a permit to change a washer in a leaky faucet or put a nail in the wall to hang a picture. I think this govt red tape is getting completely out of hand and all of these regulations are ridiculous and unneeded. I ask that you look into this and see if something can be done about all of these regulations.

The legislators pass a law they think is needed and the bureaucrats go wild writing up the Building Code that takes everyone's freedom away. I do not think this bill should have been passed in the first place. Conrad already had a permit system for the big jobs and changes to the outside of the house but they did not try to cover every nail you put in the wall on the inside of the house. I do not care for all of this govt protection. It is not protection as far as I'm concerned; it is nothing more than taking people's freedom away and having some bureaucrat telling you what's good for you. It also takes money out of everyone's pocket to line some bureaucrats pocket for writing up these rules and regulations and enforcing them. I think it is high time that something is done about this.

Sincerely yours,

Mrs. Opal Gladstol
Mrs. Opal Gladstol

I wrote to you yesterday and mentioned this bill. The Conrad paper came out today with many more ridiculous things on. I am sending this Building Code so I am sending copies of those articles.

Irvin E Dellinger Exec. Secretary Montana Building Material Dealers' Association

I am here in favor of House Bill # 132

We are a large state made up of 120 plus cities & towns. We have 45 registered Building Inspectors, this leave 75 - 80 communities without a building inspector and puts the responsibility of inspection under the jurisdiction of the State. As we are a very large state and the State staff small, they are not able to service applications and inspections immediately, causing costly delays in construction and remodelling starts.

We are not advocating doing away with all inspections, but feel on small remodelling projects, home additions, garages, etc., inspection by the state is time consuming and expensive.

The enforcement of this building code has only been in effect less than one year, and we know of several building projects that ~~did~~ not materialize because of paper work red tape, and time delays.

Especially now at a time when the Construction & Building Material Industry is in a depressed state, we need laws that encourage business.

I hope this committee looks favorably on House Bill # 132.

Thank you.

A handwritten signature in cursive script, appearing to read "Irvin E Dellinger".

Irvin E Dellinger
Exec Secretary

"That house is sitting
in the way of our
whole life."

— Paula Anders

A dream house nestles in the woods on five acres near Seeley Lake. The scene is a tranquil one of home in the Montana countryside.

Shafts of bright winter sunlight dance through the crisp, clean, spice-scented air. Chickens cluck comfortably in a barnyard, a short distance from the house. Horses drowse in a corral. Small goats bleat a friendly greeting to visitors.

A child's swing gently sways from a pine tree in the front yard. But it is empty — as is the dream house, which sits eerily silent, without habitation — like something out of the twilight zone.

Roy and Paula Anders, owners of the property, and their 5-year-old daughter, Sigrid, live in a mobile home a few hundred yards away from their abandoned dream house.

The Anderses claim they were driven from the house by insidious gases from the urea formaldehyde foam used to insulate the house. The couple has filed a civil suit against Missoula-based Landin and Company, general contractors for the house, and Jack Riska of Missoula, the contractor who installed the insulation.

by EVELYN KING
photo by TOM DODGE
of the Missoulian

The complaint, filed Aug. 12, 1980, in Missoula District Court states in part: "As a consequence of defendants' failure to perform as agreed — the entire value of the structure was destroyed." No specific dollar amounts are mentioned in the complaint, which asks that the Anderses be reimbursed for the full value of house, value of personal property destroyed, costs of substitute housing and legal costs.

However, a separate action alleging breach of contract and filed Dec. 1, 1980, in District Court lists the following statement of damages: Property damage of the residential structure, \$85,000; damage to personal property, \$20,000; costs incurred for substitute housing, \$10,000; past and future pain and suffering of plaintiffs Roy Anders, \$100,000; Paula Anders, \$100,000 and Sigrid Anders, \$100,000.

Riska and his lawyer, Ron Bender of the Missoula firm of Worden, Thane and Haines, said they could not comment on the case at this time. The attorney for Landin and Co., Tim Geisler of Garlington, Lohn and Robinson, also of Missoula, also declined to comment.

Robert Massey, president of Landin and Co., said in a telephone interview that the original plans for the house called for Fiberglas bat insulation to be installed in the walls and ceiling of the Anderses' house. However, Massey said, Roy Anders specifically asked

Homec

that foam insulation be used in the house. Anders denies making such a request.

Massey said the house was financed by a Veterans Administration loan and that it passed the three required inspections. He also maintains that the structure complies with all existing city-county building codes.

At the request of the Anderses, their attorneys, Jon Ellington and Beda Lovitt of Missoula, agreed to sit in while their clients discussed the case with the Missoulian.

"That house is sitting in the way of our whole life," Paula Anders declared. "If it had been in town somewhere on a city lot, I think we would have walked away from it. But now, we have too much invested."

The Anderses bought the five acres in the mid-70s. It was exactly the piece of land they wanted. An ideal place to raise children and animals.

"I'm a farmer at heart and Roy likes to work outside — he put a chainlink fence all around the place," Paula Anders said, "so we started building our dream house and planned to live here forever."

Work began on the excavation of the four-bedroom, two-level home in 1978. Later in the year, the foam insulation was installed. Roy Anders said he asked at the time why the foam was substituted for the Fiberglas insulation, but was told that the foam was better. "But they also put it in the basement, and the contract didn't call for that," Anders said.

His wife said the foam "oozed out into the basement and solidified. It was a big job cleaning it up — seemed that we had the stuff blowing all over the place."

During the fall of 1979, the Anderses spent many hours doing finishing work in the basement and other small jobs in the house. Roy Anders worked on the house during the evening after getting off work from Pyramid Mountain Lumber Co., but his wife and daughter spent most of the day, and sometimes evenings, in the new home.

"Sigrid's room was finished first, so I just took her with me while I worked in the house — let her play, and then put her down for nap time in her room," Paula Anders explained.

That fall, both the little girl and her mother seemed to have continuous colds, raw throats, headaches and bronchitis, they said, and Roy Anders had some trouble with what appeared to be a sinus problem.

"We just thought it might be the sawdust in the basement, or running back and forth" between the trailer and the house, Roy Anders said. "Because Paula has had other allergies, we just assumed everything would be OK when the place was finished."

The Anderses moved into their dream house on Dec. 10, 1979. They bought new carpets, new furniture, and were delighted with their home. But, they said, mother and daughter's health seemed to worsen.

inually from bronchitis while living in this house near Seeley Lake.

Owners' dream turns sour

Roy Anders' sinus problem didn't improve, they died, and they all developed severe headaches. "We were using boxes of cold and sinus medications and nothing helped," he said.

The couple was primarily concerned about their daughter. "We took her to a doctor several times, because her bronchitis got so bad she would cough sometimes until she threw up. The doctor took blood tests and X-rays but he couldn't find anything wrong," they said. "Also, everytime we were away from home for a few hours, we got better. When we stayed in, we got sicker."

During January of 1980, they noticed water condensation inside the house and began suspecting there was something wrong with the installation of the insulation.

"Through January we had alternately cold and warm weather and on the warm days, water condensed and dripped from the windows and ran down the walls on the inside of the house. The first time this happened, I called Roy, because I didn't know what was going on," Paula Anders said. "The house felt really hot and humid."

She first became aware that the family's health problems might be linked to the insulation in mid-February of 1980. "I happened to read an article in Popular Science. It told about how heat and humidity can cause the release of formaldehyde gas from urea formaldehyde insulation, and I decided that maybe that was our problem."

They continued to live in the house for a few more days, until a friend visited on Feb. 23. "After the whiff of the air inside the house, she told us we would get out of there as quickly as possible — because of the strong odor in the air."

Hastily, the Anderses gathered up a few personal belongings and moved out of the house, back to the trailer. "It was a very upsetting day," Paula Anders recalls.

The next day, they decided to try a test. They captured a field mouse — "a big, healthy one" — they put it in a glass container with a screen on top, and placed it in the kitchen of the home. "We came back an hour later, and the mouse appeared to be dead," Paula Anders said. When they took the container outside in the fresh air, the rodent soon revived and seemed as frisky as ever.

In the evening, the mouse was placed back in the kitchen. The next morning it appeared to be fine. But, she said, several hours later, as the house warmed and the condensation formed, the mouse died. "I'm firmly convinced it was the formaldehyde," Paula Anders declared.

She began a dedicated search to learn all she could about urea formaldehyde. Calls were placed and letters written to agencies and scientists throughout the country — including the Consumers Protection Agency and the Rocky Mountain Poison Control Center. "One month, our telephone bill was \$270,"

Roy Anders said ruefully.

As the store of knowledge accumulated, his wife became more firmly convinced that it was formaldehyde gas that was causing their health problems. She learned that the gas can be a toxic chemical when released into the air and the problem is compounded by temperature and humidity.

On very cold days, there seemed to be no evidence of the odor in the house, Roy Anders said, then, as the weather warmed, "You could walk in the place and it was like being hit over the head with a hammer."

In March the Anderses went to an allergy center in Denver to have their reactions to formaldehyde tested. Paula Anders said the doctors were cautious about reporting conclusions of the test. However, she said, she and her husband developed headaches after being exposed to certain levels of the chemical, but Sigrid got the worst reaction. "She appeared as though she had a severe sunburn — got circles under her eyes, and her cough came back," her mother said.

After returning to their trailer near Seeley Lake, Paula Anders continued her quest for information. She said technical experts from throughout the country advised her about how to remove the fumes from personal items taken from the house. Some suggested using ammonia on things that could be laundered — because it has a neutralizing effect. She was warned, she said, not to use food that hadn't been sealed, and to place other articles out into the sunlight. "It has all been a matter of trial and error," she said.

But the chemical seemed to have penetrated everything, she said. "I had to borrow dishes, because no matter how many times they are washed, they still smelled of formaldehyde." One day she retrieved a book from the basement of the house. "After a few minutes of reading, my eyes and mouth began to burn. So I threw the book away. It just wasn't worth it," she said.

The Anderses had the levels of formaldehyde checked twice by the Montana Department of Health and Environmental Sciences. They received a report from the agency last summer on formaldehyde levels of gas released from the building materials used in construction of the home.

According to the report, they said, the Montana department does not have a standard for airborne formaldehyde in private homes. However, they listed "several appropriate standards" from other agencies.

The letter stated that "the National Academy of Sciences, in a report on formaldehyde in the home, felt that less than 20 percent of an exposed human population would experience slight eye and respiratory irritation at concentrations of less than .25 ppm formaldehyde (parts of formaldehyde per million

(Turn to page B-4, column one)

In that test, 240 rats were exposed to large doses of formaldehyde for six hours a day, five days a week over a period of 18 months. One year after the test began, three rats had developed cancerous tumors in the nose; after two years, 95 rats had tumors. Even at lower doses of formaldehyde, three rats had tumors.

In other experiments, formaldehyde was linked to birth defects. The study concluded that even at low levels, formaldehyde poses a significant health risk.

Formaldehyde industry officials have acknowledged their concern about the cancer studies in animals. However, they believe that there has been no proof that formaldehyde causes cancer in humans.

Canada has imposed a temporary ban on use of the foam, as have several states. Massachusetts not only banned the foam but ruled that persons with urea formaldehyde insulation in their houses have only to present proof of symptoms of illness, to require payment for having the foam removed from their houses.

In one of the latest developments, toward the end of 1980, the Consumer Product Safety Commission, by a 3-2 vote, proposed a ban on further sale of the popular home insulation, primarily because of the fears it can cause cancer.

However, before the ban is final it must be voted on again, and the two Republicans who opposed it will by that time be joined by a third when President Reagan names a successor to the resigning Democratic chairman.

It is estimated that about 500,000 consumers, some lured by federal tax breaks for energy-saving measures, already have bought the insulation. If the ban becomes final, these homeowners could see the value of their property fall because the walls contain a substance officially found to be unsafe.

And it can cost an estimated \$10,000 to \$20,000 to remove urea formaldehyde insulation from one home. Also a ban could virtually kill an industry that consists of about 2,200 small companies.

The Washington Star quoted Jack Murray, executive director of the Formaldehyde Institute, as saying "A ban would be precipitous. Several industrial studies of workers exposed to formaldehyde failed to produce a link."

However, the Consumers' Research article points out: "It is important to note that the allowable limit on formaldehyde gas in workplaces (two parts per million) is not applicable to the home, where the exposure may often be for 24 hours a day, instead of a 6, 8, or 10 hour workday."

Instead of the ban, Murray indicated that his organization would support a strong labeling rule that would require warnings to be placed on all contracts to warn consumers that urea-formaldehyde foam insulation has caused eye and skin irritations, nausea, headaches and persistent nosebleeds.

Two members of the Consumer Product Safety Commission contended that such a label, instead of an outright ban, would be preferable. They said a ban is too severe given the risks. Of the 75,000 homes where this insulation is to be installed this year, only 23 residents are expected to get cancer, according to the commission.

Meantime, as the battle over the ban goes on between foam insulation backers and its foes, the Anderses are still living in the trailer while the dream house sits empty.

"It's been an incredible, unreal, but maturing experience," Paula Anders mused. "But I'll tell you one thing — I will never live in a house with that stuff again. It just isn't worth risking the health of my family."

Homeowners' dream sours

(Continued from page B-1)

parts of air."

According to the agency's tests, everything tested in the Anders' home was higher than .25 ppm.

The airborne concentrations of formaldehyde in the Anders' home on May 12, 1980 were: .62 ppm, kitchen counter; .52 ppm, master bedroom; .35, basement and .38 at the front entrance.

The couple finally decided to file suit against the general contractor and the contractor who installed the insulation. "If there is one place safe in this world, it should be your own home," Paula Anders declared. "All we want is for things to be put back the way they were." Meantime, payments on the \$46,000 dream home and their new furniture continue.

Investigation of the harmful effects of formaldehyde has been under way for several years. An article published in Consumers' Research Magazine, March 1979, states:

"The problem of injury to health from contaminated air indoors has been an especially serious one for people who live in mobile homes insulated with urea formaldehyde foams. Many have suffered from headaches, allergies, ear infections, respiratory complaints, a 'rasping cough,' and a burning sensation in the eyes. Babies have been reported to cry all night from respiratory distress. For many families, the situation has ultimately become unendurable. Harm done by fumes given off by urea formaldehyde thermal insulation is potentially greater for children and persons with respiratory problems than for adults in good health.

"The formaldehyde gas that is given off by foam insulation and some other structural materials, including plywood, particle board and chipboard, produces distressing and possibly permanent harmful effects. The gas is distinctly irritating even at low levels of concentration. According to one source, it can be detected when present in the proportion of only one part of gas in 30 million parts of air.

"Formaldehyde is used in the manufacture of thousands of consumer products — auto seat covers, draperies, permanent press fabrics, subflooring in houses. The gas has given much trouble in clothing stores in which quantities of garments are stored which have been treated for shrink-proofing or 'permanent-press' and crease-resistant effects."

The article further states that urea-formaldehyde insulation product is preferred by manufacturers because it is cheaper to use than competing materials. There are other foam insulations that do not contain formaldehyde.

Researchers at the University of Washington in Seattle reported an increasing number of complaints of illness and discomfort from people who had been exposed to formaldehyde. They further noted that exposure to formaldehyde at levels below one part per million can result in biochemical and tissue changes in animals used in research.

Sixteen government scientists, all cancer experts who work at agencies other than the Consumer Product Safety Commission, have also been studying the effects of formaldehyde. Conclusions of their study were based in large part on the preliminary results of a two-year test completed by the Chemical Industry Institute for Toxicology in North Carolina

Amendments to HB 130

1. Page 1, line 25.

Following: "implements"

Insert: "or heavy equipment"

2. Page 3, line 6.

Following: "price."

Insert: "(1)"

3. Page 3, line 9.

Following: "taking"

Insert: "the sum of: (a)"

Following: "cost of"

Insert: "repair parts for"

4. Page 3, line 12.

Following: "contract"

Insert: "; plus (b) 100% of the net cost of all current unused complete farm implements, heavy equipment, machinery, and attachments in a new condition;"

Following: "plus"

Insert: "(c)"

5. Page 3, line 14.

Following: "retailer"

Strike: ", "

Insert: "."

Strike: "SUCH"

Insert: "(2)"

Following: "IMPLEMENTS"

Insert: ", equipment,"

6. Page 3, line 18 through 20.

Following: "ACT."

Strike: Remainder of line 18 through line 20.

7. Page 3, line 21.

Following: line 20

Insert: "Section 5. Exceptions. (1) [This act] shall not require the repurchase from a retailer of a repair part where the retailer previously has failed to return the repair part to the distributor or manufacturer after being offered a reasonable opportunity to return the repair part at a price not less than 80% of the net price of the repair part as listed in the then current price list or catalog.

(2) [This act] shall not require the repurchase from a retailer of: (a) repair parts which have a limited storage life or are otherwise subject to deterioration, such as rubber items, gaskets, and batteries;

(b) repair parts in broken or damaged packages;

(c) single repair parts priced as a set of two or more items; or

(d) repair parts which because of their condition are not resalable as new parts without new packaging or reconditioning."

Renumber: all subsequent sections.

8. Page 4, line 20.

Following: "act]."

Insert: "[This act] shall not in any way affect any security interest which the distributor or manufacturer may have in the inventory of the retailer."

PROPOSED AMENDMENTS
TO H.B. 132

1. Title, line 6.

Following: "STRUCTURES"

Strike: "COSTING LESS THAN"

Following: "\$300,000"

Strike: "\$100,000"

Insert: "FROM STATE ENFORCEMENT"

2. Page 1, line 24 through line 6 on page 2.

Strike: line 24 through line 6 on page 2 in its entirety

Insert: "Unless the municipality that would have jurisdiction over the structures has a certified building code enforcement program under 50-60-301 and 50-60-302, the term does not include residential buildings containing less than five dwelling units or their attached-to structures located within the municipality's jurisdictional area, and the state will not enforce the state building code under 50-60-205, MCA, as to those structures."

3. Page 4, line 9.

Following: "to"

Strike: "."

Insert: ", including but not limited to:

(a) places used primarily for a business purpose in which the coming and going of members of the public (whether by open invitation or by appointment only) is an incident to the business;

(b) places used as apartments and apartment complexes containing five or more dwelling units; and

(c) condominiums and condominium complexes containing five or more dwelling units."

4. Page 4.

Following: line 20

Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply to "public places", as defined in 50-60-101(11).

(2) Where good and sufficient cause exists, a written request for limitation of the state building code may be filed with the department for filing as a permanent record.

(3) The department may limit the application of any rule or portion of the state building code to include or exclude:

(a) specified classes or types of buildings according to use or other distinctions as may make differentiation or separate classification or regulation necessary; proper, or desirable;

(b) specified areas of the state based upon size, population density, special conditions prevailing therein, or other factors which make differentiation or separate classification or regulation necessary, proper, or desirable.

(4)(a) The governing body of a municipality or county may petition the department to limit the application of the state building code, or any part thereof, to exclude specified classes or types of buildings according to use or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable.

(b) The department shall grant the petition following a public hearing thereon held by the local governing body in accordance with the provisions of Title 2, chapter 3, MCA." "

Renumber: All subsequent sections

5. Page 7, lines 8 through 10.

Strike: "and it applies to all structures construction of which commenced on or after September 1, 1979"

STANDING COMMITTEE REPORT

..... March 9, 19 21

MR. **PRESIDENT:**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **HOUSE** Bill No. **350**

Meyer (Senator Goodover)

Respectfully report as follows: That **HOUSE** Bill No. **350,**

third reading copy, be amended as follows:

1. Page 2, line 3.

Following: **"he"**

Strike: **"may"**

Insert: **"shall"**

2. Page 2, line 4.

Following: **"EXAMINATION"**

Insert: **"if taken within 12 months"**

**And, as so amended,
BE CONCURRED IN**

~~DOXKASSX~~

STANDING COMMITTEE REPORT

March 9,

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MR. **PRESIDENT**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **HOBSE** Bill No. **396**

R. Anderson (Senator Anderson)

Respectfully report as follows: That **HOUSE** Bill No. **396**

BE CONCURRED IN

~~DO NOT WRITE~~