

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Rep. Bob Pavlovich, on February 10, 1989, at
8:00 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: None

DISPOSITION OF HOUSE BILL 573

Motion: Rep. Bachini moved DO PASS.

Amendments, Discussion, and Votes: None

Recommendation and Vote: HB 573 DO PASS unanimously.

DISPOSITION OF HOUSE BILL 557

Motion: Rep. Bachini moved DO PASS and moved the amendments.

Amendments, Discussion, and Votes: Rep. Bachini stated that the amendments, as he explained yesterday the bill was in the wrong section and these amendments take care of any problems. The amendments will make a new bill. The amendments DO PASS.

Recommendation and Vote: HB 557 DO PASS as amended unanimously.

DISPOSITION OF HOUSE BILL 476

Motion: Rep. Smith moved to table the bill.

Amendments, Discussion, and Votes: None

Recommendation and Vote: HB 476 was tabled.

DISPOSITION OF HOUSE BILL 553

Motion: Rep. Thomas moved DO NOT PASS

Amendments, Discussion, and Votes: Rep. Bachini stated that he had several calls from his home district asking us to not touch the bed tax.

Rep. Glaser said that the tourism community needs to get more advocates because someday the armor will be cracked.

Rep. Thomas said that there are 6 regions which make grants, etc. to do advertising. Our civic club in Stevensville had an advertisement for Stevensville covering the St. Mary's Mission, Lee Metcalf Refuge and other places in the area, it was advertised all over the state. That came from matching grants from Glacier Country, this is what a regional revenue return is. I don't know what all they do.

Recommendation and Vote: HB 553 DO NOT PASS unanimously.

HEARING ON HOUSE BILL 536

Presentation and Opening Statement by Sponsor:

Rep. Jan Brown, House District 46, Helena, stated that this bill will require an applicant for an insurance agent, solicitor, or enrollment representative license to complete a course of prelicensing education prior to the licensing examination. It authorizes the commissioner of insurance to review and approve courses and collect fees for prelicensing education. It creates an advisory council and amends Sections 2-15-122, 33-2-708, 33-17-202, 33-17-211, and 33-30-312, MCA; and provides an effective date and an applicability date.

Testifying Proponents and Who They Represent:

Tanya Ask, MT Insurance Department
Roger McGlenn, Independent Insurance Agents Assoc. of MT
Klaas Tuininga, Bozeman
Jack Morton, Professor, School of Business, University of Montana, Missoula

Proponent Testimony:

Ms. Ask said that during the entire process of the drafting of this bill the insurance department was requested to have input and comments on recommendations and a great deal of attention was paid to our comments and input. We appreciate the efforts made in drafting this bill.

Mr. McGlenn stated that in the 1987 session, the Montana Life Underwriters Assoc. proposed a continuing education

bill for insurance agents and it was introduced in the Senate, passed there, but tabled in the House Business Committee. There were significant concerns expressed by many insurance agents as to unnecessary regulatory burden or unnecessary financial burden placed on insurance agents in the state of Montana. At that time several insurance agents pledged to the House Business Committee that they would meet in the interim and try to develop a responsible course of action for the continued and increased professionalism of the insurance agents in the state. Shortly after the 1987 session, a task force was formed and met on these issues. We have worked with the insurance department on a licensing bill for agents which is the single licensing bill. The second step of this course of action is to bring to you a responsible prelicensing education bill which is the bill you are hearing today. The third step is, if the legislature favorably passes these two bills, in 1991 we will bring a responsible continuing education bill to the legislature.

Mr. Tuininga stated that due to the increased complexity of insurance products, regulatory requirements, and the more sophisticated buying public, this requires a lot more professionalism on the part of agents. This is why we see prelicensing as very important. This bill will make sure that new agents have a good grasp of the industry and thus gives consumers better protection. It will produce better agents.

Mr. Morton said they were not aware that this bill was going to be proposed at this session of the legislature. We have been asked in recent years by members of the insurance industry in our continuing education department to develop a course which would prepare people for the licensing examination in Montana. We knew that the insurance commission was switching to the new, more rigorous, thorough, ETS exam. We have developed our course around that exam. We have our course ready to go. We are ready to start offering it next month, at least twice a month, in two different locations.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Blotkamp asked Mr. Morton if he was talking about full credit hours. Mr. Morton said no, actual course content hours, our course would run about 20 hours.

Rep. Hansen asked if the credits would count as university

credits? Mr. Morton said this is a political issue that has not been resolved. We can give continuing ed, CPU credit for the course.

Closing by Sponsor: Rep. Jan Brown asked the committee to give the bill a favorable vote.

HEARING ON HOUSE BILL 559

Presentation and Opening Statement by Sponsor:

Rep. Eudaily stated that his bill will allow a motor vehicle manufacturer's representative to display manufacturer's license plates; establishes qualifications; and provides for fees.

Testifying Proponents and Who They Represent:

None

Proponent Testimony:

None

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Bachini asked Rep. Eudaily if in Section 2 where a fee of \$250 is charged, is this for the first plate and then \$20 for each additional plate within the state or just the county? Rep. Eudaily said it was within the state. The \$250 is the first set of plates, if there are two representatives in the state, the second set of plates will cost \$20. Rep. Bachini asked if under normal circumstances if there would be some revenue lost to the county? Rep. Eudaily said there would be a small amount of revenue lost but it would be minimal to the counties as these representatives are scattered across the state and not more than one or two representatives in one county.

Closing by Sponsor: Rep. Eudaily said his reason for this bill is that if businesses are having a problem in the state and they might have to move people out of the state, we should try to help them keep their businesses and industries in the state.

HEARING ON HOUSE BILL 539

Presentation and Opening Statement by Sponsor:

Rep. Moore stated that this bill will require periodic safety inspections of rental residences; and amends Section 70-24-303, MCA.

Testifying Proponents and Who They Represent:

John Irgens
Dick Torkildson, Rocky Mountain Development Council
Lyle Nagel
Ray Blehm, State Fire Marshall
Angela Russell, Lodge Grass
Judy Carlson, Helena

Proponent Testimony:

Mr. Irgens stated that his sister and brother-in-law, Jay and Colleen McMasters, were asphyxiated last November on Thanksgiving Day, by carbon monoxide poisoning when they spent the night in Saltese, Montana, in the only motel around. The heater was put in by the owner and was never inspected by a qualified inspector. We learned that two college girls who had stayed in the same unit as Jay and Colleen had been taken by ambulance to the Superior Hospital in Mineral County. They were extremely ill, it was diagnosed at that time as food poisoning, I understand that the symptoms of carbon monoxide and food poisoning are very similar. If there had been carbon monoxide detectors in the room, it is possible that these two people might be alive today.

Mr. Healey stated that he lived in a trailer court south of Helena. I read in the paper about Rep. Moore's problem with carbon monoxide and this bill she is sponsoring. I visited with her and explained the situation that has been on going where I live. My landlord purchased property where I live, I was the first to move up there, on conditions I had never heard of, rent to own mobile home contract. I entered this contract where I paid so much money a month and I would eventually own the mobile home. I applied for a loan with the credit union to purchase the mobile home. At this time I was ordered off the property. This was not in the original verbal agreement. The landlord had told me that if I helped set this place up, get the plumbing and what have you working, I could stay. Over time another couple came and approached me about the mobile home next to me. The people had purchased the home on the rent to own contract. This landlord is bringing in welfare people and getting them to fix up these dilapidated trailers. The landlord refused to fix the frozen pipes, the valve was not working properly on the furnace in one of the trailers, it was outdated and should not be in trailers to begin with. This bill pertains

to landlords, who must keep the premises habitable. The landlord was constantly coming to me to borrow tools etc., to get me to help these welfare people, who know nothing about repairing these dilapidated trailers. This bill may make it possible for the sheriff and county health department do something about this type of problem.

Ms. Rhodes said she rented a trailer in October. When she moved in, from the kitchen to the living room, water was all over the floor. They fixed this, then the toilet in the bathroom would not flush. We had to get buckets of water from Mr. Healey to flush the toilet. I had to do dishes in the bath tub because the water in the kitchen kept freezing. It got so bad that all the pipes frozen and broke. I told the landlord and he didn't know how to repair the pipes. We got the pipes fixed finally, except the toilet, we had to continue to use buckets of water to flush it. We couldn't have the hot water tank on because the pipes under the sink in the bathroom were broke. We were afraid if we used the heater it would blow up. I started having headaches, vomiting, I was so sick I could not get out of bed for a week. I finally went down to the fire department, they called Northern Energy. Northern Energy came out and shut off the regulator valve, when the fire inspector came out he told us the propane content was so high that all I would have to do was light a match. There were four of us in that trailer that smoked. We could have been killed. The landlord said because the contract was a rent to own, he was not obligated to do anything. My children were getting sick, and to this day I am still on medication and under a doctor's care because of all this. We moved out. The trailer is sitting empty, with a sticker on it from the fire marshall saying that unless a new furnace is put in no one can live in it. The pipes are still frozen, nothing has been done to them. The landlord said he doesn't have to do anything to the trailer. I just want you to know what landlords can do to people.

Rep. Russell stated that she came to Helena, bringing her elderly parents with her. We rented a duplex and on the seventh or eighth day we went to bed and I woke up to a smoke filled room. I found the whole apartment was filled with smoke. I got my elderly parents up, bundled them up, they are handicapped so it is difficult to move them quickly. I called the landlord and told her that the place was filled with smoke. She asked me if it was something that could wait till morning? I told her no! I was able to get my parents out to the car and we went to Jorgenson's for two days. I found out that the motor in the furnace had burned and started smoking up the place. The landlord had this fixed. I came back to the apartment, but there was a chemical smell. I called Montana Power, they came out and found two gas leaks in the place. I called the landlord and she called a repairman. The repairman found three more gas leaks. I think we need periodic inspections of rental

units. I urge you to pass this bill.

Mr. Blehm said he is supportive of this bill because I believe there is a danger to people renting some of these properties. There are many rentals in Montana and it is next to impossible for any organized house to house kind of inspection program to go out and find all these, especially the single family units. Basically we respond to these places when a problem has already developed. This bill would give a level of preventive maintenance to these structures, stop some of these problems from developing in the first place. It is important to have these appliances and electrical systems checked by professionals who know what they are looking at. I urge your support of this bill.

Mr. Nagle said the State Volunteer Firefighters support this bill. We are usually on the scene when somebody didn't do what was needed in the first place.

Mr. Torkildson said he works with a weatherization program where he does inspections on homes of low income housing. We have diagnostic equipment now and have begun to do a more in-depth and thorough furnace evaluation. Part of that evaluation is a carbon monoxide test which is now standard procedure. In the past three or four months we have started to get some indication of how drastic the problem is in some communities. Depending on how long natural gas typically has been in these areas, we are finding very old and antiquated systems. Generally speaking, in our tri-county area we might weatherize 60 to 70 percent renters. In the last four months in Bozeman they had a situation where 70 homes that were tested for furnace problems, 23 percent of those homes were found to contain 100 parts per million of carbon monoxide, which is a significant level to be concerned about. I am here in support of this bill. I would like to see landlords held accountable, their responsibilities taken more seriously. There is definite need out there. There is need for an annual inspection of these homes. Preventive maintenance could save a lot of money in expensive repairs. There are responsible landlords, but there are many that need to be held accountable.

Rep. Ream stated that in 1983 for his first session he rented the upper level of a house. He spent the first day moving in to the house, that evening we stayed in for dinner, my daughter started having a bad headache. We went to bed early, we all woke up the next morning with serious headaches. My daughter and wife felt nauseous, I knew something was wrong. I opened the windows immediately and called Montana Power Company. They sent some one over right away to check. There were very high levels of carbon monoxide. The landlord was out of town at the time and had not had the upstairs rented in quite some time. We had to move out and go into a motel until the landlord got home.

It was an old furnace and the heat exchanger had rusted out and the fumes from the furnace was going right into the air duct system. We came very close to losing our lives in this incident. Subsequently, I have been more careful in the places I rent while in Helena. I think this is an appropriate piece of legislation and am in full support of this bill.

Testifying Opponents and Who They Represent:

Eldon Piper, President, Montana Landlords Assoc.
Tom Hopgood, MT Realtors Assoc.
Jean Johnson, Helena
Brian McCullough
Walter Jakovich
Jim MacKay, President, Great Falls Landlords Assoc.

Opponent Testimony:

Mr. Piper said they oppose the bill not because we are against safety or habitable housing, but because of the wording of this bill. The electricians that I talked to said they refused to put up a certificate guaranteeing that unit beyond the time of inspection. If this bill is passed, under this law we could not rent the place without this certificate. We are aware of these problems existing. See exhibit 1 for some changes they would like made to the bill.

Mr. Hopgood said his association stands firmly against the hazards presented by fire and toxic gas in all dwelling units in the state, particularly in apartment buildings. The association has supported the bill which has passed the Senate which requires landlords to install smoke detectors in all rental units in the state. This bill would have a plumber or electrician inspect the premises once a year and certify that the premises are not subject to the hazards of fire or toxic gas. This certification process is in addition to duties that the landlord already has. The landlord now has to make sure that there are no leaks in natural gas systems under existing laws.

See exhibit 2 for Ms. Johnson's written testimony.

Mr. McCullough submitted written testimony, see exhibit 4.

Mr. Jakovich feels that this is an unnecessary bill. The apartments he manages are required to be inspected by HUD, the mortgagor, the fire marshal, and are inspected by himself.

Mr. MacKay said his association does not support nor see any need for this bill. He had several letters from landlords in his association opposing this bill which are included with other materials in these minutes.

Mr. Behner submitted written testimony, see exhibit 3.

Questions From Committee Members: Rep. Blotkamp asked Mr. Hopgood if smoke detectors detect gas fumes? Mr. Hopgood said he did not think they did.

Rep. Hansen asked Mr. Hopgood if he had tried to take one of these complaints to court? He said this was not an area he specializes in.

Rep. Simon asked Rep. Moore if there was an irresponsible landlord who ignored the inspection and did not maintain the premises in a safe condition, how is your bill going to make that landlord more interested in obeying the law under your law than under the current law? She said tenants will be able to look at the place they are going to move into and know whether an inspector has been there and looked at the electrical system and the furnace, then the tenant will feel safe moving into the place.

Closing by Sponsor: Rep. Moore appreciated the patience shown here. I spoke with the landlord association and their president, Mr. Piper, over a week ago and I told him I wanted to work with them. I don't want to hurt the responsible landlord with my bill. I gave him a copy of the bill in draft form and asked him to get back to me. I never heard one word from any of them. Not one of them has come to me and talked about your disagreement with the bill. Some of the witnesses said I have no documentation of the carbon monoxide in my house, but I have a letter from the city of Helena, a notice from Montana Power Company saying the furnace was not properly installed. I want to work with responsible landlords and them to work with me. I hope we can get this bill in some kind of form that will address this public hazard. The fire marshall told me that this town is full of death traps and he has no way under current law to get access into those homes and to vacate them until they are brought up to codes.

HEARING ON HOUSE BILL 577

Presentation and Opening Statement by Sponsor:

Rep. Simon stated that this bill would allow expanded participation by certain government subdivisions and authorities in development corporations; and amends Sections 32-4-103, 32-4-201, and 32-4-206, MCA. This is a companion bill to HB 483.

Testifying Proponents and Who They Represent:

Cal Cumin
Don Ingles

Proponent Testimony:

Mr. Cumin said HB 577 provides very minor change in existing statutes. With these modifications we are trying to provide more tools for the economic development effort at the local level.

Mr. Ingles said the Montana Chamber of Commerce supports this bill.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Rep. Simon said he closed.

HEARING ON HOUSE BILL 576

Presentation and Opening Statement by Sponsor:

Rep. Roth, House District 96, Billings. This bill will revise the licensing requirements for used keno machines, amends Section 23-5-612, MCA; and provides an effective date. This is an important bill for small businesses in Montana. It is relatively simple, it does two things: it tightens restrictions that are relative to used keno machines (existing keno machines) and it allows the continued play of those machines. There are approximately 2,900 of these machines in use today in the state. This bill will grandfather these machines to continue operation the way they are right now legally and licensed. There are no retrofits available now for these machines to make them legal. Under current law the businesses will have to destroy them or stop using them. This will result in a replacement cost of nearly 10 million dollars to these small business people. The replacement cost per machine is between \$3,000 - \$3,500 each. The information that would be printed on this printer is available inside the machine on the counters that are already there. There is no direct benefit to require these business people to put these types of machines in except it would make that information a little bit easier to obtain. Is the benefit worth the cost? We have come up with some amendments in working with the department of commerce.

Testifying Proponents and Who They Represent:

Larry Akey, Video Keno Coalition

Lynn Seelye, Great Falls
Bill Anders, Helena
Sid Smith, Helena
Pius Ely, Billings
RosaLee Bullock, Basin
Randy Reger, Gaming Industry of Montana

Proponent Testimony:

Mr. Akey said as the bill was originally drafted, HB 576, would have required the used keno machines to meet all the specifications of the new machines except for printing capabilities. After discussion with the people at video gaming bureau, we offer the attached amendments. They are not as restrictive as the original bill.

Mr. Seelye said he was one of the owners who 2 years ago with the adoption of legislation to play licensed keno, went out and purchased 15 keno machines, at that time were considered to comply with all the rules and regulations. I was well aware that we were going to need printers in 2 years. I ask if these machines were compatible and the manufacturer's representative assured me that there would be no problem putting printers on and there would be a cost of about \$500. Two years later in talking to the same people, I find the following has occurred. First, they ask me to buy new machines at a cost of \$4,000. Saying the old machines are obsolete and there will not be any credit given. For 15 machines that is \$60,000 outlay. Second, I recently was told that it is possible we may be able to add a printer but the cost is going to be \$2,600, they further state that that printer may or may not be available to July 1, when the sunset law comes in to effect. Here I am, an owner and operator, someone who has put out a considerable amount of money sitting here in the latter part of this session, and I am going to be out of business on July 1, 1989.

Mr. Anders said his company supports this bill. The manufacturers said there would be retrofits available by July 1, 1989. They do not have these retrofits ready. If we have to replace our machines this will cost us \$450,000, I don't have this in my checking account.

Mr. Smith stated that in 1986 he bought 10 keno machines. At that time I was able to buy two new machines, the rest were used. I just made the last payment on these machines, now it looks like I will have to start making payments on new machines. Two years ago when we were here, we were under the impression that the manufacturers would have retrofit systems ready and at this time they are not available to us. I would like to be able to continue as we have until a retrofit system has been approved and adopted by the department. I urge you to give this bill a do pass.

Mr. Ely stated that in 1984 he bought 30 keno machines for \$36,000. In 1986 I bought 18 keno machines for \$85,000. I have a total investment of \$121,000. When I bought them I was told they would be able to be converted and now I am told I have to buy new machines. I am still paying the bank on the machines I have now. Now on July 1, I have to haul these machines to the dump, and I have to spend another \$136,000 to buy new machines. I will have to spend this money in another state, the machines can't be bought in Montana. All this money will go out of state. I employ 76 people, now I will have to cut down on my employees because the payments will have to be made on the machines at the dump and payments on the new machines I will have to purchase in order to stay in business. I just can't live with this. There will be a lot of money leaving the state to purchase all of the machines needed to be legal on July 1. I am asking you for your help and to vote in favor of this bill.

Ms. Bullock said she was a small operator. We have three keno machines, our profit to date on one machine was \$180, one machine was \$1,583, the third was \$5,000; this is in one year. This is a small operation. We own our machines, if we have to replace these machines, there is not any way that we could afford to replace one, let alone three of them. It certainly isn't profitable for any of these machine operators to come out and put in a \$5,000 machine in our community, it would take forever to pay for it. We urge you to support this bill.

Mr. Reger stated that the ramification of this bill is about 9 million dollars. The money has already been paid by the operators statewide. Two years ago I dealt with manufacturers and distributors all over the state in different locations. They all guaranteed they would have retrofit kits done in two years. The only problem on a retrofit they only make \$1,500 on a retrofit kit, but they will make \$4,000 if they sell a new machine. Business doesn't let them make a retrofit kit. They have us parked, we have 4 months and 10 days to go before those machines are gone. It takes 3 months to get them licensed through video gaming, none are in video gaming, this means that by the time they get in and are processed, July 1 is here. We will not have time to put them in the machines. I'm telling you, someone is taking advantage of this situation, and it's not the operators, it is the manufacturers. If you don't pass this bill the manufacturers gain 10 million dollars, that is a good deal for them, they will love it. They are all out of Nevada. We take our machines and sell them for \$.05 or \$.10 on the dollar. It is not fair. Don't let these manufacturers get away with this.

Testifying Opponents and Who They Represent:

John Willems, Bureau Chief, Video Gaming Control Bureau,
Dept. of Commerce

Opponent Testimony:

Mr. Willems stated the department's position is not to be a proponent or opponent, but to inform this body of their position. That position is that it is crucial all machines be the same. The people that are here today have had a two year period of time in which to consider the fact that these machines would become obsolete and we are 4 months from the deadline and most of the machines are still in use. There has been no real commitment on their part to try and come into compliance.

Mr. Clavin owns a small company in Helena, called TechVideo Electronics. I was not going to take a position regarding this bill until I was so unjustifiably slandered by Mr. Reger. When he said manufacturers are greedy. I don't know where Mr. Reger got these \$5,000 profits per machine figures from. I sure would like to see it. When you manufacture a machine you are lucky to maybe make a \$1,000 off one machine. I am in complete sympathy with these people, who are requested to spend 10 million dollars to update their equipment. I have spent the last two years of my time, day in and day out, developing retrofit kits for these machines. I have not completed the first one yet, it will be done very shortly. I would like some consideration for my efforts, for my efforts for the last two years in this subject. I believe, like Mr. Smith, that the grandfather clause is working fine. When retrofit kits do become available I think then it should be made mandatory that they be retrofitted. Manufacturers have spent a tremendous amount of effort in bringing these machines up to specifications and they had nothing to do with the legislation in the first place.

Questions From Committee Members: Rep. Thomas asked Mr. Seelye if there would be a market for these machines? I understand that the machines in Nevada use printers? Where do these machines fit in Nevada as they exist now? Are they legal in Nevada they way they are now? Mr. Seelye said he was not sure. He is going down to Nevada the end of this month and visit one of the manufacturers of these machines. They make machines for each state to comply with the rules and regulations of that state. Rep. Thomas asked if any one knew how these machines fit into Nevada's law? Mr. Reger said these machines do not work in Nevada. Nevada has a coin operated machine with a hopper on the bottom. When you win the coins come out the bottom, these are just on a credit basis with a knockoff switch on the side. After you have won so many credits you hit the knockoff switch. Rep. Thomas asked Mr. Reger about the metering mechanism, is that

enough up to date for Nevada's law? Mr. Reger said Nevada does not use printers, they use meters. They have soft meters and hard meters. Rep. Thomas asked if the machines we are talking about in the bill, is that metering system allowed in Nevada? Mr. Reger said the same metering system is used in both. They have hard meters and soft meters, soft meters are electronic meters, hard meters, that we are talking about, are the type that you can't touch. The fine for touching one of those meters is \$10,000.

Rep. Pavlovich asked Mr. Willems if there has been a retrofit in the shop being processed? Has any manufacturer given you a retrofit that will fit these machines so they can be converted? Do you have any yet? Mr. Willems said not at this time.

Rep. Thomas asked Mr. Willems if there was a difference in the take of an old machine compared to the take of a new machine, is there any money difference that can be documented? Mr. Willems said they had done brief studies of the income statistics, these are not complete as yet. It appears that the new machines as against the old machines is a difference of approximately 2 to 1 in reported revenue to the state. Rep. Thomas asked how many machines are we talking about grandfathering? Mr. Willems said approximately 3,700 keno machines licensed by the department, about 2,900 fall in the used category and about 800 are new ones.

Rep. Pavlovich asked Mr. Willems when the operators have to fill out their quarterly report, when we have to send you a printed ticket once every quarter, basically on the report we have to put the hard meters on there also. If I am not mistaken the majority of the operators pay their percentage by the hard meter that is in the machine, not the soft meter. Because the soft meter has a tendency to disrupt itself if there is a breakdown in the electrical current or something like that which happens quite often, doesn't it? Mr. Willems said the department requires those machines capable of printing tickets we do take that.

Closing by Sponsor: Rep. Roth said this is the first time an information-only person changed to an opponent during the question and answer period. I think there are misconceptions here that need to be dispelled. The first is whether these machines are in compliance. They are in compliance with state law now. This bill has not changed that. They are in compliance as they are setting right now. Every machine has meters on them. The only thing that would change without this bill is their printout, a printer. As Rep. Pavlovich pointed out, the information provided to the department that is used as their main and verifiable source, comes from the hard meters not the soft meters. To tamper with these machines to save \$200-\$300, risks a \$10,000 fine. I submit to you that there will always be somebody willing

to do that. Adding a soft printer is not going to change this. If they are so inclined, they will still do this, soft meter or hard meter or not. What you will see if this bill is not passed, is the small owners who use these machines will not replace them. This will yield a net loss in revenue from the workers on up to the local government and the state. We know what business is like in our state, if you just have two of these machines and come July 1 they have to both be replaced at the cost of \$7-8,000, I think you all know whether or not that is something they will look favorably upon. These machines still are required to pay out 80 percent or better, they still do this. Adding a printer will not change this. It will not result in a higher payout or more use. Why do we keep changing what seems to be a working system just for the small benefit of a few people. By the manufacturers own admission, these retrofit kits are not available, maybe they will be soon. This is reasonable legislation, it is not hard to see that the cost is well over what the benefits would be. I urge your support of this bill.

HEARING ON HOUSE BILL 287

Presentation and Opening Statement by Sponsor:

Rep. Whalen opened his bill again. This bill basically provides a licensure mechanism for massage therapists.

Testifying Proponents and Who They Represent:

Paris Schoup, Certified Massage Therapist
Alice Carpenter, Billings

Proponent Testimony:

Ms. Schoup said that therapists need to be tested and licensed for credibility to the profession to assure professional care to the client, to continued education, and an ungrandfathered clause will prevent the practice of non professional massage therapists. There has been some question regarding the lack of a grandfather clause. I feel very strongly that massage therapy needs to be licensed and tested in the state of Montana. It invites practices that are not professional if we have a grandfather clause.

Ms. Carpenter stated that her 3-year old daughter has asthma. For 2 years she was having asthma attacks once a month. The doctors were giving her very strong medication, with strong side affects for young children. I was scared about this and I began taking my daughter to Paris. In the past 5 months my daughter has only had 1 attack. I have changed my doctor and taking my daughter to the new doctor and to Paris, for massage therapy has improved her health.

Ms. Armond stated that she has been going to Paris for massage therapy. She received serious injuries in an automobile accident and had physical therapy, strong medications for her constant pain. I am an artist and was doing quite well, but because of my injuries I could not sit, stand, nor raise my arms for any length of time. After my first few treatments with Paris the circulation, headaches, and tension were relieved. I still have headaches, I am not on any medication which was costing me between \$125-\$200 per month for prescriptions. I believe that Paris has helped me immensely.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

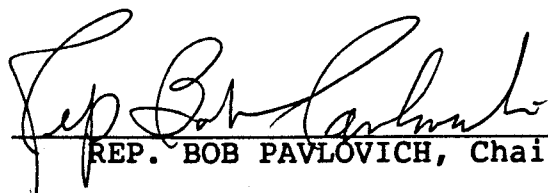
None

Questions From Committee Members: None

Closing by Sponsor: Rep. Whalen said there is a necessity for this legislation in regards to health and welfare of the people of this state. I don't know if any one has died from improper practices of massage therapy or not, I don't think we need to wait for some one to die. You have heard the potential is there. Lawyers are licensed, and they don't do anything that is going to have an impact on people's physical health. That doesn't mean that they may have a dramatic impact on people's financial and other welfare. If you have practitioners out there that are not providing legitimate services, taking people's money and saying they are massage therapists, I think this is a significant enough profession that it should be licensed. The opposition to not having a grandfather clause comes from people who are afraid they might not meet the educational requirements and probably would not get licensed. Do we want them out there practicing massage therapy?

ADJOURNMENT

Adjournment At: 11:50 a.m.



REP. BOB PAVLOVICH, Chairman

BP/sp

3503.min

DAILY ROLL CALL

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 2 10 89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB	✓		
DeMARS, GENE	✓		
BACHINI, BOB	✓		
BLOTKAMP, ROB	✓		
HANSEN, STELLA JEAN	✓		
JOHNSON, JOHN	✓		
KILPATRICK, TOM	✓		
McCORMICK, LLOYD "MAC"	✓		
STEPPLER, DON	✓		
GLASER, BILL	✓		
KELLER, VERNON	✓		
NELSON, THOMAS	✓		
SIMON, BRUCE	✓		
SMITH, CLYDE	✓		
THOMAS, FRED	✓		
WALLIN, NORM			
PAUL VERDON	✓		

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/10/89 BILL NO. 573 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich		
Bob Bachini		
Rob Blotkamp		
Gene DeMars		
Bill Glaser		
Stella Hansen		
John Johnson		
Vernon Keller		
Tom Kilpatrick		
Lloyd McCormick		
Thomas Nelson		
Bruce Simon		
Clyde Smith		
Don Stepler		
Fred Thomas		
Norm Wallin		

TALLY

14

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION:

do pass

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/10/89 BILL NO. 557 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich		
Bob Bachini		
Rob Blotkamp		
Gene DeMars		
Bill Glaser		
Stella Hansen		
John Johnson		
Vernon Keller		
Tom Kilpatrick		
Lloyd McCormick		
Thomas Nelson		
Bruce Simon		
Clyde Smith		
Don Stepler		
Fred Thomas		
Norm Wallin	✓	

TALLY 16

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: to pass as amended

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/10/89 BILL NO. 476 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich		
Bob Bachini		
Rob Blotkamp		
Gene DeMars		
Bill Glaser		
Stella Hansen		
John Johnson		
Vernon Keller		
Tom Kilpatrick		
Lloyd McCormick		
Thomas Nelson		
Bruce Simon		
Clyde Smith		
Don Stepler		
Fred Thomas		
Norm Wallin		

TALLY

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: _____

Tabled

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/10/89 BILL NO. 553 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich	16	
Bob Bachini		
Rob Blotkamp		
Gene DeMars		
Bill Glaser		
Stella Hansen		
John Johnson		
Vernon Keller		
Tom Kilpatrick		
Lloyd McCormick		
Thomas Nelson		
Bruce Simon		
Clyde Smith		
Don Stepler		
Fred Thomas		
Norm Wallin		

TALLY

16

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: do not pass

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 573 (first reading copy -- white) do pass.

Signed: Robert Pavlovich, Chairman

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 557 (first reading copy -- white) do pass as amended.

Signed: Robert Pavlovich, Chairman

And, that such amendments read:

1. Title, lines 9 through 11.

Strike: ";," on line 9 through "MCA" on line 11

2. Pages 1 through 5.

Strike: Everything following the enacting clause

Insert: " NEW SECTION. Section 1. Contributions for group life insurance and representation. (1) Unless the police protective association of the city or town chooses not to participate as provided in [section 2], an employer shall deduct from each police officers's monthly compensation, except a police chief, assistant chief, or captain, an amount equal to 0.5% of the base salary paid to newly confirmed police officers in the city or town. The employer shall pay this amount on a monthly basis to the treasurer of the Montana police protective association to be used to pay premiums on a group life insurance policy for contributing police officers of participating city and town associations and to defray expenses incurred by the association when representing members of the plan.

(2) An employer may not deduct the amount provided for in subsection (1) from the monthly compensation of a police chief, assistant chief, or captain unless that person notifies his employer in writing to make the deduction.

(3) A person who contributes under this section is a full member of the Montana police protective association and is entitled to all membership rights and benefits, including those benefits provided in subsection (1).

(4) For the purposes of this section, "police officer" means an officer who participates in the police officers' retirement system under Title 19, chapter 9.

NEW SECTION. Section 2. Nonparticipation. (1) The

February 10, 1989
Page 2 of 2

members of a city or town police protective association may by a vote of three-fourths of the membership cease the participation of all the members in the provision of group life insurance through salary deductions. Salary deductions for payment of group life insurance premiums and representation may not be made by the city or town of the nonparticipating association. An association may resume participation by a vote of three-fourths of the membership of the city or town police protective association.

(2) Notice of nonparticipation or resumption of participation must be provided to the governing body of the city or town, and to the Montana police protective association."

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 553 (first reading copy -- white) do not pass.

Signed: Robert Pavlovich, Chairman

Amendment to HB 536

Replace all references to 40 hours with 20 hours.

#1
HB 55
2/10/89



February 7, 1989

Subaru of America, Inc.
Northwest Region
8040 NE 33rd Drive
P.O. Box 11293
Portland, OR 97211
(503) 287-4171 FAX: (503) 288-9750

Dear Sirs:

I have had the experience of working within Montana for three separate automobile manufacturers during the past seventeen years. As a native of Montana, I appreciate the opportunity to continue to reside in our state and represent these products to the various Montana automobile dealerships.

When I started in this career, there were over thirty-five manufacturer's representatives living in Montana and now there are less than ten. Most of this reduction was due to marketing changes, but some of these changes were, in part, due to the expense and inconvenience of doing business in this large, less populated state. One manufacturer required that I relocate out of state to reduce expenses and increase efficiency. However, I made an employment change to remain in Montana.

A way to improve the business climate in Montana for automobile manufacturers would be to offer a manufacturer's license plate, as outlined in HB 559 (Eudaily).

The current problem for our company, Subaru of America, Inc., is to reduce vehicle operating costs within the state. An automobile manufacturer's representative will often operate ten to twelve new vehicles per year. Under current Montana law, this requires the titling and licensing of all these units and thus this becomes excessively expensive. Subaru of America, Inc. currently has three representatives living in Montana. In order to maintain these representatives, the company has been forced to reduce the number of company vehicle turnovers in Montana. As an alternative to this action, the company could move future representatives to the Idaho panhandle where that state has a very reasonable cost associated with a manufacturer's license plate. Other states, Oregon and Colorado as a partial example, also have provisions for manufacturer's licensing. The convenience of a manufacturer's plate will also allow the movement and use of different vehicles needed to conduct training and normal automobile business within Montana.

The passing of bill HB 559 will also benefit Montana automobile dealerships. New car dealers would be able to purchase the factory representative's low mileage vehicles for resale. This is much easier due to new car finance regulations (non-titled flooring). The fact that these representatives reside in the state allows for improved dealership contacts on a more frequent basis. Residing within the state also allows for a better understanding of the business climate and changes required to meet the dealership marketing needs.

February 7, 1989
Page Two

Evidence of Subaru's continuing desire to maintain representatives within the state has resulted in Subaru being one of the most popular import vehicles in Montana. This popularity has benefited Montana dealerships and related businesses.

As both a manufacturer's representative and a Montana taxpayer I would like to thank you for your time and support of HB 559. Montana needs to maintain a healthy business climate.

Sincerely,



Rod Dietz
504 West Artemos
Missoula, MT 59803
(406)549-6919

#1
HB 539
2/10/89

PROPOSED CHANGES IN THE MONTANA LANDLORD-TENANT ACT

THESE CHANGES WERE AGREED ON BY THE MONTANA LANDLORD'S ASSOCIATION
AND TWELVE REPRESENTATIVES FROM STATE GROUPS REPRESENTING TENANTS
THESE MEETINGS WERE HELD IN NOVEMBER AND DECEMBER of 1988 AT THE
LOW INCOME COALITION OFFICES IN HELENA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 70-24-103. General definitions.

(15) "Emergency situation" is an extraordinary occurrence beyond the tenant's control requiring immediate action to protect the premises or the tenant. An emergency situation may include the interruption of essential services, including heat, electricity, water, sewer or septic systems or life threatening events in which the tenant has reasonable apprehension of immediate danger to himself or others.

Section 70-24-302. Landlord to deliver possession of dwelling unit.

(1) At the commencement of the term, a landlord shall deliver possession of the premises to the tenant in compliance with the rental agreement and 70-24-303. A landlord may bring an action for possession against a person wrongfully in possession.

{Note: same as original except numbered.}

(2) If a landlord accepts rent and/or deposit from a person occupying the premises, he shall be deemed to have given his consent for the person to take possession of the property and to create a landlord-tenant relationship.

Section 70-24-305 to read as follows:

70-24-305. Transfer of premises by tenant.

(1) A tenant who vacates a dwelling unit during the term of his tenancy shall not the possession of the property to be transferred to a third person or sublet the property unless the landlord or his agent has consented in writing.

(2) The sale or rental of a mobile home located upon a rental lot shall not entitle the purchaser or renter to retain rental of the lot unless the purchaser or renter enters into a rental agreement with the owner of the lot.

Section 70-24-321. Tenant to maintain dwelling unit.

(1) (g) Use the parts of the premises including the living room, bedroom, kitchen, bathroom, and dining room in a reasonable manner considering the purposes for which they were designated and intended. This section does not preclude the right of the tenant to operate limited businesses or cottage industries on the premises, subject to state and local laws, provided the landlord has consented in writing.

Section 70-24-406. Failure of the landlord to maintain premises - tenant's remedies.

(1) Except as provided in this chapter, if there is a non-compliance with 70-24-303 affecting health and safety, the tenant may:

(a) deliver a written notice to the landlord specifying the

acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 14 days.

If the non-compliance results in an emergency situation and the landlord fails to remedy the situation within 3 days after written notice by the tenant of the situation and the tenant's intention to terminate the rental agreement if the situation is not remedied within 3 days, the tenant may terminate the rental agreement.

The rental agreement terminates as provided in the notice subject to the following exceptions:

(i) If the breach is remediable by repairs, the payment of damages, or otherwise and the landlord adequately remedies the breach before the date specified in the notice, the rental agreement does not terminate by reason of breach;

(ii) If substantially the same act or omission which constituted a prior non-compliance of which notice was given recurs within six (6) months, the tenant may terminate the rental agreement upon at least 14 days' written notice specifying the breach and date of termination of the rental agreement;

(iii) The tenant may not terminate for a condition caused by himself, a member of his family, or other persons on the

premises with his consent;

(b) make repairs himself that do not cost more than one months' rent and deduct the cost from the rent if he has given the landlord notice and the landlord has not made the repairs within a reasonable time. If the repair required is for an emergency situation, the repair shall be made by a licensed and bonded person qualified to make such repair.

Section 70-24-422. Non-compliance of the tenant generally-
landlord's right of termination-damages-injunction.

(2)(a) Except as provided in subsection (2)(b), if rent is unpaid when due and the tenants fails to pay rent within three (3) days after written notice by the landlord of non-payment has been sent by certified mail and posted on the premises and the landlord's intention to terminate the rental agreement if rent is not paid within that period, the landlord may terminate the rental agreement.

~~(b) For a rental agreement involving and tenant who rents space to park a mobile home but who does not rent the mobile home, the notice period referred to in subsection (2)(a) is fifteen (15) days.~~

2
HB 539
2/10/89

TO: (H) Business & Economic Development Committee
FROM: Montana Landlords Association
DATE: February 10, 1989

RE: HB 539

Mr Chairman, members of the committee, for the record, my name is Jean Johnson. I am here to speak in opposition to HB 539 on behalf of the Montana Landlords Association, and myself, as a landlord. With me this morning are others who will also speak on the issue

The Montana Landlords Association has chapters in every major city in Montana representing hundreds of property owners. In Helena alone, there are in excess of 70 members controlling from a single rental unit to three or four units to as many as 80. Clearly that represents a significant contribution to the economy of this state in terms of property taxes paid and related services purchased.

I could tell you how difficult it is to be a landlord/property owner in Montana right now, and how an annual mandatory inspection for each of our units would result in a considerable financial hardship for all of us, but I won't do that. Others will. What I want to do is point out to you what HB 539 really is

HB 539 is an emotional reaction to an uncomfortable experience suffered by one individual. And that's unfortunate. Both because of her experience and because now we have to go through the entire legislative process for a bill that is unnecessary, was not well thought out, and perhaps even fails to accomplish what she intended in the first place....

I say that because a careful review of the bill shows that it's true. First let's look at a matter of duplication of effort. If'll you'll refer to page 1, line 11 which says: "A landlord **shall** maintain in good and **safe** working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by him;" — that's not "may, if he so chooses"...it's **shall...as in "shall be done."**

You see, it's already a law that the landlord shall maintain his facility in safe working order and there are already remedies for those landlords who don't. If a tenant is unable to get his landlord to make the necessary repairs in order to provide adequate heat,

Landlords/page 2

he can issue a complaint with the city health department. If the complaint is found to be valid, after due process, the facility is shut down and removed from the market. Or the tenant can move. That's the process that punishes the individual offender, as it should be, and not the entire rental property business.

Now let's look at the weakness of the bill. Reading on page 2, line 16... "cause the premises to be inspected for safety by persons licensed under Title 37, chapters 68 and 69, to ensure that future tenants are not subject to hazards of fire or toxic gas;..." Chapter 68 deals with "Electricians & Electrical Safety" and chapter 69 deals with "Plumbers" **and the fact that they must be licensed and how that happens.** Neither chapter spells out what the safety inspection covers and what standards are used. Neither chapter deals with those who install gas heating units. Does this bill intend to protect tenants only from those fires that are a result of poor electrical wiring? What about fires that result from a buildup of escaping gas ignited by a cigarette or a pilot light?

Mr. Chairman, members of the committee, this is basically the only new language in the bill, other than the requirement that a "notice of the satisfactory completion of the safety inspection" be posted in a prominent location on the premise. I submit to you that this is a shallow bill that accomplishes little more than discrimination and harrassment for the property owner. On the other hand, SB 207, sponsored by Senator Bob Brown, would require that rental units be equipped with smoke detectors. That bill actually provides a safety feature and we certainly support it.

There are other examples of deficiencies in HB 539 but I will let others speak to those issues.

CLOSING... In closing, let me just say that this legislation is unnecessary and ill-conceived. Rep. Moore may have had good intentions but you can't always — and shouldn't — legislate good intentions. Let the market place squeeze out the shiftless landlord or let the tenant complain to the proper channels and the problem will take care of itself. We urge you to give HB 539 a "do not pass" recommendation. Thank you.

HB # 3
539
2/10/89

BEHNER

Martin Behner Vice Pres. Western
Montana Landlord Assn. and I live in Missoula

With Rental Housing being
more and more in demand
and ownership of a home being
out of reach for the young Americans

House bill 539 will put the
private landlord out of business.

If you want a state owned
rental business by all means
pass this bill, but, who
will pay the taxes the landlords
pay now?

Who will pay for the authority
called for in this bill?

Who will pay?

You will pay!

Its just that simple!

#4

HB 539
2/10/89

To: Mr. Chairman and members of the Committee

From: Brian McCullough, President
Helena Chapter of the Montana Landlords' Association

Address: 2539 South Ridge
Helena, MT

Subject: Against HB 539

The intent behind this bill is to ensure safe housing for only tenants. I agree with that wish, therefore I wonder why this does not apply to all residential housing.

If a home owner has a problem with their home they fix it themselves or call someone to do it.

If a tenant has something wrong with their rental they call the Landlord. If the landlord doesn't do anything about it the tenant has two options.

1. Under the grounds of an emergency they could go ahead and call someone to fix it and deduct it from their rent, or
2. Move out to another apartment which a homeowner cannot do.

It appears that in reality the homeowner needs the protection more then the tenant because they don't have the option to move.

Availability of housing to the low income will be seriously impacted because much of this housing is old. Therefore whether it be rental or owner occupied it has been grandfather in to be exempt from building codes that are currently required for new construction.

The modifications would in many cases cause landlords and residential homeowners(if this bill provided equal protection to all) to have to let the bank foreclose on their home because it would not be cause effective for them to remodel a turn of the century home into a home of the 80's that meets all current building codes.

Where the modifications were done on rentals, the result will be increased rent to provide for reasonable return on investment. Result will be that additional housing will be out of reach in terms of monthly rental cost to the tenant.

The best thing about this bill is that it raises the awareness of people either buying a home or renting an apartment. That it is in their own best interest to take a close look at their new home before they move in.

Questions: From a legal liability standpoint how is safety defined in a court of law for enforcing this bill?

Who gets sued in a home declared safe? inspector?

Handwritten note: Hate for...

#5
2/10/8
HB 57x

rental covs. (judiciary)

Independent Record - 1/12/89

Renting lawmaker seeks inspection access

By STEVE SHIRLEY
Great Falls Tribune

After shivering in her cold Helena rental home last weekend, Rep. Janet Moore decided to turn up the heat on landlords.

The Condon Democrat is preparing legislation to require inspections of heating and electrical systems in homes and apartments before landlords can rent them.

Moore said Wednesday that she asked the Legislative Council to draft the measure after her rental home became an icebox as outside temperatures dipped near zero.

Moore said the house, built in 1884, was so frigid that she sat in the kitchen with the oven opened and cranked up to 500 degrees.

"My fingers were so cold I couldn't even write in my journal," she said. "Sunday night, I'd just had it."

Moore called Montana Power Co., which sent someone to check the heating system Sunday eve-



Moore:
'My fingers were so cold I couldn't even write in my journal.'

ning. The inspector found that, besides not adequately warming the home, the heating system was spewing out carbon monoxide at twice the level allowed by law, according to Moore.

Moore said the inspector also found an open jar of cyanide in the basement. She said the cyanide and carbon monoxide probably account for the headaches she has suffered since she came to Helena for the legislative session. She said they also may be responsible for the sickness of her cocker spaniel, Solomon.

Moore found a new studio apartment Monday, but said she'll push her legislation to make all

landlords more accountable. "God knows how many other places are like that," she said.

Moore said the Helena fire marshal told her that such a law could be useful because he doesn't have authority under existing law to inspect rental units to determine if they are dangerous.

Moore, who is still working out details in the bill, indicated the measure wouldn't address situations like that in which a Seattle couple was killed Thanksgiving eve in a Saltese motel cabin. Colleen and Joseph McMaster Jr. were killed by carbon-monoxide poisoning from an improperly installed propane heater in their room.

Montana law already requires people installing such heating systems to get a building permit and obtain an inspection. State officials said the motel owners had never sought a building permit or an inspection.

Inspection officials, meanwhile, have said they don't have the manpower to do routine building-safety spot checks.

2/10/89

HB-539 ... LANDLORD SAFETY INSPECTION BILL

THIS BILL CAME FROM A BRUSH WITH DEATH IN AN OLD HOUSE BUILT IN 1884 HERE IN HELENA. ON JANUARY 1st, I MOVED INTO THIS RENTAL AFTER PAYING \$300. BECAUSE OF MY LITTLE DOG, SOLOMON, \$350. FOR THE FIRST MONTH'S RENT AND \$45. TO HOOK UP MY TELEPHONE.

THE FIRST 8 DAYS I WAS CONSTANTLY COLD. THAT COLD IN THE OLD, POORLY INSULATED HOUSE SAVED MY LIFE BY PROMPTING ME TO CALL MONTANA POWER THE SECOND SUNDAY IN JANUARY. THEY PROMPTLY SENT AN EMERGENCY REPAIRMAN WHO WAS SURPRISED TO FIND THE FURNACE HAD NEVER BEEN PROPERLY INSTALLED. HE FIRST SUSPECTED CARBONMONOXIDE AND SERVED NOTICE ON THE LANDLORDS TO CORRECT THE HEATING SYSTEM WITHIN 15 DAYS. AS HE LEFT ME THAT NIGHT, HE SUGGESTED I CALL THE FIRE DEPARTMENT THE NEXT MORNING. I DID. THREE MEN ARRIVED WITH MONITORING EQUIPMENT AND DISCOVERED THE PLACE WAS FILLED WITH CARBONMONOXIDE TWICE THE SAFE LEVEL IN AN 8 HOUR PERIOD. THEY ALSO QUESTIONED THE ELECTRICAL WIRING AND THE PLUMBING SYSTEM THAT WAS JUDGED READY TO COLLAPSE AT ANY MOMENT.

JANUARY 9, 1989, AFTER LISTENING TO THE FIRE DEPARTMENT'S MONITORING EQUIPMENT ... THE EERIE SOUND THAT RADIATED FROM THAT EQUIPMENT... I MOVED TO ANOTHER RENTAL WITH THE SAME OLD HEATING SYSTEM, BUILT IN THE 1890's, YET THIS RESPONSIBLE LANDLORD HAS PERIODICALLY SERVICED HIS HEATING SYSTEM TO MAKE HIS RENTALS TOXIC FREE.

SINCE THEN I HAVE FOUND OTHER LEGISLATORS WHO HAVE SUFFERED NEAR MISSES IN THEIR RENTALS. THOSE CASES WILL BE PRESENTED TO YOU.

YOU WILL ALSO HEAR FROM THE BROTHER OF A CARBONMONOXIDE VICTIM WHO WASN'T AS LUCKY AS US.

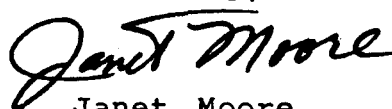
HB-539, MR. CHAIRMAN, MEMBERS OF THIS COMMITTEE, IS DESIGNED TO REQUIRE LANDLORDS TO HAVE THEIR RENTALS PERIODICALLY INSPECTED, MUCH LIKE OUR ELEVATORS WITH NOTICES OF THOSE INSPECTIONS POSTED IN EACH RENTAL BY CERTIFIED ELECTRICIANS, HEATING CONTRACTORS, PLUMBERS, TO ASSURE GOOD FAITH TENANTS THEIR HOMES ARE SAFE.

HB-539 IS NOT INTENDED TO BUILD ANOTHER STATE BUREAUCRACY OF INSPECTORS AND COST TO THE TAXPAYERS. RATHER, IT WILL BE LANDLORDS TAKING RESPONSIBILITY FOR THEIR RENTALS AND THEIR TENANTS THUS PROTECTING THEMSELVES FROM ANY LIABILITY SHOULD A TENANT NEVER WAKE UP.

MR. CHAIRMAN, MEMBERS OF THIS COMMITTEE, I CONSIDER HB-539 TO BE A HUMAN SAFETY AND JOBS BILL.

I TRUST YOU WILL GIVE IT A DO PASS.

Sincerely,



Janet Moore
Representative, HD-65

Monday Missoulian

DECEMBER 4, 1988

MISSOULA, MONTANA

Improperly vented wall heater killed two

Heater never inspected; installation never OK'd

BY JOHN STROMNES

SUPERIOR — An uninspected propane heater, improperly vented out an exterior wall and installed without a building permit, had deadly exhaust fumes to accumulate inside motel cabin, killing a Seattle couple Thanksgiving eve, according to coroners.

Although Montana law requires that heaters be inspected, local officials say they don't have the expertise and state says they don't have the manpower for such incidents won't happen again.

While his investigation is not yet complete, Mineral County Sheriff Wade Van Gilder said Thursday that several other people who stayed in Cabin No. 8 of the 4-D Motel during the past year may have

died from carbon-monoxide poisoning. He said one site died, however, and the motel owners, Merle and Denise Beardens, apparently have closed the business.

The dead couple, Joseph McMaster Jr., 38, and his wife Colleen McMaster, 29, apparently died as they slept, the sheriff said. They had pulled off Interstate 90 because of unsafe driving conditions.

The direct cause of their deaths was carbon-monoxide poisoning, according to preliminary autopsy reports. Carbon monoxide, a deadly but odorless gas, is a by-product of the combustion of fossil fuels such as propane, gasoline or natural gas.

There is no question the deaths were accidental, said Van Gilder and Mineral County Attorney Shaun Donovan. Donovan said he did not believe any criminal negligence was involved, but said he would wait for a full report from Van Gilder before making a final decision on prosecution.

The Beardens have hired an attorney, and declined to be interviewed. Van Gilder said they have fully cooperated with his investigation.

The propane space heater apparently was being used properly, according to a propane installer who inspected it after the deaths. But it vented improperly out a wall instead of up a chimney when installed, the sheriff said.

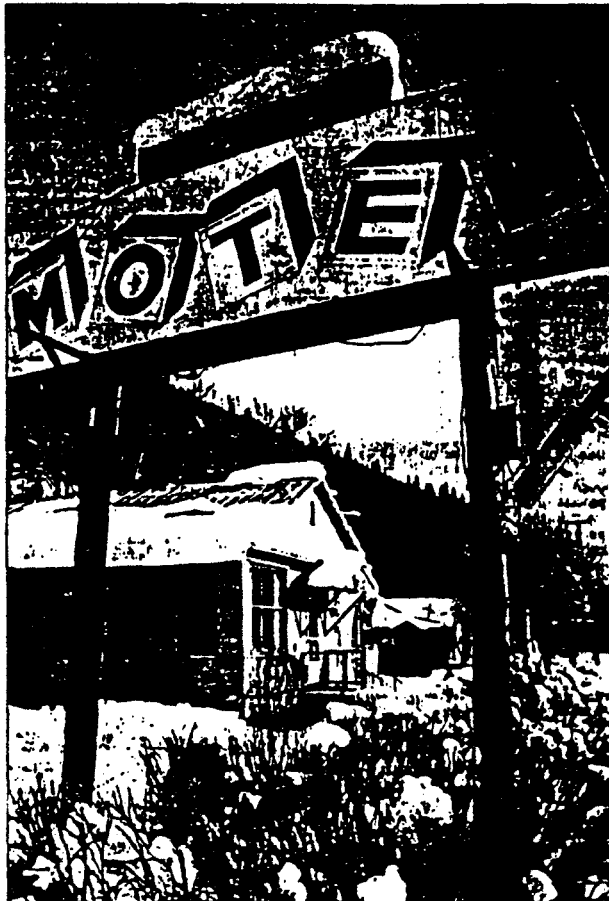
The Beardens installed the unit in the living area last fall, after another propane heater vented out the same hole in the wall and working, Van Gilder said.

Apparently the original heater was constructed to operate properly when vented horizontally, while the new device was vented vertically, the sheriff said.

On the evening of Thanksgiving, heavy snowfall also may have made the horizontal venting system operate improperly, fire-prevention experts told the coroners.

Enough carbon monoxide remained in the room during the investigation the next day to give a deputy a severe headache, even though the room had been aired out, and the couple had made several trips outside the room while on duty, the sheriff said.

Subsequent inspection of the heater revealed that "the space heater was



MICHAEL BALLACHER/STAFF

A SEATTLE COUPLE died as a result of exhaust fumes from an improperly vented heater at this Salt Lake motel Thanksgiving eve.

permitting some products of combustion through the draft diverter into the cabin," a consultant experienced in propane appliance installation said in a written report to the sheriff.

"This condition of combustion products is a result of improper venting," concluded the consultant, Jack Basham, district manager for Petrolane Gas Service. Basham would not elaborate to the Missoulian on the brief report he submitted to the sheriff.

The McMasters, both certified public accountants, were world travelers and highly respected accountants and auditors, according to Colleen McMaster's brother, John Irgens of Missoula.

"They had bright futures," Irgens said, and were to go to work for the same "Big Eight" accounting firm in Seattle on Dec. 1, Irgens said.

Since their marriage in 1986 in Denver, the couple had worked as accountants in Australia, and had traveled extensively in mainland China and Europe, Irgens said. Colleen attended the University of Montana on scholarships, and her husband attended school in Colorado.

But their education and traveling experiences had not prepared them for the circumstances they encountered at the 4-D Motel when they sought refuge from black ice on I-90.

Irgens said he now regrets not telling his

sister to open a window in the motel when she called Thanksgiving eve to tell her family she would be delayed.

"It's a standard deal with me, if I'm staying at a small place that's kind of a wide spot in the road, I always crack a window just to be on the safe side," he said.

Van Gilder said the windows and the exterior door were shut when he arrived. The temperature had dropped to 18 degrees that night.

The heater's installation was never inspected or approved by any state or local agency. Since the motel was built long before state building codes existed, it did not need to be inspected.

For the remodeling, the Beardens had not sought or obtained a permit for the heater installation, as required by state building codes, state officials in Helena said.

"If he (Bearden) did not get a permit, he's in violation of the law," said W. James Kembel, administrator of the Business Regulation Division in the Department of Commerce in Helena. A check of state records last week showed that no permit was asked for or obtained, he said.

Mineral County, like all but two counties in Montana, has not adopted the state building codes. So inspection or review of the propane heater installation for a building

(See HEATER, Page 9)

Heater

(continued)

permit would have been done by state officials in Kembel's office, since there are no local building inspectors in Mineral County.

That state agency does not

have the resources or the legal obligation to make unannounced or spot-check inspections, Kembel said. It's all the staff of three inspectors can do to keep up with scheduled building-permit inspections all over Montana, he added.

The installation probably should have been done by a professional, he said, since complying with state codes is complex, and requires specialized knowledge. But state law no longer requires that a professional install propane heaters in motels, he said.

In Missoula, as in most other incorporated cities that have adopted building codes, all commercial and public buildings — motels, schools, restaurants, theaters and the like — are spot-checked routinely by a trained fire inspector, said City Fire Marshal Ron Harding.

These inspections are unannounced, and are in addition to any inspections made during construction or remodeling.

In rural areas like Mineral County, the state fire marshal's office or local fire district is responsible for making spot checks. The law requires them to be made every 18 months.

No such inspections were made of the 4-D's Motel.

State Fire Marshal Ray Blehm said "we'd dearly love to be able to fully comply with the law, but there's just no way" for his agency to perform regular inspections of all rural buildings that are supposed to be inspected.

So the law directs local fire districts or, if there is no fire district, the county sheriff to make such inspections under the state fire marshal's general supervision.

The Saltese-Deborgia-Haugen rural fire district is composed of two men — both part-time volunteers who have very little training in firefighting, and none in fire-prevention inspections.

The only requirement for membership is to show up once a month for the meetings, said the chief of the district, Joe Hauble of Haugen. Hauble is a retired Highway Department employee, not a professional firefighter.

He said he does not have the training or competence to inspect motel heating systems, and he said he was unaware of any law giving him that responsibility.

"I haven't been up to the (Saltese) school, either" to inspect, he said. "That would be up to the state fire marshal."

Fire Marshal Blehm said "it's not unusual for them (local volunteer fire districts) to be unaware of the statutory provision" requiring local fire districts to conduct the inspections.

The 4-D's Motel was inspected several times over the years by

state Health Department sanitarians. They gave its management high marks for cooperativeness and cleanliness. But they didn't check the propane heaters.

"In my last inspection I didn't see anything that was grossly out of the ordinary," said Scott Church, the Missoula County sanitarian who until recently doubled as sanitarian for Mineral County.

"I found the people (the Bears) very cooperative, and for the age of the facility, they kept the motel very, very clean," Church said.

Earlier inspections by other sanitarians throughout the years found nothing wrong either.

Some sanitarian inspection forms in the 4-D's file have places to check off compliance with such items as "heaters safe, properly vented," "vent stacks clean," "heating plant enclosures properly fire restrictive" and even "deodorizers not used in rooms with fuel-burning heaters."

But sanitarians are public health professionals and are not trained or equipped to inspect heating systems, said Church.

Stan Strom, consulting sanitarian for hotels, motels and retirement homes for the state Department of Health and Environmental Services in Helena, agreed. His agency licensed the 4-D's motel as safe and sanitary.

"We license them (motel) as a public-health license," Strom said. "The sanitarians are not trained, equipped or intended to conduct a full-scale building codes inspection."

Even a trained fire-safety professional could miss an improperly installed heating appliance, said Fire Marshal Blehm.

"You go in and look and try and see the obvious, but there's no guarantee you'll see something like this," he said. "That's why people are required to get a building permit" before they make such changes.

But John Irgens, Colleen McMaster's brother, is not so sure the state inspecting and licensing systems adequately protect the traveling public.

"How can it happen? I would think that because Montana does rely so heavily on tourism ... it would be almost imperative that we have some kind of checking on this," he said.

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Fumes kill mourners, too

Furnace gas smothers family gathered in dead patriarch's home

MILWAUKEE (AP) — Edward Zarnow Jr. came from Australia to plan his father's funeral. Now other relatives must plan funerals for the son and two other family members who authorities say died from fumes from the same faulty furnace.

"It was a tremendous and gross loss of lives," Milwaukee County Medical Examiner Jeffrey Jentzen said Monday. "I think it makes everyone humble to see this type of disaster happen."

After the 89-year-old Zarnow died Wednesday, autopsy results revealed extensive heart disease and cirrhosis of the liver. The death was attributed to natural causes, and no toxicological exams were believed necessary, Jentzen said.

"There's not a medical examiner's office in this country that could have handled this case any differently," he said.

As relatives gathered for the funeral, they stayed at his suburban Greendale home.

Sunday morning, his niece, Audrey Brennan, called police when she telephoned the home and got no answer. An officer knocked on the door but got no response.

Hours later, Mrs. Brennan called police back to say she had found the three bodies in the house.

"My wife could have been there, too," her husband, Frank, said Monday evening from their Milwaukee home. "She was supposed to pick them up. Then the others said they would do it. They were going to pick them up at the airport and then stay at the house."

Jentzen confirmed Monday that carbon monoxide poisoning killed Edward Zarnow Jr., 57, of New South Wales, Australia; Zarnow Jr.'s 37-year-old niece, Karen S. Martin of Marshfield

and her husband Michael, 38.

Zarnow Jr.'s wife, Rebecca, 56, was in critical condition Monday night after treatment in a hyperbaric chamber, according to a nursing supervisor at St. Luke's Hospital.

Jentzen said further tests on the elder Zarnow's body showed he too died of carbon monoxide poisoning.

"This was a very rare and unusual case because of the circumstances and the loss of lives," Jentzen said.

After the bodies were discovered, investigators found the gas furnace's regulator was not properly adjusted, causing too much gas to go into the furnace.

TO WHOM IT MAY CONCERN.

WE ARE EXTREMELY
NOT IN FAVOR OF PURPOSED
H.B. 539, MAKING IT
MANDATORY FOR ANNUAL
INSPECTION OF ALL RENTAL
UNITS AT THE LANDLORDS
EXPENSE.

FEB. 8, 1989

Don Tucker
Dennis Tucker
Vaughn Tucker

921. 4th Ave North
Great Falls, Mt
February 8, 1989

To Whom It May Concern:

I am very definitely against proposed house bill 539, making it mandatory for annual inspection of all rental units at landlord's expense.

Renters have the responsibility to report repairs needed and property owners are anxious to protect their investment.

Also, insurance companies do a very thorough inspection of rental property and owners have to comply for insurance purposes.

Therefore proposed bill 539 would be a duplication. I urge that you give consideration to the personnel, office space, office equipment and vehicles

(2)

that would be necessary
to implement this proposal.
Montana would need several
offices, considering our area.

At a time when we are
trying to keep costs down, do
we need and want more
bureaucracy? All costs are
eventually passed on to the
consumer, if the business
is to remain viable. And
the consumer in this case
is the renter.

Very truly yours,

Cecilia Kincaid
Great Falls Chapter

Feb. 8, 1989

to whom it may concern.

That proposed
House Bill 539,
making it mandatory
for annual inspection
of all rental units,
at landlords expense.

I think that the
average of us landlords,
have enough expense,
keeping up our property
in a good liveable
condition, for the rent
we get.

Therefore if more
expense is imposed
upon the landlords,
rents & bonds will
have to be raised;
which poses more

hardship on tenants also. We always make all repairs or replacement of worn out appliances etc., as soon as tenant reports it to us. Besides making our own inspection every month or so.

With taxes and insurance as high as they are, no more expense can be tolerated.

Some landlords might have to have this control, to get them to keep their property in good repair. But it certainly would be a hardship on those

of us that keeps
everything in good
condition at all times,
therefore I believe
it would not be a fair
assessment at all.

Besides there is,
all too often, that the
bond does not cover
all the damages that
the tenant left behind
which is just more
expense we have to
absorb. therefore I am
definitely opposed to HB

539
Landlord,
George A. Jones
2415 - 3 Ave. So.
St. Falls, Mt.
59405

their responsibilities. Landlords already have enough headaches with ever rising taxes, insurance costs and utility increased costs. My advice to whom ever is pushing this issue, is to place yourself in our position and then see how you would react to such a proposition. For your information we have to and are required to keep all of our units in A-1 condition through out.

Mr. Mrs. Larry Schuetz
2509 Central Ave
Mt. Falls, Mont 59401

February 8 - 1989

The Legislature Committee

To whom it may concern -

As paid up members of the Landlords Association my wife and I are very much against the proposed H.B. 539 making it mandatory for annual inspections of rental units as per all utilities at the landlord's expense. We are already told who we can rent to as per discrimination against all different types of renters. Why should we as landlords be subject to the destruction of our property over and above the required damage deposit.

We are also against the proposal of having to pay interest charges on deposits. I am also very much against the idea of landlords being required to be responsible for utility bills of said tenants who skip out on
OVER

B+P Properties

2027 1st Ave. S.W.

St. Paul, MN. 55404

To whom it may concern,

I am against proposed HB 539. making it mandatory for annual inspection of rental units at the landlords expense. The landlord would be discriminated against by this bill.

The landlord is already shouldering increased costs in many areas, utilities, insurance and taxes. In my opinion the majority of the landlords are responsible individuals who insure their properties are safe in areas such as gas lines and electrically. They would be jeopardizing their investment if they were not responsible in such areas. - Sincerely,
Sharon Puffrey.

#19-20th St So
Great Falls Mont

Feb. 8, 1989.

Dear Sis:

I am apposed to
House Bill #539.

It will force me
to raise the rates
I charge my tenants.

I can not see
when it will do
any good.

All prospective
tenants are able to
check out anything
they may want to
rent.

Franklin Davis

To Whom it may Concern:

We are against proposed
HB 539 making it mandatory
for annual inspection of all
rental units at Landlord's expense.

It seems absolutely unhear-
of to have such an annual
expense because of a few
disgruntled renters. Do they
realize it may increase their
rent?

Mr & Mrs Gil Stockinger

617-11th St. North
Great Falls

For one it concerns;

I am against
proposed H. B. 539.

Making it mandatory for annual
inspection of all rental units at
land lords expense.

Before a land lord rents, that
property is in a one shape. It
is up to the renter to pay
for any damages after or while
renting

Mary T. Janickel

been written humbly and without much
consideration for landlords or tenants.
I sympathize with Janet Moore's problem
in January, but am surprised in the
article I read that she didn't seek
assistance from her landlord or the
local power and gas company. They have
someone on call at all times, with no
charge to her, the tenant. Janet, we try
very hard in every way to help our tenants
with all problems.

Again, we encourage you to consider
not supporting HB 539

~~Martin Law~~

Cheryl Law

PO Box 2204

Great Falls, MT 59403

2/8/89

To Whom It May Concern:

I am writing opposing HB 539 making it mandatory for annual inspections of all rental units at the landlord's expense.

My husband and I have always felt that if our tenants have a problem with something they should let us know. We pride ourselves on rectifying the situation immediately. These problems should be taken care of through the parties involved and not by a state mandate. If so, the state should be supplying the personnel to do these inspections at no expense to the landlord. After all, the state is the one who wants these done annually.

I'm speaking with a contractor he said he wouldn't do these inspections because of the liability involved. He says he can't know what wiring problems may exist inside walls and wouldn't sign a notice not knowing what was there. How many landlords know what are in their walls if they didn't build or buy new?

The added expense to do these inspections would have to be passed on to tenants, since we as landlords are not in business to lose money, we hope you realize this it wouldn't matter if they were low income or not.

We really believe this proposal has

TO WHOM IT MAY CONCERN -

BE ADVISED THAT I AM TOTALLY
AGAINST PROPOSED H.B. 539
MAKING IT MANDATORY FOR
ANNUAL INSPECTIONS OF RENTAL
UNITS AT THE LANDLORDS EXPENSE
ALL THIS WILL DO IS DRIVE UP
RENTS AND CREATE OVERCHARGING
BY UNSCRUPULOUS PEOPLE IN
THE POSITION OF INSPECTION AND
ULTIMATE REPAIR AND REPLACEMENT
I WOULD SUGGEST A LOCAL BOARD
BE SET UP TO ACCEPT LEGITIMATE
COMPLAINTS BY TENANTS WITH A
COURSE OF ACTION LAID OUT
TO RECTIFY ANY REASONABLE
COMPLAINT.

James R. Neim
939 1/2 FAIR ADDITION
GREAT FALLS, MT.
59402

February 8th: 1989.

To whom it may concern;
We are
opposed to House Bill No. 539,
proposing to make it mandatory
for an annual inspection
of all rental units, at the
landlord's expense.

We feel
that all should not be
victimized for one person's
error.

Yours truly

Robert R.

Kileen Porter

Great Falls Montana
February 8, 1989

To whom it might concern,
We are against proposed
C.H.B#539 making it mandatory
for annual inspection of all rental
units at landlords expense.

To have an annual
inspection will consume lots of
time and expense. It might
involve many trips to each
apartment. We landlords can
not afford more expense, because
increase in rent is way behind
increases in building, taxes,
insurance, utility and others.

If tenants want more service
they have to expect to pay for
it.

Torgeir Hundseid
Elsie M. Hundseid
1709-12 ave So.
Great Falls, Mt. 59405

2-8-89

To Whom It May Concern:

We are against the bill for annual inspection of rentals. We feel it is an added expense that will have to be passed on in the form of higher rents. It is not fair to good tenants and good landlords.

If there is any type of problems, we feel the tenant should contact the landlord immediately, then the landlord can look into it.

Sincerely,
Don Kugler
Agnes Kugler
801 B Central Ave W
Great Falls, Mt
59404

The Pines Apartments

1701 20TH STREET SOUTH
GREAT FALLS, MONTANA 59405

(406) 727-8181

TO Montana State Legislature

DATE 2/9/89

RE Proposed House Bill #539

MEMORANDUM

I am very much opposed to proposed House Bill #539 requiring mandatory annual inspections of all rental units at the Landlord's expense. I feel that this would be costly (and the costs would be passed on to tenants in increased rents) and that it would be very hard to administer. It seems that it would take a bureaucracy to administer this to make sure the law was being followed. I also think that it would end up that the larger apartment complexes such as ours (we have 82 units) would be the landlords that would be investigated and the smaller units where the problems of safety usually occur would not be checked up on. The problems would still remain in spite of the increased costs.

Thank you.



Lois Archer, Manager

PETITION TO DEFEAT HOUSE BILL #539:

We the undersigned would like to defeat House Bill #539 pretaining to all rental units being inspected annually by a licensed plumber and electrician to insure safety. We are opposed to this house bill for the following reasons:

- 1.) Too costly to have completed, administer and inforce.
- 2.) Will result in many units being taken off the market.
- 3.) Who will administer the paperwork to make sure this law has been done?
- 4.) Will plumbers and electricians want to sign a statement to the safety of a unit as they could be held liable.
- 5.) This will be an overkill for the good landlords.
- 6.) Landlords will have to raise rents in order to cover the costs of these inspections; thus resulting in a greater financial hardship to the low to moderate income tenants.

SIGNATURE	PROPERTY NAME & ADDRESS	# OF RENTAL UNITS
Judy Peterson	Property Supervisor - Buckhorn Est. P.O. Box 1643 Mt. Falls, Mt. 59403	510 Units
Carol Agrison	Blanco Nelson/O'Neil Rentals, 2025-2027 Smelter Ave. Black Eagle, MT. 59414	7 units
Marilyn Zenger	Mather Realty 1901 10 th Ave So. Great Falls, Mt.	25 Units
Gisela Archer	Prosser Co. 1701-2027 So.	82 units
Gisela Archer		
Thomas Hall	Halls apt. 1609 12 th Ave No.	6 units
Edward B. Walters	Open Village - 3010-1126 Ave. So., Mt. Falls, Mt.	60 units
Pet Lapstaker	Testa Villa - 100-7 th St. So. Great Falls, Mt.	90 units
Eugene H. Carney	A.T. KLEINOWS INC. 814 12 th St. N. GREAT FALLS, MT	-
Donald B. Clark	1113 5 th Ave. GREAT FALLS, MT	1
Richard [unclear]	OMNI MARKETING Co. Falls 1320 9 th St. So	
		1012 rental units

Petition against H.B. 539

Reasons:

1. Is redundant. Safety is already covered by existing laws.
2. Costly to administer
3. Will undoubtedly raise rent
4. Discriminates against Conscientious Land lord.

Sign

1	Lola Meade	15	Outerson
2	Jin Meade	16	John S. Anderson
3	Cecilia Kincaid	17	Ed Walters
4	Gleswick Gordon	18	Dyane B. Datter
5	George B. Eusterman	19	Ally B. Shaw
6	Sharon Puffrey	20	Robert V. Conley
7	Mrs Joe Patera	21	Marlin W. Wilke
8	Cecelia J. Harmon	22	Beth A. Wilke
9	Chuter Hartelius	23	Shirley A. Christofferson
10	Mrs Mrs. Hil Stockinger	24	Mary T. Janikula
11	Franklin Daves	25	Charmayne Hill
12	Pat Waneburg	26	H. Faye Carter
13	Dell Carpenter	27	Quinty M. Schmitt
14	Helen Baker	28	L. L. M. Mean O.

- 29 Peggy Blyth
- 30 Russ Joopier
- 31 Christine Maillet
- 32 Richard Long
- 33 ~~John L. Lischer~~
- 34 David S. Clark
- 35 ~~John L. Lischer~~
- 36 Patricia A. Bueling
- 37 Donald A. Bueling
- 38 Penny W. McCall
- 39 Mark Klemencic
- 40 Donald J. Love
- 41 Susan M. Love
- 42 Jim Linn
- 43 Lois Linn
- 44 Kay Linn
- 45 Joseph Papp
- 46 William F. Marak
- 47
- 48
- 49
- 50

TO WHOM IT MAY CONCERN:

I AM AGAINST THE PROPOSED
HB 539 MAKING IT MANDATORY
FOR AN ANNUAL INSPECTION
OF ALL RENTAL UNITS AT
THE LANDLORDS EXPENSE,

THERE ARE ALREADY SUFFICIENT
LAWS MANDATING CONDITIONS
OF RENTAL UNITS. THE PASSAGE
OF ONE MORE ONLY ADDS TO
THE CONFUSION OF BUREAUCRATIC
INTERFERENCE IN WHAT IS
SUPPOSED TO BE A COUNTRY
FOUNDED ON FREEDOM.

THE MORE RESTRICTIONS YOU
PASS THE LESS FREE EVERY
ONE OF US IS. THE EXISTING
LAWS ARE SUFFICIENT; ENFORCE-
MENT OF LAW IS THE PROBLEM.
NOT PASSING MORE TO ADD
TO THE BURDEN WE ALL BEAR.

SINCERELY,

W. Marsik
William Marsik

119-20 ST

BLACK EAGLE MT 59414

To whom it may concern

We are opposed to proposed
H. B. 539, making it mandatory
for landlords to have their
units inspected once a year.

The only way possible to
be able to afford this is to
increase my rents and I
don't want to do this.

Thank you for your
consideration +

Linn
Dellie Busch

1900 7th Ave North
Great Falls, Mt 59401

Feb 9, 1989

To whom it may concern;

In reference to H.B. 539 I wish to say that I am opposed to this because of several reasons:

1. We already have laws covering safety
2. This will end up raising rent costs for renters.
3. City codes and HUD requirements already take care of the problem, they just need to be enforced.

vote no on H.B. 539.

Sincerely,
Jim A. Super

2/9/89

Reference HB 539

To Whom It May Concern:

I urge you to defeat HB 539 proposed bill to force landlords to have a mandatory inspection by city or state, of rental property at the landlords' expense for the purpose of the tenants' approval.

This is an unfair expense to the landlord which would obviously have to be passed on to the tenant in the form of higher rent and higher cost of occupancy.

James A. Johnson

James A. Johnson
3800 7th Avenue South
Great Falls, MT 59405

Feb. 17, 1989

To Whom it may concern,

We are against HB 539, making it mandatory for annual inspections of all rental units at the landlords expense. This added expense to the landlords would only be passed to the renters by higher rent. The existing laws making rentals safe seem to be more than adequate.

Please vote against HB539.

Thank You.

Mr. & Mrs. Donald Loose
129 Morrilyn Dr.
Great Falls, Mt 59405

3501 1st. Ave. No.
Great Falls, Mt. 59401
9 February 1989

To Whom It May Concern:

I AM AGAINST PROPOSED
HOUSE BILL 539 MAKING IT MANDATORY
FOR ANNUAL INSPECTIONS OF ALL
RENTAL UNITS AT THE LANDLORD'S
EXPENSE.

Diana Hill

3501 1st Ave. No
Great Falls, Mt.
9 February 1989

To Whom It May Concern:

This letter concerns House Bill 539.

My owning and renting a duplex is my private enterprise, and as such free choice is involved. The tenant makes a conscious, free choice as to where he chooses to live. I make a deliberate free choice to whom I rent.

If a problem with maintenance should arise, I freely assume the responsibility to resolve the situation.

This is an individual concern, involving only my tenant and me. I do not run federal housing or receive any kind of federal, state, or county support. Therefore, and beyond and above that, I cannot tolerate any such legislation which interferes with my private enterprise.

Sincerely,
Diana Hill

February 9, 1989

Ref: Proposed House Bill 539

To Whom It May Concern:

This letter is in reference to proposed House Bill 539, Annual Inspection of all Rental Units at the Landlords Expense. For the record, we as rental property owners are AGAINST this Bill! This Bill will only increase the total operating expenses to an already high nonprofit endeavor, and the added expense of inspection will most certainly be passed on to the tenant. We try to keep our rents within reason for our tenants, but with property taxes, water, sewer, garbage, along with normal property repairs forever on the rise, this will be another straw to break the camels back.

We also realize that not all property owners keep their properties in good condition, but do not feel that their neglect should be passed on to those property owners who do. We also believe that many tenants and prospective tenants overlook that it is their responsibility to inspect rental units before moving into them. If the unit is not in satisfactory condition at that time the tenant should not move into them.

FOR THE RECORD----CAST OUR VOTE----NO!!!

Sincerely,

Mark and Judy Klemencic

Mark and Judy Klemencic
1516 18th Avenue South
Great Falls, MT. 59405

2-9-89

To Whom It may Concern:

I am apposed and against
the proposed H.B 539 making
it mandatory for annual
inspections of each rental
unit at the landlords'
expense:

Why should all the good land-
lords be saddled with such
a regulation when the exist-
ing state law makes ample
provision for remedies between
landlords and tenants?

Sincerely,

Denny W. McCall
609 Carol Drive
Great Falls, Mont. 59405

TO WHOM IT MAY CONCERN,

I WISH TO VOICE MY STRONG
OPPOSITION TO BILL 539. AT THIS
TIME MONTANA DOES NOT NEED
ANY FURTHER REGULATIONS ON
LANDLORD TENANT RELATIONSHIPS. ANY
FURTHER REGULATIONS OR RESTRICTIONS
WILL FORCE ME TO RAISE RENTS
TO OFFSET COSTS AND EXPENSES
INCURRED AS A RESULT OF THE
SAID RESTRICTIONS. THIS IS NOT IN
THE BEST INTEREST OF MY TENANTS
OR MYSELF. PLEASE DO NOT ENDORSE
THIS UNNECESSARY AND EXPENSIVE
LEGISLATION.

SINCERELY

Robert Bergman

2626 3 AVE S

GT FALLS 59405



RAYNES RENTALS
1609 Third Avenue North
Great Falls, MT 59401

TO WHOM IT MAY CONCERN:

We wish to take this opportunity to address House Bill #539, which attempts to require landlords to have mandatory annual safety inspections of their property at their expense. We wish to voice our opinion against this bill.

We are in the process of purchasing six buildings with multiple rental apartments in Great Falls. Our buildings are safety inspected annually by the Fire Prevention Bureau of the City of Great Falls Fire Department. Any violations found such as blocked exits, faulty wiring, furnace/boiler installations, gas lines, or other faults connected with safety or non-operating equipment, we, as landlords, are given a citation with corrections required, and a date for reinspection.

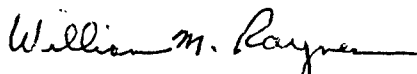
The second inspection is just as in-depth, or even deeper. It is conducted by our insurance company. Again, a qualified engineer from a Helena firm representing the insurance company, does an on-site inspection. If faults are found, a letter is sent to us, and a copy to the insurance company, requiring us to notify both as to when the corrections are made, so a reinspection can be performed.

We know that we are not the only landlords that this is required of. House Bill #539 would require us to pay for a third inspection from a state agency that does not have the background or incentive to protect the rentor or landlord, as we now have from the Fire Department and the insurance company.

Again, we raise our voice against proposed House Bill #539.

Sincerely,

RAYNES RENTALS


William M. Raynes

David S. Clark
4056 Ella Ave
Great Falls Mt.

To Whom It May Concern:

As a Landlord I am against H.B.539. This bill will cause me to raise my rent, because I am not willing to absorb the cost myself. I understand that there is a problem with slumlords but that is a problem for the renters to take up with the landlord not for the state to take up. This bill will cause rent to go up and only cause more hardship the lower income levels finding a decent place to rent.

A handwritten signature in cursive script that reads "David S. Clark". The signature is written in dark ink and is positioned above the printed name.

David S. Clark

Richard C. Enge
403 Smelter Ave. N.W.
Great Falls, Montana 59401

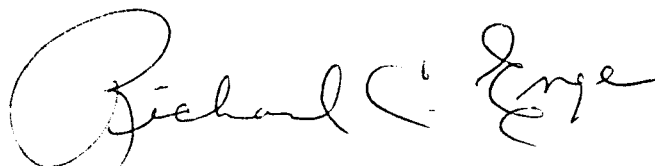
February 9, 1989

To Whom it May Concern;

I am writing against proposed House Bill # 539, making it mandatory for an annual inspection of all rental units at the Landlords expense.

Landlords are already required to keep their rental units in a condition making them liveable and safe for the tenants. I do not feel all landlords should be made to pay the expense of inspections just because some are not keeping their units up. Keep in mind that ultimately it will be all the tenants that will be paying for these inspections due to the increase in rents needed to pay for the additional expense of these inspections.

I feel the regulations now in existence should be enforced, tenants having problems can take steps already set up for them.

A handwritten signature in cursive script that reads "Richard C. Enge". The signature is written in dark ink and is centered on the page.

FISCHER BROS., INC.

P.O. BOX 1357 GREAT FALLS, MONTANA 59403 U.S.A. TELEPHONES 453-2918 ~~453-2918~~

FEBRUARY. 9, 1989

TO WHOM IT MAY CONCERN:

WE ARE VERY MUCH AGAINST HB 539 MAKING IT MANDANTORY FOR ANNUAL INSPECTIONS OF ALL RENTALS AT THE LANDLORDS EXPENSE.

THE MONTANA LANDLORD-TENANT LAW NOW PROVIDES FOR THE LANDLORDS TO PROVIDE A SAFE AND HEALTHY UNIT AND MAINTAIN THAT UNIT IN GOOD CONDITION. IT ALSO NOW PROVIDES FOR REMEDIES AND PENALTIES AGAINST ANY LANDLORD WHO DOESN'T ABIDE BY THE LAW.

THIS LAW WOULD BE JUST ONE MORE HEAD ACHE FOR BOTH LANDLORD AND TENANT, AND WOULD MAKE FOR HIGHER RENTS FOR THE TENANT TO PAY. ALL THIS JUST BECAUSE THERE ARE A FEW BAD PEOPLE WHO DONT KNOW THE LAW OR FAIL TO FOLLOW IT NOW.

THIS LAW WOULD BE A BAD LAW FOR BOTH LANDLORD AND TENANT. WE HIGHLY RECOMMEND REJECTION OF THIS LAW.

RESPECTFULLY YOURS,

FISCHER BROS., INC.
VERN L. FISCHER
SHIZUKO FISCHER
RODNEY G. FISCHER
KAREN K. FISCHER
DANNIE D. FISCHER

Vern L. Fischer
Shizuko Fischer
Rodney G. Fischer
Karen Fischer

FEBRUARY. (9, 1989

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KAREN K. FISCHER
DANNIE P. FISCHER

Vern L. Fischer
Shizuko Fischer
Rodney G. Fischer

R. JACQUES
400-10 AV SW
Gt Falls, MT 59404

LANDLORD: 8 Feb 89

HB 539

I oppose this bill as I feel it is
COVERED IN OTHER LAWS OF THIS LAND.

TO PASS THIS EXPENSE ONTO OUR RENTERS
WILL NOT CORRECT ITS INTENT AND CERTAINLY
FAILS THE 'DUCK TEST'.

Thank you - I will support your decision.

Russ Jacques

(406) 452-9239

2-9-89

To whom It May Concern:

House Bill 39 is not
advantageous for landlords,
inspectors or tenants.

This bill must be
defeated - in committee and/or
in vote.

Peggy Blythe

Angus Apts.



ADVANCE Property Management

708 NINTH STREET SOUTH, GREAT FALLS, MT 59405

Fred Sodomka
Office (406) 727-4850
Home (406) 453-9481

February 9, 1989

To Whom It May Concern:

On the evening of February 8, 1989, I was informed that there is proposed legislation being considered on Friday morning, February 10, 1989. This legislation is known as HB539.

Although I have not had the opportunity to review this proposal it is my understanding that if approved this bill would require annual inspection of furnaces by landlords. I encourage unfavorable consideration of this bill for the following reasons:

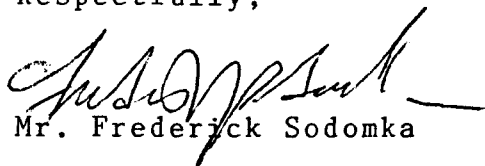
- 1) Significant expense will be incurred by the landlord if licensed shops are required to make the inspections. Rates would be 35 to 45 dollars per hour. If a carbon monoxide test is conducted it would add an additional cost. Some tests require two people to conduct.
- 2) Owners of rental property will pass this cost on to tenants. As a landlord and property manager I can without reservation assure you the cost will be passed to tenants. Being a rental property owner is a business and expenses must be covered and a reasonable return on investment realized. My estimate is that at least \$100.00 per unit will be added to the rent annually.
- 3) This would impose a burden on owners of rental property that is not even remotely approached by individual home owners. I do not have statistical data but I am certain the owner occupied homes and rental property furnaces must enjoy similar failure/repair rates.
- 4) As I have not seen the bill I don't know how the monitoring and enforcement is to be handled or how the property to be inspected will be identified. Also, who is to pay for the cost of administering the program?

If there is an additional "tax" or other revenue producing gimmick is made upon the owner of rental property this too will be passed on to the tenant. To someone who can afford a \$400.00 or higher rent an additional 10 to 20 dollars per month may be acceptable, however, for the many people renting in the \$300.00 or lower segment it will pose a much greater hardship.

- 5) What happens if the furnace fails one day, one week, one month or more after inspected and certified safe? Is this a "forced insurance" program which relieves the owner-manager of all liability? The current law requires the heating system to be properly maintained.

This seems to be another "emotional" bill which adds burdens without solving problems.

Respectfully,



Mr. Frederick Sodomka

To Whom It May Concern:

Please know that I am strongly opposed to HB#539 making annual inspections at the expense of the landlord mandatory.

I certainly believe that renters have enough laws protecting them and the property owners have almost none.

Please vote against HB#539.

H. Faye Carter
2313-5 Ave SW
Great Falls, MT 59404

February 8, 1989

TO: State of Montana, House of Representatives

RE: HB#539 - Mandatory Inspection of Rental Properties

We would like to express our opinion with regard to this proposed legislation. We do not feel there is a need for this proposal for these reasons:

1. such inspection is already available to a renter on a per case basis by a phone call to the city building inspector's office
2. the cost of annual inspections would have to be passed on to the renter as are other expenses, thus increasing the cost of renting property substantially, thereby making it even harder to keep rental costs within the range of low-income people.
3. the danger of creating yet another bureaucratic entity for landlords and renters to deal with
4. buildings under purchase contracts with HUD or FHA have already has such inspections and passed

We are opposed to this proposal-- HB #539.

Thank you.

Don & Pat Bueling

Mr. and Mrs. Donald Bueling
3125 4th Ave. South
Great Falls, MT 59405
453-0647

Re: - HB 539

427-9th Ave. S.W.
Great Falls, Mont. 594

Feb. 9, 1989

I am very much opposed to HB 539,
Mandatory Inspections of Rentals.

This would be very discriminatory against
good Landlords. By adding inspections to their
expense, it will be passed on to tenants.

HB 539 will just add more responsibilities
and laws to cities that already have laws
to get after Landlords & even Property Owners
who do not abide by the codes.

HB 539 could be used by Bad Tenants
to harass a good Landlord.

Sincerely

Lecelia Harmon

2-9-89

To Whom it may concern!

I am against the proposed house bill # 539 - making it mandatory for annual inspections of all rental units at the landlords expense

Thank You.

Dell Carpenter

1505 First Ave. So.
Great Falls MT 59401

February 8, 1989

To Whom It May Concern :

It has come to my attention that a bill is being proposed to come before the Montana House of Representatives that would burden the landlords of every rental unit in Montana with the cost of mandatory annual rental unit safety inspections of gas piping and appliances (such as furnaces), electrical wiring and appliances, and water piping and water operated units (such as toilets). The alleged purpose of these inspections would be solely for the protection and well being of the renter.

I am against proposed House Bill 539 making mandatory for annual inspections of all rental units at landlords expense for the following reasons:

a. The renter has a self-preserving responsibility to report any unsafe condition in his rental unit to his landlord for immediate correction. An annual inspection of his unit for unsafe conditions would not uncover any unsafe conditions as timely action by the renter would have already provided correction.

b. The high cost of qualified inspectors who would perform these mandatory inspections would be passed on to the renter in the form of an increased rental rate. This means that all rental rates in the State of Montana would increase because of the mandatory inspections and would result in a very unnecessary and unfair financial burden on the majority of Montana renters who are against HB 539. The renter would suffer financial loss if HB 539 is passed into law. For the protection of all renters in Montana HB 539 must be defeated.

Robert W. Vintner

2-9-1989
Great Falls, Mt.

To Whom it may Concern

I would like to voice my opposition to proposed HB 539 calling for annual safety inspections of rental residences.

This proposal will just add another cost to rental housing that people can ill afford to pay. The paperwork connected to this proposal will be a very expensive procedure.

Proposed HB 539 will be a windfall to heating contractors or inspectors and a nuisance to owners & tenants who have to arrange for time to allow inspectors into homes.

As currently proposed this bill discriminates against one class of homes, namely rental residences. I feel if inspections are necessary that all residences in the state must be inspected.

Thank you for a No Vote
Marlin W. Wilke
Beth A. Wilke

February 9, 1989

To Whom It May Concern:

As a Montana Landlord, I am against proposed house bill #539, making it mandatory for annual inspections of all rental units at the Landlords expense.

Being a conscientious Landlord, I keep both of my rental units in excellent repair at all times and have a very good, working relationship with both my tenants. If a problem does come up, it is taken care of immediately.

I feel that passing a bill of this nature would put an undue financial burden on those of us who are fortunate enough to own a little property.

Sincerely

Shirley Christofferson

ERK VERSEN
ARCHITECT

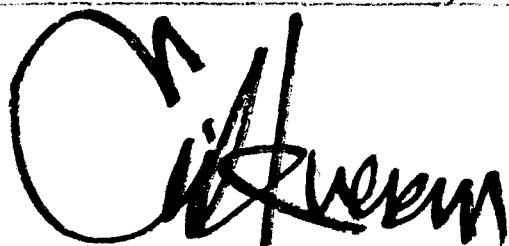
P.O. BOX 7067
GREAT FALLS, MONT. 59406

TO WHOM IT
MAY CONCERN,

THIS LETTER IS TO EXPRESS
MY EXTREME OPPOSITION TO HOUSE
BILL # 539. WHICH WOULD REQUIRE
ANNUAL INSPECTIONS ON ALL RENTAL
UNITS AT THE LANDLORD'S EXPENSE.

THIS IS UNNECESSARY, COSTLY
AND HELPS TO MAKE MONTANA A
WORSE PLACE TO DO BUSINESS,
RATHER THAN BETTER,

SINCERELY,


9 FEB 89

Jim
Meade

CERTIFIED PUBLIC ACCOUNTANT

2901 1st Avenue North, Great Falls, MT 59401 (406) 727-2762

February 9, 1989

TO: Montana State Legislators

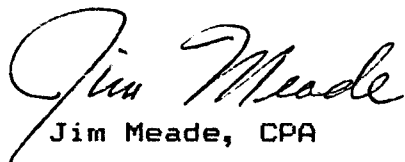
RE: HB 539 Inspection of Rental Units

It is my considered opinion that Montana has an overabundance of "Big Brotherism" already...to the point that business folks find it increasingly difficult to do business in the State.

HB 539 is another example of the reasons why we have a net out-migration of citizens.

We don't need it!

Sincerely,


Jim Meade, CPA

JM/t

February 9, 1989
1004 10th Ave. N.W.
Great Falls, MT 59404

TO: WHOM IT MAY CONCERN

I am opposed to the passage of HB 539. The cost incurred for inspection would be prohibitive and that cost would need to be passed on to the consumer. Rents are already high priced and would make it all the more difficult for families to have affordable rentals.

Costs are very high for operating rental units. We are operating on a very minimal profit margin. Additional and exorbitant costs could drive landlords into bankruptcy.

I believe that current Montana statutes regarding landlords and tenants addresses the need for housing to be maintained in a safe and non-hazardous condition.

HB 539 should be defeated.

Sincerely,



Duane D. Dockter
Landlord

February 8, 1989

TO WHOM IT MAY CONCERN

We are very much against HB539 making it mandatory for rental property owners to have their rental properties inspected each year.

Laws are already in place with reference to care and safety on rental units.

Without certified state inspectors, this bill is unconstitutional.

Elsie and Vincent Miranti

Elsie & Vincent Miranti

272 Eden Road
Great Falls, MT 59405
February 9, 1989

HOUSE BILL 539

I would like to request defeat of this bill in regard to requiring annual inspections of rental property. There already is an existing law that a unit has to be safe to rent, this law would in effect be a duplication of one already in effect.

Requiring annual inspections would be an added cost to the landlord and would have to be picked up with a rent increase. As it is now, our Board of Housing in Great Falls inspects all rental units before it will allow a landlord to rent to a tenant receiving subsidized rent.

Also, if a prospective tenant feels that the rental unit is not satisfactory, I would think that they would have the choice to rent a different piece of property.

Costs keep going up all the time, please do not add this increased expense that is not necessary.

Submitted by

Charmayne Bell

Charmayne Bell

TO WHOM IT MAY CONCERN:

I AM THOROUGHLY AGAINST HOUSE BILL 539 WHICH WOULD MAKE IT MANDATORY FOR ANNUAL INSPECTION OF ALL RENTAL UNITS AT A LANDLORDS EXPENSE.

THOSE IN FAVOR OF SUCH LEGISLATION FAIL TO REALIZE THAT THOSE COSTS INCURRED COULD AND WOULD BE PASSED ON TO TENANTS AND PUBLIC - IN - GENERAL BY INCREASED SECURITY DEPOSITS AND RENTS.

Robert V. Conley
1114 5th Ave. S.
Areat Falls, MT. 59405

P. O. Box 264
Great Falls, MT
59403

February 9, 1989

TO WHOM IT MAY CONCERN:

Re: HB 539

(Annual Inspection of Rentals)

I am against this bill for several reasons. In the first place, it would duplicate laws already enacted to protect the tenant. Also, landlords are fully cognizant of problems engendered by the suit-prone public, and are sensitive to any threat to health or safety of renters. Therefore, such inspections are unnecessary and will put a financial burden on landlords that will simply be passed on to tenants.

The proposed legislation does not include a plan to provide qualified teams to make these inspections. Individual inspections of gas lines, water lines, electrical systems, etc., would impose extremely prohibitive expenses.

HB 539 can only escalate costs for both landlord and tenant.

Very truly yours,



Doris G. Anderson

February 8, 1989

To Whomever This May Concern:

We are writing to you in reference to the proposed House Bill # 539. Regarding annual inspections of all rental units at the Landlords expense.

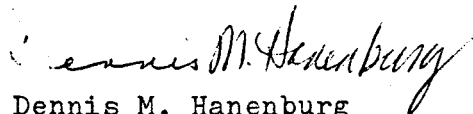
The following reasons are why we are against this proposed bill:

1. Many of these situations are already covered by building codes and previous tenant laws.
2. It is not enforceable.
3. There are many rental units that are not zoned or even being properly taxed as rentals - so who knows how many rentals there are - and how many will be inspected? This wouldn't be fair to the legitimate landlords.
4. And the extra costs for this inspection will be passed on to the tenants one way or the other.
5. This is just another unnecessary law as there are already preexisting laws covering all these situations.

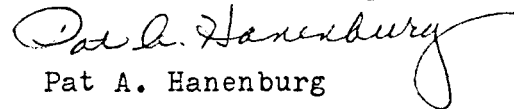
We would like to know who is going to do the inspections? How are these people qualified? And who is going to oversee this entire process?

Thank you for your time and consideration in this matter.

Sincerely yours,



Dennis M. Hanenburg



Pat A. Hanenburg

615 - 9th Ave. SW
Great Falls, MT 59404
Phone # 452-4942

To whom it May Concern:

I am apposed to Proposal H.B. 539, making it manditory for an annual inspection of all rental units at the Landlords expense.

This kind of a proposal would force all Landlords to raise the rent on their units, and this would make it a real hardship for those who are renters.

Yours truly,

Ed Patena

3720 - 7th Ave. No
Great Falls, Montana
59401

To whom it May Concern:

I am apposed to Proposal
H.B. 539, making it manditory
for an annual inspection of
all rental units at the Landlord
expense.

This kind of a proposal
would force all Landlords to
to raise the rent on all their
units and this would make
it a real hardship for those
who are renters.

Yours Truly,

Mr & Mrs. Joe Patera
904-7th Ave, No.
Great Falls, Montana
59401

To Whom It May Concern:

I AM THOROUGHLY AGAINST HOUSE BILL #539, MAKING IT MANDATORY THAT ALL RENTALS BE ANNUALLY INSPECTED AT THE LANDLORDS EXPENSE.

THOSE IN FAVOR OF SUCH LEGISLATION FAIL TO REALIZE THAT ALL COSTS INCURRED, INCLUDING HIGHER TAXES FOR SUBSIDIZED HOUSING, WOULD BE TRANSFERRED NOT ONLY TO TENANTS BUT TO THE GENERAL PUBLIC.

Delroy B. Shoop
1114 5TH AVE So
GREAT FALLS, MT 59405

Geo. B. Eusterman, Jr. M.D.
2825 1st Avenue North
Great Falls, Montana 59401

2/8/89

Montana State Legislature
Helena, Montana

Gentlemen;

Please see that H.B. 539 is defeated. It is a bad bill, unfair and unnecessary. Landlords as taxpayers and property owners have problems enough venting to the public in general.

Inspections by incompetent people will complicate problems even more so. Expenses will soar and so will the price of venting.

Dissatisfied renters should look elsewhere. My wife and I made sacrifices to buy a small house to rent and augment our retirement income. Perhaps we should sell, along with other landlords, greatly reducing the venting market.

I therefore oppose H.B. 539.

Thank you

Geo. B. Eusterman, Jr. M.D.
Montana State Legislature

Feb 9, 1989

To Whom it may Concern;

H.B. 539 is redundant to the laws already in effect. Please read the Mt. Landlord tenant Law Bk. wherein safety measures are covered by law.

I am against H.B. 539.

Viola Meade
2901 1st Ave. N.
Great Falls, Mt.
59401

Mr. & Mrs. Morris F. Johnson
3241 7th Avenue South
Great Falls, Montana 59405
February 8, 1989

To Whom It May Concern:

This is to inform you that we are against proposed House Bill 539 which would make it mandatory for annual inspection of all rental units at the landlord's expense.

House Bill 539 would be a hardship on the landlord and tenant and an unnecessary extra expense.

Yours very truly,

Morris F. Johnson

Patricia A. Johnson

Morris F. & Patricia A. Johnson

2-08-89

To whom it may Concern:

I AM OPPOSED TO PROPOSAL HB539,
MAKING IT MANDATORY FOR ANNUAL INSPECTIONS
OF ALL RENTAL PROPERTIES AT THE LANDLORDS
EXPENSE.

I take care of my property AND I
THINK MOST LANDLORDS DO. PUNISH THE
ONES WHO DON'T WITH THE BURDEN OF
EXTRA EXPENSES - NOT THE LANDLORDS WHO
ALREADY CARE FOR THEIR UNITS.

Jay Bozeman Helm
1705 5th Avenue South
Great Falls, Md 59405
452-8740 h977
727-2970 wk

2/8/89

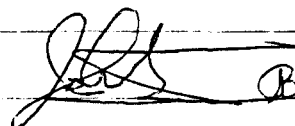
To Whom It May Concern:

I am writing this letter opposing House Bill 539. I don't feel that all landlords should have to take the "rap" for what one bad landlord has done.

I don't like the idea of inspections of my property by anyone. I take care of my own business and I feel that every landlord has a responsibility to his tenants and his property. If a landlord does not keep up the property, he doesn't deserve any renters at all. If the landlord won't make repairs, the renters can move out and find a better place to live rather than cause problems for all landlords.

I cannot see any reason for the Legislature to spend any time on House Bill 539.

Thank you,


Bonnie Sturgeon
121-2nd Street N.W.
Great Falls, Mont.

59404

February 9, 1989

Douglas and Karen Wicks
2127 4th Ave. South
Great Falls, Montana 59405
(406) 761-4966

To Whom It May Concern,

We are very much against proposed HB 539 making it mandatory for annual inspections of all rental units at landlord expense.

The proposal might identify a small number of sub-standard units, but the ultimate and unfortunate result will be higher rents for all renters, and probably less units available in the lower price range.

We endeavor to keep our units safe and well maintained, and try to be responsive to the concerns of our tenants. Our tenants are told to bring problems to our attention as soon as they develop, because they are generally cheaper to repair at an early stage and don't involve secondary damage. Imposing a mandatory inspection of systems at our rentals would just add another hundred dollars or so to our spiraling expenses. The few "slumlord" types that let their properties deteriorate are going to get around it anyway, and I think it is just going to end up costing landlords, and thus renters alot of money for no benefit.

If I don't provide the type of environment that my renters desire, then they are free to give me notice and seek grander quarters. My guess is that it is renters who are on various forms of assistance, and thus not really free to move away from unpleasant surroundings, that HB 539 seeks to protect. If so, I think it is the duty of the agencies that pay the rents of those persons to determine safety and quality of the units. They have the power of the check, just as my hard-working tenants have over me.

To put various inspectors on the line should they approve electrical wiring which later causes a fire, or plumbing which later floods an apartment, is just creating too many legal backwaters. Uniformity of inspections is another big problem.

HB 539 is impractical, will have the result of reducing the number of rental units available (especially in the more affordable range), and increasing the rents of the rest, as we will have to pass this expense along. WE STRONGLY URGE YOU TO VOTE AGAINST HB 539.

SINCERELY,

Doug and Karen Wicks

1003 4th Ave N
Great Falls Mt
59401
(727-6710)

To Whom it May Concern,

I am opposed to HB. 539.
It would add an extra expensence
that I could not afford. Because
of one landlords mistake all
landlords should not suffer.

Wm. J. Hicks

Richard and Ramona McDunn
512 First Ave. S.W.
Great Falls Mt. 59404

To Whom It May Concern:

It has been brought to our attention that there is a bill being proposed to have rental property inspected on a yearly basis and transfer this cost to the landlords.

We take pride in our property and try to do our best to keep things in a workable order. Our landlord-tenant communication is good. I do not believe we need laws to tell us that our property needs work. If this bill is passed, the cost will have to be transferred to the tenants. Also, the people who cannot afford to pay very much for housing will find there will be nothing within their budget. This will not do anyone any good.

There is also the issue of who will certify our property as measuring up to standards (and what standards). I do not think many contractors will be willing to stick their neck out. This could open up new liabilities.

Please consider how the adversities of this proposed bill would affect all parties involved before voting. Thank you for your attention to this issue.

Sincerely,

A handwritten signature in cursive script that reads "Richard and Ramona McDunn".

Richard and Ramona McDunn

February 9, 1989

TO WHOM IT MAY CONCERN:

We are against the proposed HB 539, making it mandatory for annual inspections of Heating and Plumbing in rental units at Landlord's expense..

It is the obligation of the Landlord to provide safe heating and plumbing even without an inspection. It would be a discriminatory act imposed on conscientious Landlords who do maintain their premises as against those who are irresponsible to their tenants.

This would also add inconvenience as to time and expense which would be passed on to the renter. Because of a few Landlords who are poor business operators, the majority of good Landlords would suffer with unnecessary expense.

It is not fair to tenants who will bear the added monthly increase of this annual inspection.

Sincerely

John and Frances Van Tighem
Three Units

John Van Tighem
Frances Van Tighem



February 9, 1989

TO ALL MONTANA STATE LEGISLATORS:

This letter serves to voice opposition to the proposed bill HB 539.

The Residential Landlord & Tenant Act of 1977 already requires Landlords to "maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities ..."

HB 539 would mandate major systems inspections whether they are suspect or not. Does it seem logical or practical that a residential rental unit built five years ago would pose a threat to a Tenant's well-being? It is surmised that a licensed inspector would only certify a system being safe and in good working order only as of the date on which the inspection was made. Are licensed inspectors willing to accept the liability for those systems which could prove faulty, hypothetically, 45 days later? Lastly, the bill would fail to "protect" the longer-term Tenant whose rental unit would not be subject to the major systems inspections.

If any Tenant has concerns about properly functioning major systems he should notify his Landlord in accordance with 70-24-406 and take appropriate action!

Respectfully submitted on behalf of the 75 Property Owners for whom I work-

A handwritten signature in cursive script that reads "Christine Maillet". The signature is written in black ink and is positioned above the typed name.

Christine Maillet
Broker/Owner

property management specialists

P.O. BOX 3232 • GREAT FALLS, MT 59403 • (406) 727-3960

February 9, 1989

TO WHOM IT MAY CONCERN:::::

As a landlord I object to the House Bill # HB 539.

It seems to discriminate against us to rent by the month apposed to those whom rent quarters by the night. If you permit a law like that you should make sure it is uniform to all -including motel and hotel owners as well.

Also, who will withstand another cost increase, - the tenant does not wish it - but who will pay for the expense of the inspection? What will the cost be - and who will set the fee? Also, where will the liability be? If someone makes an inspection and approves the unit and something goes wrong is the inspector liable/ and in some cases why not? Who can afford that type of liability?

It is unfair to attack and landlords for actions of a few of the those who run - rundown and inkept units. Those of us who try our best to keep units good-we still run into tentants who do not care to keep them in order, so it is surely not fair to listen to a few tenants who rent these type of units to begin with. They want to pay little rent - and get a perfect place to live - that does not go hand in hand. If a landlord places a great deal of expense into his place he wishes to obatin good tenants that can afford the rent and keep the place in good shape.

I do not beleive enough research has been done, alternative areas looked into before a law is thrown out and accepted to satisfy a few.

Perhpas a tenant should be more selective as to where they are willing to live and thus making the landloard fix up his units in order to obtain a renter.

With the masses in mind we should not let our emotions overrun our good judgment in the area.

I have been a landlord for over 20 years and have never turned over a bad unit to anyone, but I have surely received many bad ones back after the tenant has destroyed them for me.

Should there be laws for that? Should not that be some thing that is left to be worked out between the landlord and the tenant?

Repairs should be between the two parties - or move on, perhpas if the landlord who does not care to fix up his units should be without a tenant and he will get the message. Don't accpet the cheapest and thus the worst.

Trust that those who are looking at this bill will do it with other avenues in mind than to penalize those who try to take care of the property and keep the rent fair. Passing this will only increase rent.

Thank You

M. McGregor
4012- 3rd Ave. So
Gt Falls, Mt. 59405

To whom it may Concern:

Please be advised we are against HB 539 which is being submitted to make mandatory annual inspections of rental property.

The expense of such a law would increase rental rates which are already too high for some low income people. The landlord would not realize any profit if he had to pay for licensed contractors to do these inspections.

We would encourage more communication between the tenant & landlord - this would solve most of the safety problems which arise.

Please vote against HB 539.

Thank You,
Mr. & Mrs. John Nerison
Great Falls.

To whom it may concern:

We are against the proposed bill 539 making it mandatory for A annual inspection of all rental units at the landlords expence.

Sincerely yours,

Cliff Wadsworth

2-8-89

Great Falls, Mt.

Feb 9, 1989

To whom It May Concern.

Re: House Bill # 539

To Assembled Representatives.

It has been brought to our Attention that organizations representing low-income groups are trying to get a bill through the Legislature that would require Landlords to have their property examined by representatives of the Utility Companies . As you know if the landlords have this expense the rent will have to be raised to cover this.

I see no need for this when the "Condition of Premises is filled out and agreed to by both the Tenant and the Landlord as required by law at the time the tenant takes possession of the property. This bill would be just an added expense to the Landlord.

We took a rental off the market due to the Restrictions now in force. To force a Landlord to rent to people with children when their is an open stairway to the basement is ridiculous.

We are retired and don't want to be falling over childrens toys, and also the noise of loud music, etc.

We had counted on this extra income for our retirement but it isn't worth it to have tenants parking in our Driveway , playing loud music, leaving the lights on unnecessarily, etc.

I urge you not to pass this bill. You are discriminating against the Landlords if you if you do. We have our life-savings invested here.

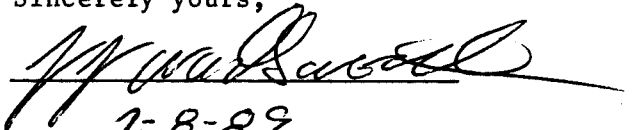
Yours truly,

Henry M. Baker
Helen M. Baker

To whom it may concern:

We are against the proposed bill 539 making it mandatory for A annual inspection of all rental units at the landlords expence.

Sincerely yours,


2-8-89

February 9, 1989

TO WHOM IT MAY CONCERN:

RE: HB 539 sponsored by Rep. Janet Moore, Condon

As we understand it this bill would provide that every rental unit must have an annual inspection by licensed contractors, for electrical installations, for plumbing and for major appliances.

We oppose this bill.

The cost of these annual inspections to be paid by owners of the property would undoubtedly run at least \$150 per unit annually. This means that the cost of this would be passed on to the tenants who would ultimately be paying for them. Especially on low rent units ~~xxx~~ this would make it increasingly difficult for low-income families to find affordable housing. In the case of publicly supported housing it would add to the already high property taxes because it is the public who would pay for it.

This program would presumably be administered by the state. It would be necessary to determine that the annual inspections had been made. More government expense and more expense to the taxpayers.

It seems that in the majority of cases there should be enough communication between landlords and tenants that landlords could be advised of any problems requiring their attention.

There are already services available for inspections in cases where landlords are not available or cooperative. The fire department will make inspections of any situation which is believed by the occupant to be a fire hazard. We are already paying for this when we support the fire departments. The Gas company will answer a call for leaking gas or any situation believed to be dangerous.

This is a bad bill. The legislation is unnecessary.

Sincerely,


PAUL A. MORSE


EVELYN L. MORSE

752 33rd Avenue Northeast
Great Falls, Montana 59404

February, 1989

TO WHOM IT MAY CONCERN:

We are against HB-539, making it mandatory for Landlords to have all their rental units inspected. This Bill seems to be redundant since there are already laws relative to maintaining safe housing, as well as City Codes which must be followed.

Furthermore, this Bill does not take into consideration the amounts of money we Landlords have expended to purchase these units. In many cases they were purchased, thinking they would be aid to income at the time of our retirement. We have expended several thousand dollars in remodelling and upgrading with appliances, Lenox forced air furnaces, insulation, to make our units as comfortable and safe as our own home. We feel this Bill is an affront to Landlords, who in the past have been renters also, and are sincerely trying to maintain their property, as well as endeavoring to keep our rents to reasonable rate.

We cannot call upon Opportunities Ind., Low-rental Housing Auth., or even the state for Supplemental income aid; but must rely on our own efforts in the past, of our rental investment, as well as our 30 years (for both of us) employment. We have had to deal with escalating taxes, insurance rates, increasing costs for plumbing, electrician and heating costs; and now we are asked to take on a further burden. This to our thinking is grossly unfair and unwarranted expense.

While we recognize there are some few Landlords which are not maintaining their units properly, they are FEW, and we should not be penalized for them; there are laws and codes to take care of them'.

Sincerely yours

Harold/Marvelyn M. Wick
1515 2nd Ave. So. Great Falls, Va. 50105

February 8, 1989

TO WHOM IT MAY CONCERN:

I am AGAINST the proposed House Bill #539 making it mandatory for an annual inspection of all rental units at the landlord's expense.

This bill discriminates against all landlords who properly care for and maintain their property insuring the comfort and welfare of their tenants. To pass a bill that effects all Montana landlords because of one landlord who does not is very unfair. There are already laws to protect tenants against those who abuse their responsibility.

I also believe it will be difficult to find willing inspectors because they could be held liable if a fire occurs after an inspection.

It should also be obvious that the landlord cannot bear this expense without raising the rents. The tenants will ultimately pay for this inspection.

This is impossible and unfair legislation and I urge you to vote against House Bill 539!

Sincerely,



Connie Sullivan
3021 4th Avenue South
Great Falls, Montana 59405
(406) 727-5536

FEBRUARY 9, 1989

TO WHOM IT MAY CONCERN:

I AM AGAINST HB539, MAKING IT MANDATORY FOR ANNUAL INSPECTION OF ALL RENTAL UNITS AT LANDLORDS EXPENSE.

I DO BELIEVE ALL RENTAL UNITS SHOULD BE SAFE AS IF I LIVED IN ONE MYSELF. WHAT I DON'T LIKE IS CITY INSPECTORS, WHOM ARE NOT CAPABLE OF INSPECTING ANY PLACE. THE CITY ELECTRICAL INSPECTOR APPROVED ALL NEW ELECTRICAL INSTALLATION IN MY MOTEL AND HAVE HAD ELECTRICAL PROBLEMS SINCE. WATER INSPECTORS COULDN'T FIND A WATER PIPE IF IT WAS TAGGED.

IT ALL BOILS DOWN TO INCAPABLE PEOPLE DOING THE INSPECTIONS AND I WOULD FEEL NO SAFER THAN IF IT WEREN'T INSPECTED AT ALL.

ANY ADDED COST FOR THIS SERVICE WOULD BE ADDED TO UNIT RENTS.



CHESTER HARTELIUS
RENTAL MANAGER

Gordon REALTY inc.

GLENN GORDON, PRESIDENT

- HOMES
- COMMERCIAL
- INDUSTRIAL
- APARTMENT HOUSES

AREA CODE (406) ● PH. 454-1393 ● MAILING ADDRESS: P.O. BOX 1445 ● GREAT FALLS, MONTANA 59403

2/9/89

Legislators
State of Montana
Helena, Montana

Refer: House Bill No. 539

Dear Sirs:

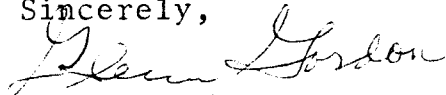
This letter is to oppose the passage of House Bill No. 539 on the basis that it is impractical, bureaucratic and unfair, besides being unenforceable. Also, it would be very expensive to set up the machinery to even half way enforce this type of legislation.

Our local city codes also covers the requirements stated in this bill; also, Landlords are smart enough to know what they need to do to keep their property in good repair. Heat, electricity, sewer, garbage and water services are fixed expenses. Every landlord, with few exceptions, are aware of keeping their property in adequate heat via gas or electric type service.

Just talk to some who recently experienced the cold weather, and electric shut down of all electrical needs throughout our city In Jan., 1989.

This is bad legislation.

Sincerely,


Glenn Gordon,
Landlord

WITNESS STATEMENT

NAME LYNN M. SEELYE BUDGET _____
ADDRESS PO Box 1673 Gr Falls Mont 59403
WHOM DO YOU REPRESENT? SELF (SAILBOAT) & CCTA
SUPPORT H.B. 576 OPPOSE _____ AMEND _____

COMMENTS: _____

OPPOSE REQUIREMENT OF ADDING PRINTERS TO ELECTRONIC KENO MACHINES

1 DOES NOT IMPROVE SAFEGUARDS OF EXISTING HARD & SOFT METERS

2 COST OF ADDING PRINTER IS \$2500-\$4000 PER MACHINE TOTAL COST TO INDUSTRY APPROX. \$1.2 MILLION.

3 DOES NOT ADDRESS ANY EXISTING PROBLEMS

4 Upgrade to machines to add printer has not been approved & is not yet available

5 majority of money spent to upgrade or replace machines will leave MONTANA.

6. A SUBSTANTIAL NO OF LICENSED MACHINES WILL NOT BE REPLACED. THEREBY REDUCING REVENUES TO MONTANA (STATE & OWNER) OPERATORS

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

#1
HB 571
2/10/89

PROPOSED AMENDMENTS TO HB576
Video Keno Coalition, February 10

1. Page 1, line 22.
Following: "(1)"
Strike: "if it meets"
Reinsert: "without meeting"

2. Page 1, line 23.
Following: "23-5-609"
Strike: ", except subsections (4)(i), (4)(j), or (4)(n) of that section, and"
Insert: "if it meets the requirements of 23-5-607 and 23-5-608, if it has mechanical meters described by 23-5-609(4)(k) and electronic meters described by 23-5-609(4)(l), and"

3. Page 2, line 2.
Strike: "owned or operated in the state"
Insert: "licensed by the department"
Following: "to"
Strike: "June 30, 1987"
Insert: "January 1, 1989"

4. Page 2, lines 4 through 7.
Strike: "A used keno machine is presumed to meet the requirements of 23-5-609, except subsection (4)(i), (4)(j), and (4)(n), unless the department has good cause to believe it does not."

AMENDED LANGUAGE OF 23-5-612(2) WILL READ:

" (2) A used keno machine may be licensed under subsection (1) without meeting the requirements 23-5-609 if it meets the requirements of 23-5-607 and 23-5-608, if it has mechanical meters described by 23-5-609(4)(k) and electronic meters described by 23-5-609(4)(l), and if the applicant for licensure can establish to the satisfaction of the department that, on the date of application, he owns or possesses a machine that was licensed by the department prior to January 1, 1989."

#1
2/10/85
HB 287

WITNESS STATEMENT

NAME Lusan Carlson BUDGET _____

ADDRESS 6044 12 Mile Rd, Blos, MT

WHOM DO YOU REPRESENT? massage therapist opposing this bill

SUPPORT _____ OPPOSE 287 AMEND _____

COMMENTS: Please Kill this Bill in
committee.

The majority of Montana Massage
Therapist do not favor this bill

There is no educational requirements
addressed to assure any level of
protection to the public. And I am
not of the opinion that the public
is incapable of protecting themselves.

This is a "Good Bill." It will
drive therapist out of Montana and
will be cost prohibitive for the
State to administer. With almost a
\$12,000 price tag, you (the State) will need
all the therapist you can get. No way is
there going to be 100 people apply for
licence.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

#1
HB 559
2/10/89

WITNESS STATEMENT

NAME PETER M. WINGROVE BUDGET _____

ADDRESS 8040 NE 33RD DRIVE, PORTLAND, OR 97213

WHOM DO YOU REPRESENT? SUBARU OF AMERICA, INC.

SUPPORT #~~55~~ 559 OPPOSE _____ AMEND _____

COMMENTS: _____

*Wish to state our support of
HB #559. ↓ will offer comments
and testimony regarding our
need for manufacturer plates.
I also have a letter from
our factory representative living
in Montrose giving his support
of HB #559.*

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Business & Economic COMMITTEE

536 539 559

BILL NO. 576 577
 SPONSOR J. Brown James Eubally
Roth Simon

DATE 2/10/89

Please put the bill number. Then

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
V.cky CRAWFORD	Box 502 - Florence		476 X
Royal CRAWFORD	Box 502 - Florence		476 X
Lynn Seelye	Po Box 1673 Gt falls	HB 576	
Tanya Bzk	PO Box 4004 Helena	HB 536	
Jin MACKAY	3800 4th Ave Gt Falls		539
Bill Braghill	Box 187 Clyde Park mt.	576	
Billy Hilburn	P.O. Box 547 East Helena, MT		476
KLANS TUWINGA	421 W. MENDENHALL, BOZEMAN	536	
Randy Poulsen	42 Olive Helena	536	539
DON OPITZ	522 N. Davis		539
W ^m SPILKER	801 HERISON HELENA		539
DICK YORKL DSON	1808 Livingston	539	
Lyle Nagel	Mt. St Vol Firefighters Assn	539	
Steve Brown	Blue Cross/Blue Shield	536	
Master S G Behm	West Mt Saddle		539
Peter M. Wiggins	Portland, OR	559	
Walter J. Kowich	3 Woodhill Ave Suite.	576	X 539
Elton Soper	157-5 West town Bldg.		539
John Tregens	605 Overlook Way #5	539	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. 576

DATE Feb 10, 1989.

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Roselee Bullock	Basin, Mont	✓	
Don Larson	Helena	✓	
Bill Anders	Helena	✓	
Low Bergin	Butte	✓	
M. M. Kinney	Helena	✓	
Don H. McKenty	Helena	✓	
KEW ROBERT	HELENA	✓	
John Williams	Dep. of Commerce		Comments
Sen. Richard Manning	Senate Dist 18 G.F.	✓	
Ann P. Arment #287	Billings MT	✓	
Paris Shoup #287	Billings MT	✓	
Richard W. Doan #287	Billings MT	✓	
ALICE CARPENTER #287	BILLINGS, MT	✓✓	
Sid Smith	HLN, MT	✓	
TOM Heisher	Great Falls	✓	
Ruby Reyer	Blgs	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. _____

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Don Ingels	Mt Chamber of Commerce	577	
Greg McLean	TIAM	536	
Judy Dargatzis	Mt PIRG	539	
Ray Blehm	St Joe Marshal	539	
Jaqueline Jerrill	Amer. Ins. Assoc.	536	
Diana Carlson	Massage Therapist		287
Mary Schwind	massage therapist		287
Steve Mander ville	Helena	5	539
Angela Russell	Wedge Cross	539	
Judy Carlson	HELENA	5 539	
Mike Craig	Associated Students of UH	539	
Shirley Dargatzis	Cat Bank	539	
LARRY AKEN	MALE	536	
LARRY AKEN	VIDEO KENO WALTON	576	
CAL CUMIN	YELLOWSTONE CO	577	
Brian McCullough	2539 South Ridge ^{Helena}		539
Jean D. Johnson	1890 Sierra Rd E Helena		539
Jack Morton	1004 W. Greenough ^{Missoula}	536	
MARVIN CARTER	Laurel, mt.	577	
STEVE TURKIEWICZ	MT AUTO DEALERS ASSN	559	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.