



Building Products

Connection

THE OFFICIAL PUBLICATION OF THE NORTHWESTERN LUMBER ASSOCIATION

AN *ELEMENTAL* *GUIDE* TO INCREASED DECKING SALES

also in this issue:

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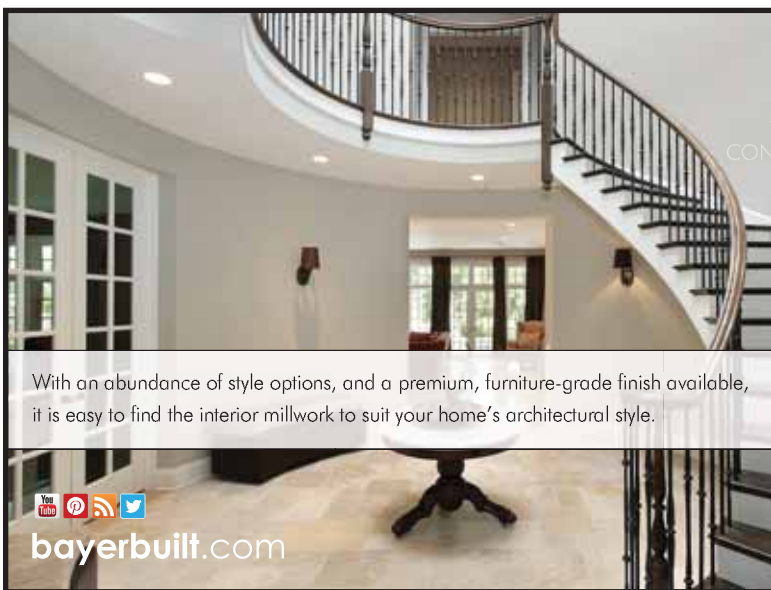


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Building Products Connection

THE OFFICIAL PUBLICATION OF THE NORTHWESTERN LUMBER ASSOCIATION

Volume 11 / No. 2
April/May 2013

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Cover Photo courtesy of MoistureShield composite decking

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skirtboard

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brickmould

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PUT YOUR NETWORK TO WORK

THE GREEN GRASS and warmer temperatures of spring welcome back the sounds of hammers pounding, screw drivers zipping and the ringing of your cash registers. After another successful convention season, we are pleased to report that attitudes across the region are on the rise as the signs of recovery become more evident. As your business continues to grow, take a moment and think about your interaction with your association and how you might get the most out of your membership.

In this issue of the **CONNECTION**, we focus on outdoor living. It's ironic that this also happens to be the time that the association staff steps outdoors to visit with our members, host our annual spring golf outings and make arrangements for the annual Mill Tour and Conventions.

Having traveled the road last year for the first time, it was interesting to learn first-hand what dealers know about the association. The most common comment was "I didn't know you did that!" Having the opportunity to show each member what was available and pinpoint specific programs that would best fit their individual needs was one of the most enjoyable aspects of my travels. What made my visits even more interesting was learning that each member and each business's needs were different.

NLA understands those differences even more with each visit we make, and we are pleased to present a large and dynamic portfolio of resources to help to make sure each yard runs as efficiently and effectively as possible.

Just as your business advantage comes from the personal touch and expertise of your staff, the association recognizes that it is essential that we make a personal connection with you. Whether it be through an in-person visit, a telephone call or through social media, we want to know what we can do to serve you.



Make it a point this year to visit with Paula, Guy or me when we stop by your yard. Your valuable ideas and opinions matter as we continue to build programs and events. What may be an issue for you might affect another member as well, and together we can share concerns and solutions.

Dealer visits are already being scheduled. If you would like a visit, make sure to call the association office and we will make sure to stop by.

Tell us what you need and leave the rest up to us — it's that simple! Let us put your network to work so that you and your staff can concentrate on meeting your goals and objectives for 2013 and beyond. ❖

Cody Nuernberg
Manager of Membership & Services

NLA PROFESSIONAL DEVELOPMENT UPDATE

We have had a great professional development season so far. We would again like to thank Amerhart, Sun Prairie and Manion's Wholesale Building Supply, Saint Cloud for sponsoring the Project Estimating classes in Sun Prairie, Wisconsin and Saint Cloud, Minnesota.

Check the NLA website professional development pages for upcoming webinar programs as well as helpful articles and videos.

FOR OWNERS/MANAGERS

NLA Roundtables

Are you interested in great in-depth conversations about the operations, challenges and future plans of the business? Join an NLA Roundtable group. Meetings are scheduled for April 3-5 and April 15-17. Contact Sue Mike at smike@nlassn.org if you would like more information.

FOR THE NEXT GENERATION OF LBM PROFESSIONALS

All States Future Lumber Leaders Conference will be Friday, July 26th at Bayer Built Woodworks in Belgrade, Minnesota. It will be facilitated by Ken Wilbanks.

FISCAL CLIFF BILL EXTENDS ENERGY EFFICIENCY TAX CREDITS

Passed at the beginning of the year to avoid tax increases for most Americans, as well as significant, across-the-board spending cuts, the American Taxpayer Relief Act of 2012 is bringing back energy efficient tax credits for windows, doors and skylights. Specifically, the bill reinstates the 25C tax credits that expired at the end of 2011 and extends them through the end of 2013. Additionally, the new bill extends business credits of up to \$2,000 for

builders and contractors of new and renovated energy efficient homes through the end of 2013. It does change the requirements, however. The original law required new and renovated homes to be 50 percent more energy efficient than those built under the 2003 edition of the International Energy Conservation Code. The recent bill now references the 2006 edition of the IECC as the baseline.

The 25C homeowner tax credits have been reinstated at the 2011 levels of up to 10 percent of the cost of building envelope improvements with a

maximum deduction of \$500. The credits, in place retroactively for 2012 and in effect through the end of 2013, also include a maximum credit of \$200 for windows. Those maximums are well below those in place for 2009 and 2010. Under the 2009 stimulus bill, homeowners could receive a tax credit of up to \$1,500 for those two years.

Although information about the reinstatement of the tax credits is not yet posted on the Energy Star website, the recent changes are reflected in the 2012 Residential Energy Credits Form 5695 from the Internal Revenue Service. Details on the extended

Calendar of Events

APRIL

3-5

Classic Roundtable
Gainey Conference Center
Owatonna, Minnesota

5

Iowa Arena Football
Wells Fargo Arena
Des Moines, Iowa

15-17

Legacy Roundtable
Ramada Inn
Rochester, Minnesota

19

Nebraska Arena Football
Pershing Center
Lincoln, Nebraska

MAY

16

Iowa Spring Golf Outing
River Valley Golf Course
Adel, Iowa

22-24

NLA Executive and Nominating Committee Meeting
Location TBD

JUNE

6

Nebraska Golf Outing
Crooked Creek Golf Course
Lincoln, Nebraska

JULY

17-18

WRLA Board and Foundation Meetings
Cable, Wisconsin

24

Wisconsin District III Golf Outing
The Golf Club at Cedar Creek
Onalaska, Wisconsin

26

All States Future Lumber Leaders Conference
Bayer Built Woodworks
Belgrade, Minnesota

homeowner tax credits and builder tax credits are also available from Dsire, a database of renewable and efficiency incentive programs sponsored by the Department of Energy.

BUILDER FLASH MARKETPLACE: A 'CRAIGSLIST' FOR DEALERS

The construction sector often takes heat for being slow to mobilize online, but a new start-up is looking to challenge that position by getting builders and their suppliers to exchange excess goods, promote specials, and post jobs on the Web. The Building Products Retailers Alliance (BPRA) has teamed up with BUILDER Flash Marketplace to bring together suppliers, builders and industry professionals from across the country on one website, www.builderflash.com.

"The building industry has to get up to speed to survive and keep on the edge of [technology]," saysCarolynn Brescka, a former homebuilder in the southeastern U.S. and building-products sales rep, who since 2010 has been at the helm of the four-person team behind online sales and distribution platform Builder Flash Marketplace.

The website functions like Craigslist, Brescka says, although she hopes its construction-only focus will serve as the blueprint for an industry hub. Since its Beta launch in 2010 the website has registered 9,200 builder and contractor members and 107 suppliers. A partnership announced earlier this year with the BPRA, whose membership includes the Northwestern Lumber Association, pushed the platform fully into the supply-side marketplace sans financial backing.

The site is free to use and is off-limits to



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More information can be found at <http://bpretaileralliance.com>, or contact Carolynn Pitcher Brescka at headhammer@builderflash.com.

DEALERS HELPING HEROES PROGRAM

Many of the most severely wounded veterans are treated at Walter Reed/Bethesda Naval Hospital and at Brook Army Medical Center (BAMC). As they transition to civilian life, they are often in desperate need of assistance in remodeling, renovating or building a home that will work for their particular disability.

Two groups, the Yellow Ribbon Fund in Washington, DC and HelpingaHero.org in Texas, have been helping transition these wounded veterans, but they need assistance in identifying and matching

veterans with local dealers who would serve as their point of contact in their hometown and provide whatever assistance they are able to give to the veteran as they seek to renovate, remodel or build a home. Whether it is providing free or discounted building materials, builder referrals or installation services, all help would be greatly appreciated.

The VA provides a paltry \$7,000 to remodel and \$64,960 to build a home. Surely we can stretch those dollars farther. There will be at least 40 veterans (mostly multiple amputees) going home each year. The program would like to pair each veteran with a dealer that "adopts" them for the duration of their project.

HOW IT WORKS

When a veteran is ready to transition home, their name is added to a master list maintained by Helping a Hero (www.helpingahero.org). Participating state/regional associations will receive a list bi-weekly of veterans looking to transition and where they are transitioning to.

The state/regional building material association executive director will
(continued on page 10)

(continued from page 9)

identify a local dealer willing to "adopt" the veteran and provide whatever assistance they can to help them with the building project. The state/regional association will provide the identified dealer contact information to Helping a Hero at homes@helpingahero.org.

Helping a Hero will contact the dealer to further discuss the needs of the local veteran to answer any questions and define the parameters of the project. Once the dealer is fully on board, Helping a Hero will pair the veteran with the dealer and work with them to complete the home project.

DOE BUILDING AMERICA SOLUTIONS SITE

The U.S. Department of Energy's (DOE) launched a new online tool to contractors and subcontractors to understanding today's energy codes

and building solutions. It offers guidance from a whole house performance to individual components such as roofing or walls. The Building America program strives to develop integrated energy systems that dramatically reduce annual energy use and peak energy loads in existing and new homes while also improving overall building quality, comfort, safety, and durability.

Go to <http://basc.pnnl.gov/building-science-explorer> to use this new tool for you and your customers.

MN SUBCONTRACTORS BREAK FROM NATIONAL ORGANIZATION

Late last year, members of the American Subcontractors Association of Minnesota voted to drop affiliation with the national ASA organization headquartered in the Washington D.C.

area. The Minnesota organization will be re-named the Minnesota Subcontractors Association. The association will focus its resources on Minnesota subcontractors and the issues they face on a daily basis.

"Members did not feel that the value of the national ASA organization was equal to the cost. This association will focus on Minnesota legislative initiatives and local programming that will benefit Minnesota subcontractors and suppliers," said Mike Schmaltz, executive director for the organization.

The Minnesota Subcontractors Association will diligently continue its focus on the Minnesota construction community providing legislative representation, educational programming, and information on issues that are vitally important to subcontractors and suppliers today. ❖



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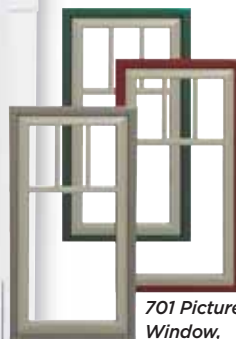
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UNDERSTANDING THE VISA & MASTERCARD CLASS ACTION SETTLEMENT

MANY LUMBER DEALERS have already seen, or should soon see, a 27-page Legal Notice arriving in the mail. Being too long and too complicated for most to try and read from cover-to-cover, this notice contains information about a preliminary settlement in a class action suit against Visa, MasterCard and their respective member banks alleging collusion to set interchange rates and a violation of U.S. anti-trust laws.

If approved by the Court, this settlement would allow any merchant that accepted Visa and MasterCard payments from 2004 through most of 2012 to file a claim and receive a small refund (cash settlement) on a portion of the interchange fees paid on both credit and debit card transactions during that time period.

In addition, at some point during 2013, merchants who are part of the settlement will receive a reduction on their current interchange fees of 10 basis points (1/10th of 1%) on all Visa and MasterCard credit card (not debit card) transactions for an eight-month period, effectively reducing their current processing costs. After the eight months, Visa and MasterCard would be under no restrictions to return the interchange rates to current levels, or even raise them if they so choose.

While the idea of receiving a cash settlement and reduced processing costs for eight months sounds

appealing, merchants should be aware of certain trade-offs. If you agree to this particular settlement and the Court ultimately approves it, you give up your right to be part of any future claims or lawsuits against Visa or MasterCard regarding their interchange rates and other fees, their previous rules to not allow surcharging, their newly revised rules which allow surcharging only if stores meet certain requirements, and also the Visa and MasterCard rules on no discounting, honoring all cards, and many other edicts they dictate to the merchants. It's telling that 10 of the 19 big retailers and associations who first brought the suit have fired their original lawyers and are now working against final approval of the settlement, believing that it's not a good deal for them and retailers in general.

Fortunately, merchants have until May 28, 2013, to decide if they want to be part of this particular settlement or if they wish to opt-out. To be included, merchants need to take no action at this time. As a matter of fact, if you receive a settlement notice and take no action, you will automatically be included in the settlement and will be able to file a claim if and when the Court gives final approval. Only those merchants who pro-actively take steps by May 28, 2013, to opt-out of the settlement will be excluded, and by doing so they preserve their right to participate in, and benefit from, any future legal action against Visa or MasterCard.

Whether to opt-in or opt-out of this settlement is made more difficult without having a clearer understanding of the amount of money each merchant could potentially receive from a cash settlement. The settlement notification states that details about how all claims will be calculated will be available by April 11, 2013. Therefore, it may be best to simply wait for this information to be released before making any final decision to stay in or to opt-out.

One final word of caution. The process for filing an actual claim can't even begin unless the Court gives its final approval to this settlement. That Court hearing is scheduled to begin September 12, 2013. In the meantime, many merchants are already being approached by outside companies offering to act on their behalf in filing a claim. In return, these companies ask to be paid a percentage of the claim. Before signing an agreement with any of these companies, NLA advises members to wait until more is learned about the claim-filing process. It could well be that the claim-filing process will be straightforward enough that most merchants can easily file their own claims and keep 100% of any settlement proceeds, rather than sharing a portion with an outside company that provides little to no additional benefit. Don't allow these companies to pressure you into signing with them now, as there will be plenty of time to file a claim sometime after the Court grants final approval to this settlement. ❖

2013 EXPO &



NORTHWESTERN BUILDING PRODUCTS EXPO

You'd never guess it was January with how HOT the 2013 Northwestern Building Products Expo in St. Cloud, Minnesota was this year. Overall attendance this year was up 32 percent over last year! Individual dealer attendance alone was up over 18 percent and dealer company representation was up 27 percent.

There were many highlights of the show this year – old and new. The floor was packed for the Buying Event on the first day, a return event from its addition to the show in 2012. We experimented with a new reception

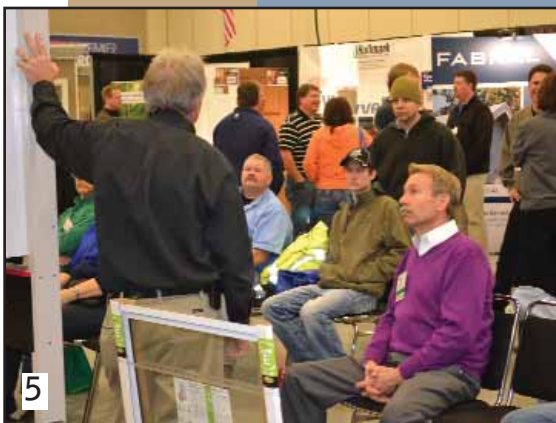
format this year by putting out the food and beverage in the middle of the show floor during the exhibit hours. This proved to be a hit as people continued their business while satisfying their appetites.

The second day was a day for learning, with a wide variety of educational opportunities taking place. Sessions on Business Succession, Human Resources and Marketing were given throughout the day, providing dealers a flexible schedule to attend the seminars. Product demonstrations were scheduled all day right on the exhibit floor stage – another new addition to the show this year.

We'd like to send a big congratulations to all the award winners at this year's Expo: Hilltop Lumber Company in Alexandria, Minnesota received the Dealer of the Year Award at the Membership Meeting & Lunch.

Heritage Millwork won the Drive Attendance Promotion - for simply promoting the Expo, they have won a FREE booth in 2014! Lampert's also was a contest winner for sending the most registered attendees to the Expo. They have won a Technology basket, complete with a new Ipad!

With such a positive turnout and vibe this year, we are excited to bring the Expo back to St. Cloud in 2014. Tentative dates for the 2014 Expo are January 13-14, so mark your calendars!



Wisconsin Wrap-Ups

2013 WISCONSIN CONVENTION

The 2013 Wisconsin Lumber Dealers Convention has come and gone and it was a very busy two days. On Tuesday, dealers from all over Wisconsin soaked up OSHA, DOT, and UDC knowledge in the well-attended seminars, checked out the products and services the exhibitors had to offer on the sold out trade show floor, and capped the night off with a Mardi Gras reception – complete with Cajun food, Mardi Gras beads and masks, and a jazz ensemble playing songs of the Bayou! Comedian John DeBoer sparked the senses of those attending the Membership Meeting and Breakfast on Wednesday morning and his act received great reviews. The Business Succession seminar after breakfast was a hit as well, being one of the better attended seminars during this convention. Students and dealers filled the chairs at the product demonstrations right on the show floor, learning in-depth information on select exhibitors' wares.

We'd like to send a big congratulations to all the award winners at this year's Wisconsin Lumber Dealers Convention: Erik, Jeff and Paul Halvorsen of Halvorsen Lumber Company received the Wisconsin Lumber and Building Material Dealer of the Year award while Pete Swiggum of Quality Edge received the Wisconsin Supplier Representative of the Year award.

Real Closet, out of Duluth, Minnesota, won the Drive Attendance Promotion Contest. For their promotion of the Wisconsin Convention, they have won a FREE booth in 2014!



11



10

Opposite page, counterclockwise: (1) Dealers met with more than 75 exhibitors on the show floor; (2) Training sessions and networking opportunities provided valuable information to attendees; (3) Paul Klimek accepted the Minnesota Dealer of the Year Award; (4) Certainteed received a "Best Booth" award; (5) A full day of product demos on the show floor was well attended; (6) \$100 drawings were held hourly.

This page, counterclockwise: (7) Pete Swiggum accepts his Wisconsin Supplier Representative of the Year award; (8) Paul & Jeff Halvorsen were named Wisconsin LBM Dealer of the Year; (9) Social events offered networking opportunities; (10) Educational seminars were well attended; (11) Comedian John DeBoer received rave reviews.



7



8



9



The elemental guide

INCREASED DECKING

Guide to SALES



By Brent Gwatney

To help your salespeople grow your yard's decking and railing business, ask them to keep in mind: "earth," "wind," "water" and "fire." These four classical elements – revered by ancient cultures – provide a simple mental hook for remembering key trends in outdoor living. Moreover, they also are a good reminder for ways dealers can tap into those trends to drive decking material sales to builders and homeowners.

What's trendy with outdoor living this year? The American Society of Landscape Architects (ASLA) surveyed its members to find out which outdoor living amenities they expect to be most popular. Top responses include:

- Grills (97.4%)
- Low-maintenance landscapes (96.6%)
- Fireplaces and fire pits (95.8%)
- Seating and dining areas (95.7%)
- Decorative water elements (89.9%)

These features all fit conveniently into one of the four classical elements. ***(continued on page 16)***

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FIRE

In Greek mythology, Prometheus gave fire to man as a source of warmth and for cooking food. Today, fire is an elemental part of enjoyable outdoor living spaces – in the form of grills and fire features.

The choice of decking material plays a role in the long-term beauty and endurance of the deck around cooking areas and fire features. For example, whether the outdoor chef is using a simple charcoal kettle grill or a high-end gas appliance, food drops and spills are inevitable. The unsightly stain from dropping a puddle of mustard on the deck can provide a lasting reminder of a homeowner's 4th of July bash for years to come.

As an alternative to traditional sawn lumber decking that will absorb stains, especially if not properly treated, wood-plastic composites are available with stain-resisting technology built in. Composites that are designed to defend against moisture absorption can help block stains. Emerging formulations can even allow liquids and grease to slide off the decking's surface, similar to a non-stick pan.

For builders and homeowners who like composites for their durability, beauty and environmental advantages, decking and railing options are available that are compatible near fireplaces and fire pits. Composites typically carry a Class C fire rating (an indicator of resistance to flame spread) comparable to the typical wood species used in deck joists and other structural members.

WATER

Many homeowners value decorative water features, such as ponds, waterfalls and bubblers, for their beauty and ability to create a tranquil setting with the sound of flowing water. Wood decking requires builders and homeowners to be vigilante with sealing nearby boards to prevent water damage.

On the other hand, composites with fully encapsulated wood fibers do not absorb water, even when cut. Such materials can be used adjacent to or directly within ornamental water features where they are continually exposed to splash or are submerged. This could include using composite deck boards as the sideboards in an above-ground pond, to form flumes or to construct a water wheel.

EARTH

According to the ASLA survey, nearly 97 out of 100 landscape architects say low-maintenance landscapes will continue to be "somewhat" or "very in demand." Such amenities are second only to grills in anticipated popularity.

Many LBM pros know a way to fulfill this desire is with a large selection of native plants that don't require careful and regular attention. When your sales team is helping a builder or homeowner select flowers and shrubs that will go on the deck, they can add further value to the transaction (and boost your revenues) by also highlighting options for building durable planting boxes. Again, moisture-resistant composites are a good material choice since they will not decay when in direct contact with wetted soil in the planter.

WIND

Outdoor living is great in July and August when the sun shines and the air is calm, but who wants to be on the deck on a windy spring day? Many



builders and dealers across the country report that people would like to be outside relaxing more times of the year, if the weather allowed.

Often, some simple deck add-ons can dramatically improve comfort throughout the seasons. Design elements include windscreens to keep the breeze at bay, and arbors and pergolas to block wind, rain or excess sun. Or, the deck configuration itself can be altered to better protect seating and dining areas from the elements. Multi-level decks can provide an overhead shelter or a lateral wind block, as can built-in seating.

For more information on hot outdoor living trends, visit the American Society of Landscape Architect's website at www.asla.org. Each spring they publish an update to their annual "Top Outdoor Living Trends" survey. ❖

Brent Gwatney, is senior vice president of sales and marketing for MoistureShield® composite decking. As a 30-year building industry veteran, Gwatney proudly serves on the board of directors for the North American Deck and Railing Association (NADRA).

DECK CODES FOR 2015

Insight on engineering and codes

by Glenn Mathewson

Slap up the ledger, throw up some joists, lay down some decking, and bolt on the railing. Those days are over, and it's a good thing.

Deck construction techniques have long needed the code to come to bear on them. That came to pass with the publishing of the 2009 IRC. Now we're in the 2015 IRC development cycle, and two old sayings come to mind: "Too much of a good thing" and "Good things are worth waiting for."

TOO MUCH OF A GOOD THING

The Virginia Building and Code Officials Association recently proposed to add about 11 new pages specifically addressing deck construction to the 2015 IRC. The proposal was brought before the ICC Building Code Action Committee, whose charge is working on problematic code provisions, holes in the code, or any other topics that

need special attention. When a code proposal comes out of an ICC action committee and before the main code-writing body, it is likely to be approved. In this case, the action committee reached out to industry professionals and asked for assistance in developing the document in an open process.

On November 30, 2012, a large group of people with a range of interests in decks sat down together — probably the largest and most diverse gathering in the decking industry ever — to discuss the proposed changes. Attending were representatives from the American Wood Council (which publishes the DCA6 alternative decking codes), the National Association of Home Builders, the Virginia Building and Code Officials Association, and the Colorado chapter of the ICC, as well as the chairman of the ICC Building Code Action Committee, an engineer from Simpson Strong-Tie, a researcher from
(continued on page 18)



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(continued from page 17)

Washington State University, and members of the North American Deck and Railing Association, among others.

The original 11-page proposal covered nearly every aspect of deck construction, from materials to footings to guards to stairs. Though covering basic deck construction comprehensively, it also contained a number of constraints that would have

affected custom decks. An outcry of dissatisfaction from the industry would have been likely had the proposal gone through.

WORTH THE WAIT

It was quickly understood at the meeting that the work the decking industry needs to do in regard to codes won't happen overnight, or even in the 2015 IRC. There is still significant research to be completed and discussions to be had to create a comprehensive deck code that can balance the needs of the decking industry with a minimum standard of construction. It was agreed that an underprepared deck code should not be pushed forward. The group was able to find some points that were ready to be addressed, and work is underway on approximately three pages of deck code to be proposed for the 2015 IRC. This includes prescriptive provisions such as joist and beam span tables appropriate for exterior floor conditions, limitations for sizing structural posts, slight modifications to the ledger-connection table, and a foundation-sizing table.

Essentially, this proposal would cover the complete load path for construction of basic decks, but without hindering the architectural freedom desired for custom decks. The American Wood Council's alternative decking code, DCA6-09, was the obvious starting point.

LATERAL LOADS

Lateral loading, possibly the most controversial topic in deck construction codes, was also discussed quite heavily. A call-in from Dr. Don Bender of Washington State University regarding his research on lateral loading of decks was eye-opening. Dr. Bender briefly explained that he had assembled a mocked-up floor system of a home and attached a deck to it. Rollers supported the outside of the deck, and it was loaded with moving people. Sensors at the ledger connections recorded the magnitude of lateral force that resulted from the movements.

One discovery was that without bracing to keep the deck from deforming out of square, significantly more force acted on the ledger, making failure at the hangers likely.

Dr. Bender said that while important discoveries were made, they were not comprehensive enough to use as a basis for modifications to the current lateral-load details provided in the IRC. The results were limited by the few conditions tested.

More tests are needed, but there is a lack of funding to perform them. It is likely that the current lateral attachment requirement, along with the troublesome language of "shall be permitted," will remain in the IRC for one more code cycle before a well-prepared alternative can be provided.

Assuming the decking industry can provide the financial support, Dr. Bender is prepared to deliver the research needed to develop safe, cost-effective solutions to the problems of handling lateral loads. ❖

Glenn Mathewson is a building inspector in Westminster, Colo., and the technical advisor to NADRA.

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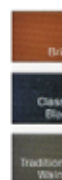


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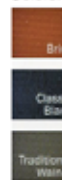
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A STEP TOWARDS

Iowa's New Online Registry

LIEN LAWS WEREN'T MEANT TO BE COMPLICATED. Most of America's mechanics' lien laws were introduced more than 150 years ago as a means to protect contractors who extended credit during a construction project. If a contractor was not paid for labor or materials supplied during construction, the lien allowed the contractor to collect payment by forcing the sale of the property. But over years and decades, these laws became increasingly complex, especially in terms of notice requirements and time limitations.

Iowa's new online lien registry, which went live this January, is in place to simplify the process.

Angela Kenyon Davis, an attorney with Wasker, Dorr, Wimmer & Marcouiller, P.C., who assisted with the concept of the new online registry over the last four years, says that the law was both powerful and difficult to interpret.

Take, for example, the term "owner-occupied dwelling" that was added to the language of the law in 1981 for increased consumer protection. It requires subcontractors to provide a notice to the owner before filing a mechanic's lien; this notice had to be provided before the general contractor received payment in full in order to preserve their lien rights.

"While notice to the owner was a great idea," Davis says, "the definition of 'owner-occupied dwelling' was difficult to interpret. The definition includes current residence—such as a remodel—as well as, 'a dwelling that is under construction and being built by or for an owner who will occupy the dwelling as a homestead.'"

The questions emerged: Is the dwelling occupied or being built to be occupied? When, exactly, is notice required, and how do subs know who the owner is?

Northwestern Lumber Association (NLA) was brought in early in the drafting process, says President Paula Siewert. "We got involved for two reasons," she says. "Bill Wimmer, who lobbies for our group, felt that our input was critical in order to be sure the interests of subcontractors and suppliers were being addressed." NLA had done an effective job in the past in protecting these groups' lien rights.

Siewert notes that the NLA's initial reaction to the online registry was negative. "But — and here's our second reason for getting further involved — Angela Davis and Becky Peterson sat down with us and really heard our concerns. They dug below the 'no.' And we reached a place where we could envision the positive impact the registry would have for our members."

But, along with difficulties concerning interpretation of the law was the reality of real harm caused as a result of it or those who fraudulently disobeyed it. When builders closed their doors, subcontractors who

SIMPLICITY

for Residential Construction

By Christine Madeline Holm

had not been paid were severely harmed. Subcontractors and suppliers had extended credit to receive materials from retailers in order to complete projects. Subcontractors and retailers were both hurt. And in some cases, they went out of business as a result.

Owners were also harmed in instances where unexpected liens were filed on brand new homes. Among other serious complications, certain notice requirements made it legal for a subcontractor to force foreclosure in order to collect payment.

Iowa Finance Authority's Title Guaranty Division fielded a growing volume of questions and concerns from builders, closing agents, realtors, and attorneys about how to interpret Iowa's mechanic's lien law. Davis was a law clerk at Iowa Title Guaranty in 2008, when attorney Becky Petersen began taking a deeper look at Iowa Code chapter 572. "Becky was very concerned about all of the parties being harmed in this situation," Davis notes.

Davis discovered through research that Utah had an electronic filing system and held telephone interviews with the legislators and IT designers involved with the administration of the database about the positives and pitfalls of their system. It sounded like a viable remedy.

Lloyd Ogle, the Director of Title Guaranty at the time, allowed Petersen and Davis to work on a possible legislative solution along those lines. There were countless meetings, telephone conversations and more meetings with the Iowa Attorney General's office, Iowa Land Title Association, Master Builders of Iowa, Iowa Lumber Association, Iowa Home Builders Association, Iowa Bar Association, Iowa Realtors Association, State Court Administrator, among others, in order to understand how each could be affected. Then came the actual writing.

"Becky was the primary drafter, and I assisted her," Davis notes. "The Real Estate Section of the Iowa Bar Association worked very closely with us on language. Several people, including Dan Moore and Professor Pat Bauer among others, spent a great deal of their time to think through all kinds of complex scenarios."

The Bar Association sponsored the legislation and the Board of Governors approved the bill. The first year was pretty short lived at the Capitol, but Davis had a better understanding of what to expect the next year.

She says she got lucky during the 2010 legislative session when Doug Struyk, a Republican legislator in the House of Representatives, ran the bill on the floor. It passed the House that year, but a technical issue killed it on the Senate side. They had to start all over in 2011.

The Iowa Bankers Association sponsored it the second time during the 2011 session. "Sharon Presnall and Bob Hartwig kept the bill alive," Davis says. **(continued on page 22)**

(continued from page 21)

“Representative Chip Baltimore did an excellent job working on the bill and getting it through the House.” At the

“We made suggestions that make lien registration a much smoother and fairer process. It really should help everyone; it doesn’t cut out retailers and wholesalers. And it’s likely to be a model for other states.”

***Ann Menzel
Roberts & Dybdahl***

and experienced designers. In the spring of 2011, Schultz hired Davis to work with Joeb Shellenberger and Kyle Phillips to develop a demonstration database.

Once completed, Davis sat down with the same variety of interest groups and showed them the demonstration database. She explained how the new law would get rid of the “owner-occupied dwelling” definition and require that in order to preserve lien

end of the 2011 session, HF 675 had passed one chamber, with one more to go.

But further questions arose about where the proposed database would be housed. Iowa Secretary of State, Matt Schultz offered to build and house the registry with his in-house IT staff

rights notice must be posted with the Secretary of State for all residential construction projects. Once a notice was posted, the Secretary would send a paper copy to the owner.

The cost to submit notice by fax or mail is \$10; it would only be \$7 to post online. All records posted to the Secretary of State through the registry would be indexed and available to view online. At closing, a property address could be searched to reveal a list of subs and the records posted. The lien itself would still have the same power as under the original code—only now, the activity on the project would be much more transparent.

It was a very simple solution. Genius, you might say. At this point, Davis says they had gotten most industry groups on board except for the Iowa Home Builders Association and Iowa Land Title Association, who were still opposed to the bill. Davis continued to work with both groups, listening to their concerns and trying to find solutions.

“The Home Builders had experienced some unpleasant legislated surprises in the past and were suspicious of another “gotcha” with the online registry. I just kept meeting with them and their new president, Glenn Siders, when he took over in 2012.”

The upshot? The new law passed the Iowa House and Senate in April of 2012. In August of 2012, Davis was offered a position with the law firm of Wasker, Dorr, Wimmer, & Marcouiller, P.C. as a new associate, and Title Guaranty stepped in to assist the Secretary of State’s office with the final phases of implementation.

“Geri Huser, the new Title Guaranty Director, and her talented team worked with the Secretary of State’s office to draft the administrative rules,” explains Davis.

Carla Pope, also with Title Guaranty, stepped into Davis’ role as project manager.

The group efforts continued. Important retail perspective was gathered in targeted meetings and considered throughout of the fall of 2012. Jennifer Leachman with Leachman Lumber and Anne Menzel, with Roberts & Dybdahl, gave input on the database creation and finalization.

The system is up and running, but there will be plenty of ongoing education offered. Davis will be doing demonstrations in various spots in the state throughout the coming months. Check with Northwestern Lumber Association for dates and times. ❖

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In Memoriam

JOHN STROMSNESS

John Edward Stromsness, age 80, passed away peacefully on Christmas Day. John spent his entire professional career working for Minnesota Supply in Eden Prairie from 1958-2011. He began with the company as a commissioned sales man in August of 1958. He was elected to the board in the late 1960s and became the sales manager in the 1970s while continuing with his outside sales duties. In the late 1970s, John became the Vice President of the company and was promoted to President in 1985. He was named

Chairman of the Board in 1986. He retired as President in 1996, but continued on as the Chairman of the Board. He was asked to come back as President in 1998. John officially retired from all duties at Minnesota Supply in 2011.

Those who knew John quickly learned he was a Yankee's fan. In the 1940s when his brother Arne entered the service, he told John to find a team to follow so they'd have something to talk about in letters to one another. John went to the library, did research, and decided the Yankees were his team of choice. Some of his favorite players were the Yankee greats Joe DiMaggio,

Lou Gehrig, and Mickey Mantle. During the baseball season, John set his schedule based on the Yankees' schedule. He hated to miss a single game. He looked forward to spring training each April, and dreaded the arrival of October because that meant six months before the next season.

KENNETH WEBBER

Kenneth Webber, 91, of Ogden, Iowa, passed away on February 17. He was born on January 5, 1922, in Ankeny, Iowa, the son of Lewie and Marie (Beedle) Webber. After the death of Marie the family moved to Ogden where they owned Ogden Building Material for nearly 60 years. Kenny graduated with the Ogden High School class of 1942. After graduation Kenny entered the United States Army serving his country during WWII in the Panama Canal Zone.

Kenneth belonged to the Community United Methodist Church; he was the last surviving member of the building committee for the Community United Methodist Church.

What's New

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2013 DEALER REFERENCE MANUAL & BUYERS GUIDE CORRECTIONS

The **2013 Dealer Reference Manual & Buyers Guide** (DRM) has been mailed to all members of the association. Each retail yard, headquarter & branch should have received a copy in the mail in early January. A copy of the DRM was also sent to the main location for each associate member.

Northwestern Lumber Association has been informed of the following corrections:

Not listed in the Minnesota Retailers section (pg. 46):

Burkel Lumber & Hardware

344 State Highway 32 S

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Greenbush, MN 56726

Tel: (218) 782-5975

Fax: (218) 782-5973

e-mail: burkellumber@wiktel.com

Mr. Shawn Burkel

Incorrect Email Address (pg. 49):

Madelia Lumber Company

e-mail: mlcmatt@cccinternet.net

Incorrect Supplier Listing:

Hutchison Lumber & Building Products (pg. 112-113):

- Brad Ketchum & Toby Tutton are no longer with the organization.
- Rick Garrett & Susan Lamphier should have been listed in the personnel listing.
- Hutchison Lumber & Building Products no longer supplies Concrete Sealer.

Hutchison Western, a Division of Hutchison Inc. (pg. 113)

- Matt McCalley & Ken Suarez are no longer with the organization.
- Colette Ratcliff, Marketing Manager should have been listed in the personnel listing.
- Terry Reinhart was listed as Terry Robson in the personnel listing.

Hallmark Building Supplies

- Should be listed under the HOUSE WRAP product category on pg. 135
- Should be listed under the TYVEK trade name on pg. 151

culture. Topics available can be used for help with safety training, employee meetings, and OSHA compliance.

Continuing in 2013 will be Summit's free streaming video rentals. DVD rentals are also available through a library-style check-out system. DVDs may be checked out for 30 days. The only cost associated with DVD rental is return postage. A complete topic list can be found on Federated's Shield NetworkSM.

Computer-based training (CBT) is another resource for clients wishing to include it in their employee risk management training program. Five CBTs will continue to be complimentary, with others available at a reduced price of \$9.95. All CBTs include use of a Learning Management System to document course assignments and completion. The five complimentary training courses cover distracted driving, tanker rollover, back safety, decision driving, and fire protection and prevention.

Also available at a reduced cost are OSHA 10- and 30-hour training sessions.

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Happenings

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Weekes Forest Products is pleased to announce the addition of Dennis Lentz as General Manager of its Milwaukee, Wisconsin sales office and distribution center. Dennis joins Weekes with over 30 years of lumber and building materials experience. Past employers include Weyerhaeuser, Georgia Pacific and QB Corporation.

Please email information you wish to have included in this section to bstoll@nlassn.org. Information for the June/July issue should be submitted no later than April 15.

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