



MIDWEST GLASS 2010 - ISSUE 2

A MINNESOTA GLASS ASSOCIATION
PUBLICATION

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An Evening with the
St. Paul Saints,
7/29/10

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Another Successful Golf Fundraiser!

The MGA returned to Sawmill Golf Club for our Annual Golf Fundraiser on June 24. This is the fifth time we've played at this club and the outing was a success in every way. Over 70 golfers filled the course; following a day of golf they were joined by other guests for dinner at the Gasthaus Bavarian Restaurant in Stillwater. The event provided a great opportunity to have fun, forge relationships, and the chance to win great prizes.

Without the personal and financial support of members, suppliers and sales representatives, the tournament could not have been such a success. Many members contributed on several levels by helping with the organization of the event, contributing prizes, running contests, acting as sponsors and then played in the tournament. This event is always a major part of the MGA's annual budget. It enables us to run stronger programs and better address the needs of members and the industry. We have tried to identify all of our sponsors in this article, please take some time to express your appreciation and keep them in mind when you make your business decisions.

This year the golf tournament was broken



into two flights. The winners of the first flight were James Gagnon, Bill Pitcher, with Ron and Don Sahli. Winners of the second flight were Jon Anderson, Perry Johnson, Shawn Stariha and Heidi Foley. Other golf contest winners include Mark Polzin and Jeff Weast closest to the Pin on #3 & #8 respectively. Congratulations winners!



The dinner was followed by a drawing for prizes which included a \$500 Cash (Jeff Weast), and \$200 gift cards from Best Buy (Shawn Stariha) and Holiday Station Stores (Jay Bohling).

A very special thank you to the organizations that sponsored the event:

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2010 Session Overview

By Remi Stone

Minnesota's 86th Legislature adjourned the 2009-2010 Regular Session on Sunday, May 16, 2010. With its business not yet done, the Governor called it back into a Special Session for Monday, May 17.

During the one-day Special Session Overtime, the Legislature addressed the state's \$3 billion budget deficit through cuts, shifts and no new taxes. The Governor signed the budget into law as Chapter 1 of the 1st Special Session. Cuts to state agencies and local governments made up \$1 billion and a shift of \$2 billion to school districts making up the remainder. Forecasts indicate that the state will be facing a \$5-8 billion deficit going into the 2011-2012 biennium.

Over the course of the last two years 3,866 bills were introduced in the House of Representatives and 3,432 bills were introduced in the Senate. Of those, 400 bills made it to the Governor's desk to become law or be vetoed. ASA-MN monitored, directly lobbied and participated in the advancement (or demise) of several bills.

Every election season brings change. At least 24 Legislators will not be returning to their current positions – some are retiring and some are running for higher office. Also, for the first time ever, the state primary will be held before Labor Day on August 10, 2010, with the focus on the competition between Democrats for the Gubernatorial ticket. The general election will be November 2, 2010. Newly elected state legislators will convene the 87th Legislature and the 2011-2012 Biennium on Tuesday, January 4, 2011.

During the interim, the Contractors Bill of Rights Coalition (CBRC) is participating in industry meetings at the Department of Labor & Industry (DOLI), meeting with elected officials, candidates and industry peers, and building its grassroots network. Come January 4, 2010, CBRC will be poised to advance legislation to improve the business environment in the construction industry.

CBRC's 2009-2010 Legislation

The CBRC continues to promote three policy changes to improve the business climate for subcontractors. Introduced, but not heard, were the following bills:

- **Paid-if-Paid.** Makes paid-if-paid contract clauses unenforceable (SF2163/HF 2393)
- **Loan in Default.** Requires lenders to inform prime contractors and subcontractors when the construction loan is in default (SF2163/HF2393)
- **Retainage.** Requires retainage to be placed in an interest-bearing escrow account with a third party to be released upon substantial completion of the work (SF3057)

New Laws of Interest

Bonding Bill, Chapter 189 (HF2700), Various effective dates

The Governor signed the \$686 million bonding bill funding a variety of construction projects across the state into law after his use of the line item veto. Tucked into this bill is a requirement that state building projects must recycle at least 50% of project waste.

Building Jobs Coalition Initiative – The JOBS Bill, Chapter 216 (HF2695), Various effective dates

This major construction jobs initiative provides, among other things, incentives for angel investment, job creation, refundable historic credits, revenue bonds for city transportation projects, development flexibility for Bloomington and the Mall of America, a modified JOBZ for the Saint Paul Ford plant, expanded TIF revenues for private development and construction projects in a handful of cities, and modifies the state's existing research and development tax credit to include partnerships and S-corps intended to benefit small and medium sized businesses.

Contractor Licensing & Continuing Education, Chapter 260 (SF2944), Effective August 1, 2010

This legislation establishes very specific and increased education requirements for those seeking to obtain and maintain a residential building contractor license.

Department of Labor & Industry Agency Bill, Chapter 280 (HF3048)m Various effective dates

This law contains expanded enforcement authority for actions taken against contractors and tightens contractor-licensing requirements. The bill makes it clear that the Commissioner has full authority to take enforcement actions against any applicant or individual holding licenses, permits, certifications or registrations under Minn. Stat. 326B.082 for violation of law or rule and also for fraud, deceit, or misrepresentation.

The law includes the ability for interested persons to propose amendments to the State Building Code where



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alleged or established geological conditions exist within a municipality. The state must make available electronic versions of code amendments. It also provides for electronic notices for rule hearings.

“On the job training” is now call “on the job learning” under this new law. Also, it changes the definition of apprenticeship to a time based approach not less than 2,000 hours or one year of continuous employment in an approved program of on the job learning, a competency-based approach involving successful demonstration of skills and knowledge

Home Warranty Bill / Notice & Opportunity to Repair, Chapter 343 (HF3386)

Effective dates – sec.1-12, January 1,2011; sec.13, August 1, 2010

This bill addresses many of the home warranty issues triggered by the rash of construction defects over the past decade. The bill contains a requirement that homebuilders provide a written contract that includes "performance guidelines" for specific construction details, although the bill does not define performance guidelines. Also, as part of the notice and opportunity to repair process, parties will have an “ENE” – early neutral evaluation option – to address claims in a nonbinding forum before pursuing litigation.

Lead Remediation – EPA Program Compliance and Contractor, Responsibilities, Chapter 321 (SF3128)

Effective February 1, 2011

The final version of this law requires that contractors performing renovation on pre-1978 residential and child-occupied facilities to be certified in accordance with the federal lead remediation law.

Contractors requiring certification are residential building contractors, residential remodelers, manufactured home installers, and residential roofers.

The law requires municipal building officials to verify a contractor’s lead remediation certification before issuing a permit. Accompanying this requirement is the authority for municipalities to charge a small surcharge of up to \$5.00 to verify lead certification qualifications (similar to contractor license verification fee).

Supplemental Budget – Economic Development Finance Omnibus Bill, Chapter 215 (HF1671)

Various effective dates

This supplemental budget bill was one of the first steps taken in this year’s multi-step budget balancing activities. Major shifts in funding and the reallocation of fees to general fund purposes is one of the hallmarks of the state’s current budget.

A provision in the law increases the surcharge that is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances. The new language establishes the permit surcharge to be the greater of one-half mill (.0005) of the fee or \$5. The origin of this fee increase stems from the state’s ongoing transfer of fees from the special revenue fund to the state’s general fund (what seems to have become an annual budget & supplemental budget event).

Also part of the supplemental budget is the transfer of \$14 million from the worker’s compensation assigned risk plan to the general fund. This plan provides worker’s compensation insurance to employers who are rejected by the private sector insurance market.

It removes a provision allowing licensed individuals



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from seeking continuing education credit for courses not previously approved by the Department of Commerce.

CITY AUTO GLASS ACHIEVES AGRSS VALIDATION

June 1, 2010...City Auto Glass, Minnesota's largest independently owned auto glass repair and replacement company, recently achieved AGRSS validation. This took place during May after an independent validation specialist visited City Auto Glass locations in both Rochester, MN and Albert Lea, MN.

City Auto Glass is especially proud to have achieved this distinction on the first visit from the AGRSS validation specialist, as this process often requires a follow-up trip to address weaknesses from the first visit.

Mike Schenian, President of City Auto Glass stated, "The AGRSS validation that we have received marks a milestone for our company. I am extremely proud of the commitment that our Managers, Customer Service Representatives, and Auto Glass Replacement Technicians have demonstrated to the strict guidelines set forth in AGRSS. City Auto Glass has and always will put its highest priority on the safety of its customers."

Jim Schenian is the AGRSS Compliance Administrator for City Auto Glass. The City Auto Glass shops in Rochester and Albert were represented by manager and owner Jay Lingle, along with Steve Partch, Ted Chandler, Dave Haley, Mike Mehrkens, Leroy Borling, Lisa Ebner, Beth Bingham, and Julie Stock. Additional assistance was provided by Jim Janssen from Sika AGR.

AGRSS is the Automotive Glass Replacement Safety Standard, North America's standard for the proper installation of auto glass. AGRSS-registered shops make a written commitment to install auto glass in accordance with these prescribed procedures and agree to random independent third party audit of their policies and procedures each year.

EPA Lead Remediation Update

As you all know, early this year the EPA publicized a requirement that contractors performing renovation on pre-1978 residential and child-occupied facilities to be certified in accordance with the federal remediation law. This requirement has been in place for some time but very few were aware of it. The MGA and many other associations sponsored training classes to enable glass contractors to attain certification by the April 22, 2010 deadline.

The regulation was problematic for most glass industry professionals since it was not particularly clear if they would be affected. Many took the position - better safe than sorry.

Lead poses a significant hazard; great care needs to be used to protect everyone, particularly children from exposure. Unfortunately the EPA regulations are not effective in dealing with the problem; they are a good example of bad regulation and foster skepticism of government effectiveness in general. Construction industry organizations at large engaged in full scale lobbying of government to delay and rewrite the regulation.

The EPA, in its wisdom, determined to press ahead and announced that it will extend the lead-safe work practices to renovations on public and commercial buildings. It also announced an advertising campaign to raise awareness of the dangers of lead poisoning. The EPA did finally announce on June 18 that it will not take enforcement action against firms that have been unable to obtain certification until Oct. 1 of this year and that individual contractors must



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apply to enroll in a training class by Sept. 30 and complete the training by Dec. 31, 2010.

The EPA then announced on June 30 that the delay in enforcement of Renovation, Repair and Painting training and certification requirements:

"does not change the requirement that all contractors take steps to protect children and families from the dangers of lead poisoning by becoming certified and following the work practice standards and the associated recordkeeping requirements,"

"EPA is not stopping its enforcement against any renovation firms and individual renovators who do not comply with requirements of work practice standards and associated recordkeeping requirements,"

This makes it all perfectly clear. The EPA either may, or may not, be enforcing its requirements.

Minnesota Jumps on Board

Unfortunately, Minnesota jumped on the bandwagon by enacting SF3128 which echoes the federal regulation. Minnesota's law is effective February 1, 2011. We anticipate there may be rulemaking, likely through the Department of Health. That said, the state has neither indicated when rulemaking may be initiated nor what areas the rulemaking may cover.

Minnesota law requires Building Officials to verify contractor EPA lead certification by checking a web database hosted by the Dept. of Labor & Industry that links to a federal certification roster before issuing a permit. A verification charge of up to \$5 may be imposed. This is very similar to when a Building Official verifies whether a contractor has a valid license. We understand that the building officials are neutral to the responsibility narrowly outlined in law and expect that Building Officials and municipalities would object if, in the future, the state legislature or advocates pursues lead as a code enforcement item. As it is right now, lead remediation standard compliance is not part of the building code and not part of required inspection protocols.

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Thursday, July 29, 2010

6:00 pm Start

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SCHEDULE:

Date: THURSDAY, JULY 29, 2010 @ Midway Stadium, St. Paul

6:00–7:00 pm: Hot dogs and refreshments at the “Hard Ball Café” picnic area located inside the stadium gates. Cost is included in the ticket price.

7:05 First Pitch

Employees and family are welcome!

COST*:

MGA Members and their family: \$20.00 per person

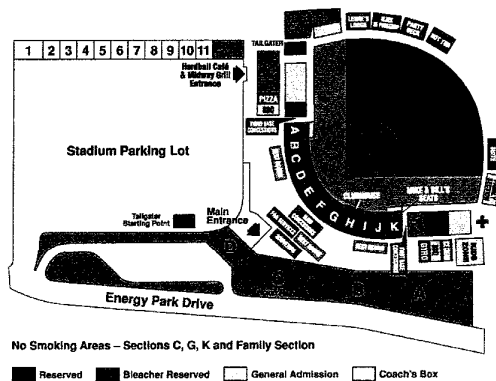
Non-Members: \$25.00 per person

Tickets will be mailed upon receipt of payment—provide contact person where indicated.

Thank You Sponsors:

Silver Level: EFTEC-Dinitrol, Dakotaland Autoglass, Minneapolis Glass Company

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REGISTRATION Please Respond by July 16, 2010 REGISTRATION

Attendee (s) Please Print Clearly	MGA Members \$20.00 p.p.	Non-Members \$25.00 p.p.	TOTAL DUE
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NGA Submits Commercial Glazing Comments to EPA

The NGA submitted comments to the EPA on behalf of its commercial glazing members. NGA members responded to the NGA's letter writing campaign in force, and the NGA submitted an industry response, along with letters from member companies, to EPA headquarters. The campaign, and comments to the EPA, was in response to the EPA's April 23 release that included a proposed action that would, if adopted, directly impact the commercial glazing industry.

"This is a very important issue that we, as an association, must address in a unified fashion," David Walker, vice president of Association Services at the NGA explained. "By commenting at the beginning of this process, we are standing up for the entire commercial glazing industry."

The NGA recommended either the elimination of the proposal or that the EPA work with the industry to ensure that the rules impacting the glazing industry have the appropriate standards. The NGA and its commercial glazing members asked the EPA to allow the glazing industry some much-needed breathing room to ensure that the increased regulatory burden does not negatively impact an industry already struggling with the downfall in commercial construction.

The NGA supports the comments being filed by a number of building industry organizations and intends to work cooperatively with industry to ensure a positive outcome.

Don't Ignore This Issue

You do not want to be caught unprepared - if this goes through - you could be facing huge fines - \$37,500. Unpopular as it is, and in spite of its changing nature, be ready.

Thanks to Remi Stone and the NGA for their work and information presented in this article

Employment Opportunity

General Manager - Hentges Glass Co., Rochester, MN—**Competitive salary and benefits**

Send resume to:

Doug Nelson, Brin Northwestern Glass
2300 N. 2nd streetm Mpls., MN 55411 Or email dnelson@bringlass.com.

Welcome New Members

Advantage Auto Glass

John Wuchko
12601 County Road 5
Burnsville, MN 55337

Mesabi Glass, Window & Door

Dave Anderson
510 west 25th Street
Hibbing, MN 55746

White Bear Glass

Jeff Meyer
1759 Commerce Ct.
White Bear Lake, MN 55110

Board of Director Changes

We observed the unfortunate and untimely passing of MGA's Secretary Treasurer Kevin Foley in our last newsletter. This created an opening on our Board of Directors. The MGA Bylaws provide that the Board of Directors fill any vacancy; the Board has acted on this and is pleased to announce that Patrick Tanner of Dorglass has been elected to the Board as a member. Dorglass has been a member of the MGA for a number of years and owner Harvey Schmidt is a past MGA Board Member. Current

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DISTRIBUTION SALES TEAM

MGA Board member Gary Haider of Architectural Products Group was elected to fill the Secretary Treasurer position. Gary is a past president of Harmon Inc. and also served as President of the National Glass Association.

Thank you to Pat, Gary and all of the MGA Board members for their time and efforts on behalf of our industry.

AGRSS Update

The AGRSS Standards Committee met in Florida this past May. The time and location change were accompanied by another, Bob Beranek, a frequent presenter at MGA events has replaced Cindy Ketcherside as Chair of the Committee. MGA Board member Jack Beckman attended the meeting as a voting alternate in place of Mike Schmaltz.

Several items were submitted as possible changes to the standard related to adhesive expirations dates, records retention and training records retention. These and other items were discussed and voted, they will be incorporated as voted and included in upcoming editions of the Standard.

The next AGRSS Conference is slated for Oct. 26-28 in Chicago. Past AGRSS Conferences had been held in conjunction with NACE in Las Vegas, recent information indicates that they will not be doing this in the future. Six separate other Auto Glass groups are planning to join in Chicago for an Auto Glass Week. AGRSS will be joined by IGA, the Auto Glass Olympics, NGA, NWRA and Window Film Expo.

The event will be also held in conjunction with an AGRSS Consumer Awareness Program (CAP) planned for the Chicago area. AGRSS CAP brings together local officials, community members and insurance company representatives to learn about the importance of proper windshield installations.

HIRE Act Provides Great Benefit to Construction Contractors

By Paul Longsdorf, HLB Tautges Redpath, Ltd.

On March 18, 2010 the President signed the Hiring Incentives to Restore Employment Act of 2010 (HIRE Act) into law. The primary provision of the HIRE Act provides a payroll tax holiday to qualified businesses who are adding to their workforce. The benefit is available to seasonal employers as well.



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The new law exempts any qualified employer who hires a worker who had been unemployed for at least 60 days from having to pay the employer's 6.2% share of the Social Security payroll tax on that employee for the remainder of 2010. Generally, all employers except government entities and school districts will qualify for the payroll tax holiday.

Workers hired after Feb. 3, 2010 are eligible for the payroll tax forgiveness but only wages paid after March 18, 2010 receive the exemption for payroll taxes. Some additional features of the new hiring incentive include:

- The tax benefit of the new incentive is immediate. It puts money into a business' cash flow immediately, since the tax is simply not collected in the first place.
- There is no minimum weekly number of hours that the new employee must work for the employer to be eligible, and there is no limit on the dollar amount of payroll taxes per employer that may be forgiven.
- For workers that would otherwise be eligible for the Work Opportunity Tax Credit (i.e., another type of employment tax credit), the employer must select one benefit or the other for 2010. There is no double dipping.
- An employer can't claim the new tax breaks for hiring relatives. The law currently does not include spouses in the definition of relatives.
- A worker who replaces another employee who performed the same job for the employer isn't eligible for the benefit, unless the prior employee left the job voluntarily or for cause. Seasonal businesses re-hiring employees can qualify for the payroll tax holiday.
- For the employee to qualify, the new hire must sign an affidavit, under penalties of perjury, stating that he or she hasn't been employed for more than 40 hours during the 60-day period ending on the date the employment begins. The IRS has issued Form W-11 to be used by the employers.

In addition, if you retain the employees for 52 consecutive weeks and the employees meet certain requirements, your business will be entitled to a retained worker credit of up to \$1,000 per qualified worker. This credit can be used to offset current and future income tax liabilities, subject to alternative minimum tax (AMT) limitations. Contact Paul Longsdorf at (651)407-5831 or plongsdorf@hlbr.com for more information

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MGA is:

The Association advocates for and promotes member success in the architectural and auto glass industries. Through Training and Education, the Association supports Professionalism and High Ethical Standards; unifying members to speak as one for Safety, our Environment and Fair Competition.

Our Mission:

“To develop and maintain a strong and vital organization that improves the image of the industry through promotion of reasonable regulations and adherence to and promotion of ethical business practices.”



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