



# Texas MERIT+SHOP Journal

April 2013

*Defending the Rights of Merit Shop Contractors*

## 2013 Legislative Day Recap

Making a  
Difference in the  
Political Process

One on One with  
State Rep.  
John Davis

Reflections from  
Legislative Day

Legislative Day  
Through the Eyes  
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Defending the Rights of Merit Shop Contractors



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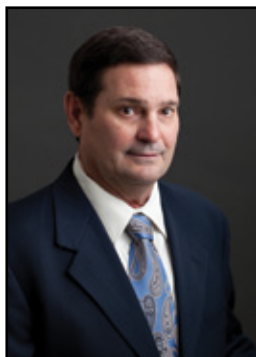
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## Letter From the Chairman



GREMILLION

### Dear ABC of Texas Member,

I want to start off by thanking everyone who participated in our Legislative Day on March 6. As usual, we had a great turnout. We started on Tuesday afternoon, March 5 with a short Board meeting to talk about legislation. Following that meeting, we had a reception at Mike Toomey's office. It has one of the best views of the State Capitol in town. The next morning at breakfast, we heard from three ABC members who also happen to chair committees in the Texas House: Speaker Pro Tempore Dennis Bonnen, Chair of the House Committee on Special Purpose Districts and the Sunset Advisory Commission; Rep.

John Davis, Chair of the House Committee on Economic and Small Business Development; and Rep. Todd Hunter, Chair of the House Committee on Calendars. Rep. Cecil Bell, Jr., another ABC member, was also in attendance.

I want to thank our Legislative Day Sponsors for helping make the event a success: TEXO; Texas Coastal Bend Chapter; Andrews Myers, P.C.; Repcon, Inc.; Infinity Construction Services; and from the Greater Houston Chapter—D.E. Harvey Builders; Jacobs; Mobil Steel International; Brock Services; Holes Inc.; Turner Construction and Fast Track Specialties.

I also want to encourage you to get involved in supporting two of our high priority bills—HB 1548 by Rep. Bill Callegari and SB 1381 by Senator Kelly Hancock (Open Competition and Efficiency in State Government Contracting) and HB 1980 by Rep. Tan Parker (Paycheck Protection). These along with other issues are mentioned later in this magazine.

And, I want to remind everyone that the following ABC members have become "Friends of ABC of Texas" by helping financially in excess of their dues commitment:

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By the time you get this issue of Texas Merit Shop Journal, the Texas Legislature will be in full swing. Be sure to do your part if you are called on to communicate about ABC of Texas' priorities.

Michael A. Gremillion  
2013 ABC of Texas Chairman  
Vice President – Houston Office  
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## Letter From the President



FISHER

Dear ABC of Texas Member,

The 83rd Texas Legislature is well underway. The bill filing deadline has passed and the first regular House Calendar was Tuesday, March 19.

As you may know, the Texas Legislature meets for 140 days every two years. This regular session ends on Monday, May 27, 2013. Only the Governor can

call the Texas Legislature into special session, and the Governor sets the agenda. Many expect a special session to deal with school finance after the Texas Supreme Court rules on the case. Taxes will likely also be on that agenda either directly or indirectly.

Of course, we still have to get through this regular session. Your ABC of Texas Board has set our priorities, and we are busy trying to pass the bills you like and kill the bills you don't.

I want to especially thank the ABC members who came to town for our Legislative Reception and our Legislative Day. It is important that our elected officials understand who we are working for here in Austin.

By the time you receive this magazine, you should have started receiving periodic updates on the progress of the Texas Legislature. If you haven't received these updates from VoterVoice by email, contact your chapter president to find out how to get enrolled to receive them. We also use that system to alert our members for the need to contact elected officials either in support or opposition to legislation.

We've taken on some rather ambitious issues this session—Open Competition and State Government Efficiency in Contracting (HB 1548 by Rep. Bill Callegari and SB 1381 by Senator Kelly Hancock) and Paycheck Protection (HB 1980 by Rep. Tan Parker). The first deals with making sure state resources are not used for project labor agreements, and the second protects union members from involuntarily giving to union political action committees.

Of course, we have the usual number of construction industry issues to work on. Matters such as Retainage/Trust Fund, State Breach of Contract, Lender Notice, and Worker Misclassification will take up a lot of time trying to advance. And, we'll be having hearings on a Lien Law Reform bill which seeks to simplify the lien laws by eliminating unnecessary tripwires and confusing procedures.

If all of that wasn't enough, we are active in participating in a 22 association coalition to provide flexibility in the high school curriculum so more students have the opportunity to get the kind of

education that can yield a good-paying job.

As always, feel free to contact me if you think we might be missing something important to our industry or the Merit Shop Philosophy.

Sincerely,

Jon Fisher  
ABC of Texas  
President



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# 2013 LEGISLATIVE DAY RECAP

If you've never attended ABC of Texas' Legislative Day, consider giving it a try in 2015. Of course, we only have this event every two years because that's when the Texas Legislature meets.

This year, we tried something different than the last two sessions—we moved the event one month later to March 6. We knew that would result in fewer legislators attending our reception, but we would have more bill numbers by that time so our visits could be more meaningful. The event itself is covered elsewhere in this magazine where we have chapters talking about their experiences. Following breakfast, the chapters visited legislative offices

***[Open Competition and Efficiency in State Government Contracting] deals with providing a level playing field for all contractors bidding on projects using state resources. It prohibits a governmental entity that is using state resources from requiring a contractor to sign a collective bargaining agreement as a condition of bidding on or being awarded a contract.***

delivering ABC of Texas materials. We asked the ABC members to talk about four issues—Open Competition and Efficiency in State Government Contracting; Education/Workforce; Retainage/Trust Fund and Paycheck Protection.

## **Open Competition and Efficiency in State Government Contracting**

The first issue deals with providing a level playing field for all contractors bidding on projects using state resources. It prohibits a governmental entity that is using state resources from requiring a contractor to sign a collective bargaining agreement as a condition of bidding on or being awarded a contract (also called a project labor agreement). It also prohibits the governmental entity from prohibiting the contractor from using one if he so chooses. It basically requires neutrality in contracting. As you know, this is a high priority of ABC National. Twelve states have already passed laws similar to HB 1548 by State Rep. Bill Callegari and SB 1381 by State Senator Kelly Hancock.

## **Education/Workforce**

The next issue we had the ABC members discuss was Education/Workforce. Basically, we support both HB 5 and SB 3 which provide

flexibility in curriculum to allow more students to take Career and Technology Education (CTE) courses without jeopardizing their ability to graduate or pursue a secondary education of their choice. Not enough emphasis is placed on serving the majority of the students who do not plan to attend a 4-year college or university. Of course, we want to keep that option open for as many as possible. HB 2431 by State Rep. Jim Murphy and SB 1344 by State Senator Chuy Hinojosa are strongly supported by Jobs for Texas, a coalition of 22 business associations (including ABC of Texas). This legislation focuses on providing flexibility while maintaining rigor.

**Retainage/Trust Fund and Paycheck Protection**

We also talked about Retainage/Trust Fund legislation which would ensure that the statutory retainage is available for payment to contractors in the event of a foreclosure on the owner. That legislation is HB 3316 by State Rep. Jim Keffer.

Last, and certainly not least, we asked the ABC members to talk about Paycheck Protection. HB 1980 by State Rep. Tan Parker would require corporations and labor unions to ensure that employees or members made a separate decision to give to the

political action committee (PAC). It would also require employers to list the PAC deduction separately on paychecks. This just provides employees with some transparency about where their paycheck deductions are going.



**FISHER**

**ABOUT THE AUTHOR:**

Jon Fisher has been President of ABC of Texas since mid-2008. Prior to that he was senior vice president at Texas Chemical Council. He has led ABC of Texas in preparing plans for legislative sessions and participation in the Texas elections. Most recently, he helped ABC of Texas prepare a Strategic Plan for the next 4 years with emphasis on the next 2 years. To contact Jon, email jon@abctexas.org.

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# Making a Difference in the Political Process

## *How to Engage and Interact with Your Legislator*

By Mike Toomey and Jon Fisher

**M**any people are baffled about how to get engaged with their elected representatives. They are busy with their personal and business lives and simply do not have the time to get involved in politics or government. Well, ABC has a motto—“Get Into Politics or Get Out of Business!”

If the gridlock and direction of our federal government frustrates you too much, consider getting involved in state government. You’ll find that not only are your state elected officials approachable, but they actually want to get to know you.

In any regard, when you address an elected official, make sure you know whether they are a federal or state official. It certainly undermines your credibility if you do not know. Do not ever, ever call a State Representative, “Congressman”. That term is reserved for U.S. Representatives only.

Members of the Texas House of Representatives and Texas Senate are not full-time legislators, and they certainly are not paid a full-time wage! They get \$600 a month for their service—that’s a whopping \$7,200 a year. They do receive a per diem while on state business. It should be obvious that we are lucky to get

anyone willing to do this job for that kind of pay! It should also be obvious that they are not doing it for the pay. Most Texas legislators do this job out of love of public service. Many are successful in their private lives and want to give back to the state that gave them this opportunity. Many make personal sacrifices in order to serve. And, many leave public service because they simply cannot continue to make those sacrifices. Keep that in mind—they do not need this job!

***One of the best ways to engage with your state elected officials is quite simply to get to know them. Knowing someone builds trust, and trust enables you to be more effective.***

One of the best ways to engage with your state elected officials is quite simply to get to know them. Knowing someone builds trust, and trust enables you to be more effective. It is important to recognize that time is a very precious commodity to a state legislator during the short biennial legislative sessions (the Texas Legislature meets from January to the end of May in odd-numbered



years only, unless the Governor calls them into Special Session to address the topics of the Governor's choosing). Because of that reason, during a session, the legislator will be pulled in many directions and has to quickly decide who he believes and who he wants to go to bat for. He or she can only do so much. Your goal is to create the relationship that causes that legislator to want to listen to you and help you or your industry if he or she can.

So, how do you start? Well, a good place is in the election campaign. And, no, we're not telling you to contribute huge sums of money, although that is good and certainly appreciated. Believe it or not, one of the authors had a legislator tell him at an ABC function that he cannot remember everyone who gave him a \$1000, but he can remember the name and face of everyone who worked in his campaign. So, as much as the legislator dislikes a challenger in the primary or general election, that circumstance frequently offers you, his constituent, a chance to become a friend and valued political asset. So, if that circumstance presents itself, or there is an open seat and you know who will most likely support your industry, call or visit the campaign headquarters in person and say you want to help. Put up a yard sign. Put a bumper sticker on your car and a poster in the window of your business office (if you can). Show up when there is a block walking event scheduled or volunteer to work at the headquarters. Do as much as you can to help.

If you don't have that opportunity, becoming social acquaintances offers another opportunity to get to know someone. Invite the legislator and his or her spouse to dinner with you and your spouse. Visit the legislator at his or her office in the district where you live. Of course, don't try doing this while they are meeting in Austin. Time at home for a legislator at that time is usually very precious—even more precious than time in Austin.

Another, more time-consuming, but very effective way to develop relationships is to become a precinct chair. These people become VIPs to elected officials—especially your state representative and state senator. If you don't know how to do this, get involved in your local precinct convention first. Never been to one? Go to the next one. They are held immediately after the polls close for the primary election at the site where the precinct votes in the primary. Once you are known to be an active participant, run for precinct chair (or seek to get appointed if there is a vacancy).

After developing a relationship with your legislator, you can make your participation in ABC of Texas' Legislative Day even more impactful by telling your Chapter President you will set up the appointment with that particular legislator and make the call. Explain to the staffer who answers the phone that you would appreciate it if the legislator would meet with you personally since you worked in the campaign, you are personal friends, or you are the chair of your precinct (whatever the case). They will get that information before the legislator and your chapter is more likely to have a personal visit.

And, even if you are not able to attend our Legislative Day, you will be in a better position to contact your legislator by phone, mail or even email when the time comes to express your concern about a piece of legislation or your support of an industry initiative.

Getting involved in politics is as easy as making a new friend or getting acquainted with someone in your line of work. Every legislator is in our line of work whether we like it or not—they can affect our job and our bottom lines. As your fellow ABC members say—"Get Into Politics or Get Out of Business!"

**ABOUT THE AUTHOR:**

Mike Toomey is the longtime ABC of Texas lobbyist and has the distinction of being the only individual in Texas history to have served as chief of Staff for two Texas Governors. He is a former State Representative from Houston and was voted in Texas Monthly magazines "Top Ten Legislators". Mr. Toomey is a strong supporter of Tort Reform in Texas and is widely acknowledged as one of the most respected and effective lobbyists in the State of Texas.



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Jon Fisher has been President of ABC of Texas since mid-2008. Prior to that he was senior vice president at Texas Chemical Council. He has led ABC of Texas in preparing plans for legislative sessions and participation in the Texas elections. Most recently, he helped ABC of Texas prepare a Strategic Plan for the next 4 years with emphasis on the next 2 years. To contact Jon, email jon@abctexas.org.



## *One on One With...*

### **STATE REPRESENTATIVE JOHN DAVIS**

*In November 1998, John E. Davis was elected to the Texas Legislature to represent House District 129. Representative Davis currently serves as Chair of the House Committee on Economic and Small Business Development. He also serves as a member of the House Committee on Public Education. His previous committee appointments include: Chair for the House Appropriations Subcommittee on Health and Human Services, Chairman of Budget and Oversight for the House Human Services Committee, membership on the Medicaid Reform Legislative Oversight Committee, and Vice Chair of the House Select Committee on Hurricane Ike Devastation.*

*A native of Houston and a fifth generation Texan, Rep. Davis graduated from Baylor University in 1982 and from the University of Houston-Clear Lake in 1987. He is the past President of Oates Industries, an industrial roofing company; he currently serves as owner and manager of Oates Metal Deck and Building Products, Inc.*

*An active member of the community, Rep. Davis belongs to the Clear Lake Area Chamber of Commerce, Space Center Rotary Club, University Baptist Church in Clear Lake, and the Pasadena Salvation Army Advisory Board. His legislative efforts include working with NASA Johnson Space Center on the Texas Aerospace Scholars' Program along with the Technology Outreach Program. As a result of past and present work with various advocacy groups, following the 82nd Legislative Session Rep. Davis was awarded the "Friend of Medicine" award by the Texas Medical Association and the "Free Enterprise Champion" award by the Associated Builders and Contractors of Texas.*

*John married Jayne Anne in 1984. Mrs. Davis is also a graduate of Baylor University. She is a former elementary school teacher for Clear Creek ISD. Mrs. Davis grew up in Tampico, Mexico and is fluent in Spanish. John, having traveled throughout Mexico and Central and South America, is conversational in Spanish. The Davises have three sons: Reagan, a graduate of Baylor University; Samuel, a graduate of the University of Texas at Austin; and Gaston, a freshman at the University of Texas at Austin.*

### **What is your business background?**

I started working at Oates Roofing and Sheet Metal as a 16 year old after school then bought the business as a 25 year old in 1986. Oates serves the Petro-Chemical industrial markets along the Houston Ship Channel. After growing the business to 40 employees, I sold it in 2003 and started Oates Metal Deck and Building Products, Inc. which I currently own and operate.

### **You've got an interesting story about why you ran for the Texas Legislature, and it includes ABC. Would you share that with us?**

My initial interest in running for the Texas Legislature comes from my interest in serving people and from a desire to put myself in situations where I am forced to learn. Running for public office requires you to be able to explain what you believe and why you believe it. If you cannot justify or explain your reasoning, it may be time to reevaluate your beliefs or positions.

After running my roofing and sheet metal company for about 12 years I had some extra time on my hands, so I decided to take the ABC bus trip to Austin and talk to the legislators about the issues facing our businesses. After the trip, I realized "those people" in Austin have a big impact on my business. I figured those guys were not any smarter than me, and I began to look for an opportunity to run for office.

### **You chair a committee very important to ABC members—the House Committee on Economic and Small Business Development. What are your priorities for your committee this session?**

One of my priorities for the committee this session is centered around workforce development. I would like to focus on growing the career and technical education programs that are currently offered in our high schools. At the same time, we need to work on developing a pipeline for high-paying skilled workers that industry actually has a demand for. Encouraging a strong relationship between our schools, our community colleges, and the industries in our state will go a long way towards meeting the workforce demands of our state.

I also want to have a robust conversation on the economic development incentives that we currently have in place in

our state. This discussion began during the interim with the appointment of the Select Committee on Economic Development, and I am hopeful that it will continue in my committee this session.

**What are your personal priorities this session?**

Mental health has always been a policy area that I have been very interested in. This session I am working on creating a grant program entitled Healthy Community Collaborative to encourage communities to leverage public and private resources in order to collaborate, coordinate, and align service providers in an effort to address mental illness, substance abuse, homelessness, and other contributing factors necessary to restore the whole person. I am hopeful that a grant program like this could create an infrastructure of programs across the state aimed at addressing these difficult issues.

**If we were looking back from next June, what would be the one or two most important things you would like to be able to say about the 83rd Session of the Texas Legislature?**


It is critical that we reform our public education system to recognize the importance of career and technical education. We must encourage schools to offer industry recognized certifications that will help keep kids in school by demonstrating that what they are learning in school is relevant to building a successful life.

I would also like to be able to say that we fully vetted the idea of bringing back the Research and Development Tax Credit and extending the Chapter 313 exemptions in order to continue to grow the manufacturing industry in our state that brings new high skill, high wage jobs into our economy.

**Do you have any personal insight you would like to share with your fellow ABC members about how to be more effective with the Texas Legislature?**

Get involved and make your story or message personal. Like, love or hate politicians and the political process, they do have a significant impact on your business and thus your livelihood and quality of life. Also, try to find some common ground with the member you are visiting with so that you can make that personal connection as it relates to your issue.

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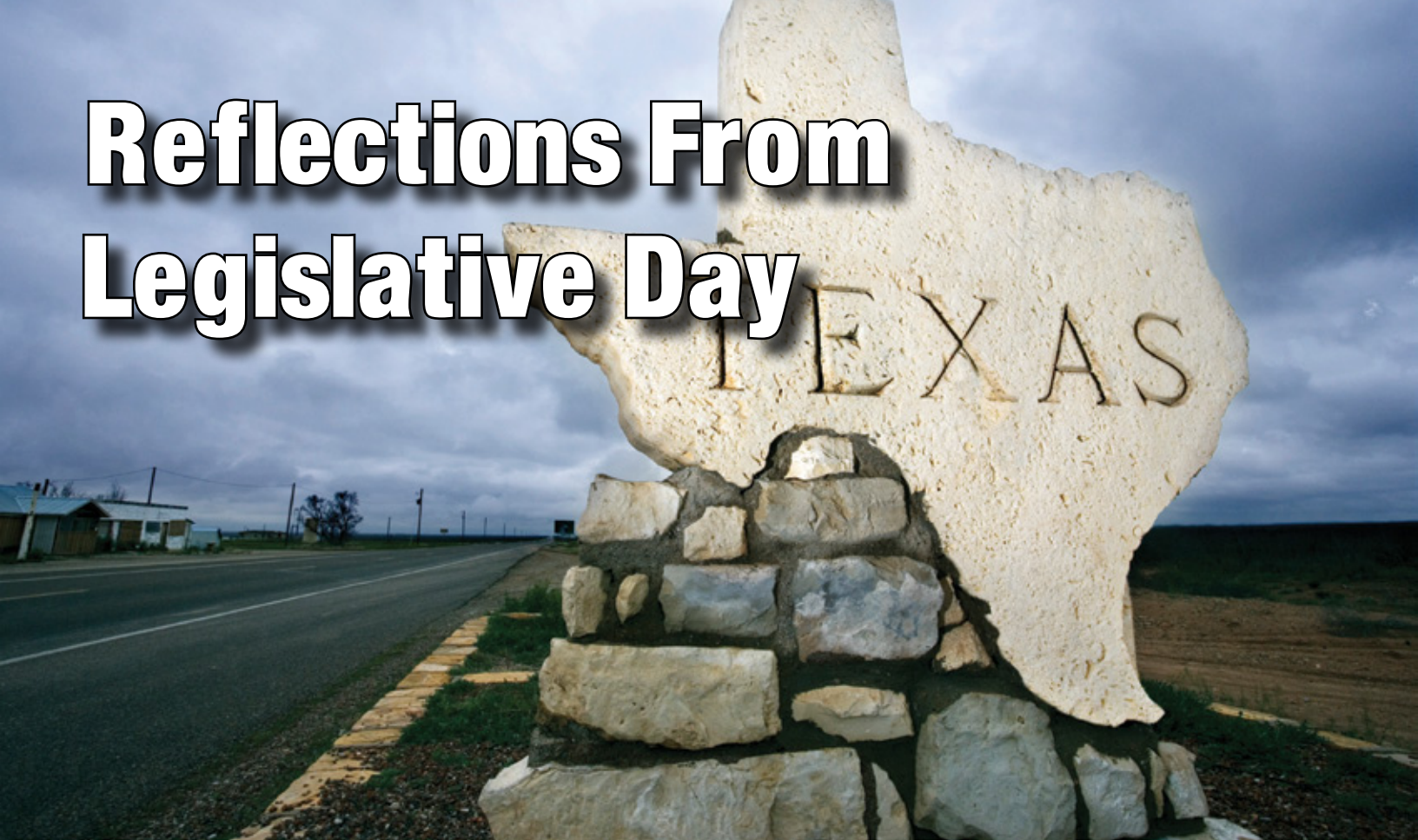
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# Reflections From Legislative Day



Every other year, ABC Members from around Texas make a pilgrimage to the State Capitol to visit with lawmakers about issues and bills that affect the way contractors do business. This year, the trip took place March 5th, with a legislative reception, and March 6th, with elected official office visits. The individuals who make the Austin trip come from varied backgrounds. Some have made the Austin trip many times before, yet for others, it was their first time to tour the Capitol and meet with elected leaders. In this article, three ABC of Texas chapters share their unique stories about Legislative Day.

## **ABC Central Texas**

On March 5th, ABC Central Texas members enjoyed a rare opportunity to visit with Representatives and Senators who took time out of their busy schedules to meet with over 100 members from across the state who attended the Legislative Reception. The Central Texas chapter alone had almost 30 attendees, and many of the Chapter's Young Professionals were in attendance. Prior to the reception, there was a meeting of the Young Professionals from the Chapter, at the Roaring Fork, to discuss the Reception and the Legislative Breakfast, providing them with an overview of events.

On March 6th, Central Texas members attended the Legislative Breakfast at the DoubleTree Hotel on West 15th Street. There were several guest speakers including The Honorable Dennis Bonnen, Speaker Pro Tempore; The Honorable John Davis, Chair of the House Committee on Economic and Small Business Development; and The Honorable Todd Hunter, Chairman of the House Calendars Committee. At the conclusion of the meeting, everyone received ABC of Texas Priority Issues and boxes of



*ABC South Texas Members enjoy quality time with their State Legislators during the 2013 ABC of Texas Legislative Day Reception, hosted at the offices of the Texas Lobby Group - what a view!*

chocolates to take to all the offices. The Central Texas chapter broke up into three groups to visit Representatives and Senators from the Central Texas area. Central Texas members visited with a total of 19 House and Senate offices, delivering chocolates and information on ABC's important issues.

### **ABC South Texas**

With all of the new faces, both elected officials and their staffs, it was critically important that ABC members travelled to Austin in early March to sit down to review and discuss the issues and pieces of legislation impacting the construction industry. Too many still think construction is a simple industry with low wages, poor safety practices and low skills. Nothing could be further from the truth. ABC of Texas Legislative Day gave the industry the opportunity to not only dispel these myths but show our commitment to safety, workforce development, and economic development.

Many of the South Texas Chapter participants were amazed at the lack of understanding of the industry's issues and realized the time away from work was well spent. Others relished the opportunity to help educate the staff members. Everyone enjoyed the visit to the Capitol and the state senators' and state representatives' offices.

Starting the day hearing from the various elected ABC members, and getting an overview on ABC's issues got everyone fired up, and the final meeting of the day with Speaker Joe Straus capped off another successful ABC of Texas Legislative Day for the South Texas Chapter.

### **ABC Greater Houston**

There's something to be said about constituents who are willing to drive almost 3 hours to talk face-to-face with their elected officials. ABC of Greater Houston took full advantage of Legislative Day put on by ABC of Texas' President, Jon Fisher, in March with around 35 members in attendance. The Houston Chapter managed to visit 40 Houston-area elected officials, not including two that attended dinner at Flemings the night before. In order to fit in so many legislative visits in five hours, Houston's group of 40 members split into four separate groups who visited with the officials assigned to them. This ensured that each group was able to allot enough time to discuss, in depth, the legislative issues at hand and still grab a bite to eat at Austin's local eatery, The Texas Chili Parlor. With their mouths on fire, both figuratively and literally, members



*ABC Greater Houston Members break for lunch at an Austin favorite - the Texas Chili Parlor.*

expressed their concerns to elected officials in regards to current bills and issues directly effecting their businesses. Among these issues were Paycheck Protection, Workforce Development, PLA's and much, much more.

While many of the Greater Houston attendees were veterans at our state's capitol, there were quite a few members who were there for the first time. As part of ABC Greater Houston's Leadership Forum, a five month series of classes training individuals in construction management and leadership skills, students were encouraged to attend Legislative Day in order to gain insight on how constituents can impact legislation. As a result, some students went from being quite reserved, saying little to nothing in the first several visits, to taking the lead in a conversation with an elected official and opening up about their opinions.

Overall, the experience was beneficial, educational, and impactful for all parties involved. In regards to the Chapter's Representatives and Senators, they seemed to be quite responsive and engaged with members concerns on current legislation- proving that face-to-face interaction is much more effective than simply emailing a legislative aid or mailing a check. For Houston members, repeatedly talking about these issues and being able to hear various opinions on each topic helped in becoming more informed and effective in discussing these topics in the future.

**April 30-May 3, 2013**

Birmingham Jefferson Convention Center  
**Birmingham, Alabama**



**Workforce  
Development  
Conference**

### **Seven (2 day) Academies**

Basics of Project  
Management  
Academy

Foreman Academy

National Electrical  
Code (NEC) &  
UL White Book  
Academy

Financial  
Management  
Academy

Human Resources  
Academy

Construction  
Education  
Professionals  
Academy

STEP - Plus Safety  
Excellence Academy



### **Two National Competitions**

National Craft  
Championships

Construction  
Management  
Competition

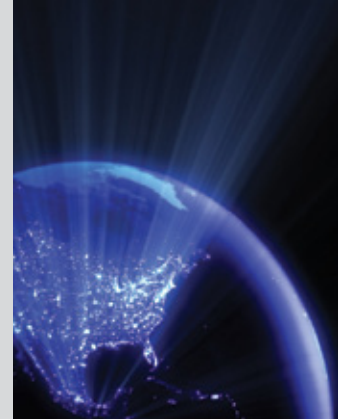


### **Awards**

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Alabama Chapter



## Boyer, Inc. - Staying Civil with the Government

**A**ndrews Myers is a full-service business law firm and a recognized market leader in construction law who's been proud to call Texas home for more than 22 years. Individually, their lawyers are recognized as leaders in their fields. Collectively, their expertise becomes even more powerful. Which is why longtime client Mark Boyer, of Boyer, Inc., is proud to be represented by the firm.

Andrews Myers has counseled Boyer on everything from day-to-day business matters, to more complex construction disputes. "AM really knows how to hit the ground running," says Mark Boyer, President of Boyer, Inc. "They quickly understood some complex, multipart issues we faced, getting to the heart of the problem quickly and efficiently." The bonds between Boyer and Andrews Myers strengthened even further while they worked together to resolve a matter involving Boyer's rehabilitation of a 100-year old brick storm sewer.

In 2003, the District of Columbia Water and Sewer Authority (DC WASA) began a multi-year assessment of the District's combined sewer collection system in order to gauge pipeline deterioration and to strategize the rehabilitation or rebuilding of the existing sewer facilities. Like many older East Coast cities, Washington, DC's aging 600-mile water and sewer infrastructure was in dire need of major renovations and general maintenance. Some components of the existing system are well over 100 years old. DC WASA began

a massive rehabilitation effort via a series of separate projects and in 2009, Boyer worked as an underground utility subcontractor to improve certain sections of the system.

Andrews Myers, with support from local counsel in The District, represented Boyer in evaluating and resolving issues related to technical specifications, payment provisions and cost standards relating to Boyer's work on the project. An optimal recovery was secured on its behalf, including Boyer's out-of-pocket costs, interest on the debt, attorney's fees and lost profit.

"On more than one occasion, Andrews Myers has brought judicious closure to a tough subject matter... but this one was extraordinarily impressive to me," said Boyer. With experience in handling complex cases like this, it comes as no surprise that for the sixth consecutive year Chambers USA, America's Leading Lawyers for Business, ranked Andrews Myers as a "Band One" top construction law firm in Texas, and also recognized four of their lawyers as leading individuals in their fields.

For additional project summaries like Boyer Inc.'s, please visit the Andrews Myers website at [www.andrewsmyers.com](http://www.andrewsmyers.com).

Photo Captions:

- 1: (pictured left to right) Bill Davidson and Ben Westcott of Andrews Myers with Mark Boyer of Boyer, Inc.
- 2: DC WASA Installation

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## *Legislative Day Through the Eyes of a First-Timer*

**W**hen his alarm clock sounded at 3:30 AM on March 6, Austin Industrial's Robert Davidson thought he must be crazy to sign up for this trip to Austin, Texas. He boarded the bus at ABC Houston with a dozen other members an hour later and headed to Austin, unsure of what the day ahead might bring. But upon arrival in the state Capitol, Robert's apprehension was swept away by the excitement building in the atmosphere amongst the gathering group of ABC members from all over Texas. After all— how many people get the chance to represent their industry in face-to-face meetings with over 40 elected officials in the Texas House of Representatives and Senate?

ABC of Texas has hosted a Legislative Day for its members for many years. Occurring every other year to coincide with the Texas Legislative Session, this unique event allows everyone, from the chairman of the ABC Board of Directors to the newest member, to see our government at work first-hand, and the opportunity to influence it through the lobbying process. This year, the day started with a breakfast meeting that featured The Honorable Dennis Bonnen, Speaker Pro Tempore of the Texas House of Representatives, who emphasized the importance of developing relationships with your representatives in their district offices throughout the year rather than solely relying on a short visit every other year. Representatives John Davis and Todd Hunter echoed that message, telling the ABC group that those holding public office truly desire a relationship with their constituents, familiarity that can only develop from regular contact within the district and not just up in Austin. Attendees also heard from ABC of Texas Chair Mike Gremillion of ISC Constructors, ABC of Texas President Jon Fisher, and The Honorable Mike Toomey of the Texas

Lobby Group before gathering informative folders to distribute to legislators and heading to the Capitol building.

First time participant Cary Sebolt of Marek Brothers Systems was impressed to be a part of the judicial process, and learned that "politicians hear from thousands of people on thousands of topics, so it is important that ABC members try to convince a select few legislators to focus on industry issues." Key issues affecting the construction industry this year and those presented to each Legislator included Open Competition [in bidding] and Efficiency in State Government Contracting, Texas Senate and House bills aiming to achieve flexibility in high school curriculum, Retainage and Trust Fund requirements to benefit contractors. One new ABC member attendee said, "To learn about the laws that affect the business you are in and let your voice be heard about why these things are important in the industry is so impactful on both participants and the lawmakers themselves." When asked to sum up the day, he said two words: "Worth it." - KD

***Occurring every other year to coincide with the Texas Legislative Session, this unique event allows everyone, from the chairman of the ABC Board of Directors to the newest member, to see our government at work first-hand, and the opportunity to influence it through the lobbying process.***





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# ABC INITIATIVES AROUND THE STATE



*Texas Representative Phil Stephenson (right) and Texas Gulf Coast Chairman Gerald Andrews (left), enjoy a beautiful evening with fellow members at the ABC of Texas Legislative Day Reception.*



*Over 300 ABC South Texas Members attended the annual Chili and Gumbo Cook-off, held in early March, which featured over 25 cook-off teams. There was a gun raffle and lots of live and silent auction items.*

## ABC TEXAS GULF COAST

Spring is a busy time of the year for the Texas Gulf Coast Chapter, and the month of February started off with a bang. The Annual Joint Membership Event and Luncheon with ACIT was held February 12 with a record crowd. In addition to recognizing five new members to the ABC Chapter, the attendees were provided timely and relevant information regarding workforce development and proposals being considered by our State Legislature in regards to graduation requirements. Industry has been a strong supporter of revamping the 4x4 requirement for high school students so that students interested in the construction trades have more opportunities to pursue those fields without jeopardizing their graduations. Hector Rivero, President & CEO of ACIT, served as a moderator for the three panelists who include Dr. Karin Holacka, Superintendent of Brazosport Independent School District, Dr. Millicent Valek, President of Brazosport College and Joe Arnold, Industry Director from BASF.

Shortly following this event, another record crowd was on hand to play in the Spring Texas Hold 'Em Poker Tournament. Ron Pisklak, a community supporter of the chapter, won the coveted title and new championship bracelet. Dave Mayberry (2nd) and Greg Brooks (3rd) finished strong and kept the game exciting.

February has also been filled with planning meetings for a new facility for this chapter. They hope to see groundbreaking in the second quarter of this year. The chapter's educational affiliate, Merit Shop Training, Inc. (MSTI), recently received an NCCER Endorsement for Rigging, Signal Person, and Mobile Crane. The Chapter can provide certification assessments (written and practical) for local contractors. Likewise, Contractors' Safety Council of Brazosport (CSCB), this chapter's safety affiliate, has been adding new classes to meet the needs of members. Recently, they rolled out Helper Orientation Program (HOP), a 4-hour hands-on class to familiarize entry level employees in construction with basic hand and power tools as well as basic safety.

Finally, March is the month for BBQs and visiting legislators! Terry McAlister, ABC President and Gerald Andrews, ABC Board Chairman, attended ABC Legislative Day in Austin the first week in March. In just a couple of weeks, members will be back in Austin for Brazoria County Days where citizens of Brazoria County treat their elected officials to the largest Shrimp Boil in Texas. And the month would not be complete without BBQ. The Texas Gulf Coast Chapter hosted the 24th Annual BBQ Cook-Off on March 22-23rd.

## ABC SOUTH TEXAS

The year started off with another successful ABC-PAC phone blitz, with over \$30,000 raised in less than 30 minutes! The chapter board stayed after the January board meeting to make calls.

A couple of weeks later, the chapter held its annual "Contractor In A Box" membership mixer at the historic Sunset Station. Over 20 contractors were available to meet with subcontractors, suppliers, engineers and architects to discuss bid opportunities, market niches, upcoming work and team building.

The Future Leaders Task Force (FLTF) conducted "mock interviews" in February for students in the University of Texas at San Antonio Construction Management Degree program. Task Force members, with assistance from seasoned HR professionals, conducted the individual interviews as if this was for an actual job. Other task force members and chapter volunteers reviewed resumes, providing helpful hints to make them more professional looking, while other task force members discussed interview techniques, professional appearance, and interview "do's and don'ts". The program was so successful that the FLTF plans on conducting mock interviews a few weeks prior to all future UTSA career fairs.

The Chapter's Government Affairs Committee held a series of meetings with the North East ISD to discuss their proposed contractor prequalification process, and the NEISD's liquidated

# ABC INITIATIVES AROUND THE STATE



*Members of ABC Greater Houston met with their Legislators during the 2013 ABC Legislative Day to discuss several bills that are of importance to the construction industry.*

damages. Also in February, the committee met with the City's Development Services Department and SA Fire Department in an ongoing effort to improve the plan review, permitting and inspections processes. This has resulted in excellent lines of communication between all parties. On the horizon locally are the upcoming SA City Council elections.

In late February, the South Texas Chapter hosted the NCCER's Subject Matter Experts meeting. This group reviewed the third year carpentry curriculum over the course of a week. Twelve SMEs participated this year. Everyone had such a good time that the Chapter may end up hosting additional SME sessions!

The annual Chili and Gumbo Cook-off was held in early March, with over 25 teams participating this year. In addition to great chili and gumbo there was a gun raffle and lots of live and silent auction items. Over 300 ABC members and guests attended this year's event held at the ABC offices.

One of the chapter's board task forces – Technology & Marketing Task Force, chaired by Sean McGarity (Keystone Concrete Placement) – is looking at how to utilize social media and current technology to help get the ABC message out to the construction industry and local business community. In addition to possibly developing a local smart phone app, task force member Michelle Seward Davis (Joeris General Contractors) is developing short videos for each of the chapter's special events. This is one reason the Chapter had such a great turnout at the Chili Cook-off in early March.

## **ABC GREATER HOUSTON**

The 83rd Texas Legislature is in full swing which means legislative and PAC involvement at ABC Greater Houston has shifted into high gear. Greater Houston's Legislative Review Taskforce, chaired by Ben Westcott of Andrews Myers, L.P., is a committee comprised of roughly 20 ABC members who review current legislation

being followed by ABC of Texas. After analyzing each bill, chapter positions along with comments are submitted to ABC of Texas. So far, around 40 bills have been reviewed and submitted and, based on history, that is only a fraction of what the committee will end up with in May.

One piece of legislation that is particularly important to ABC is one pertaining to Open Competition and Efficiency in State Government Contracting (HB 1548). This bill would prohibit state-mandated project labor agreements on government developments and allow for open competition on all projects. ABC of Texas President Jon Fisher, ABC Greater Houston President Russell Hamley, and 2013 Greater Houston PAC Chairman Brandon Mabile met with Representative Bill Callegari in January to discuss the importance of this bill and how it would benefit business and the economy in the state of Texas. Rep. Callegari agreed to author this bill in the house which was a huge leap in the right direction for free enterprise. It is currently being presented in the Texas Senate by Senator Kelly Hancock.

HB 1548 was one of the numerous bills members discussed with policy-makers at ABC of Texas's recent Legislative Day in Austin. Around 30 members from the Greater Houston chapter trekked to the state capitol on March 6th to inform over 40 Houston area elected officials of issues affecting the industry today. Some of these issues included workforce and craft training shortage, retainage/trustfunds, and paycheck protection. In particular, expanding the workforce and integrating more craft training in local schools seemed to reap overwhelmingly positive feedback from both sides of the aisle as well as the idea of transparency associated with the Paycheck Protection Act.

On a more local level, ABC of Greater Houston is closely following the City of Houston's Minority, Women and Persons with Disabilities Business Enterprise (S/MWPDDBE) program. This was a program implemented by Mayor Annise Parker and the Office of Business Opportunity in order to "address the deficiencies in the Affirmative Action and Contract Compliance Division" ([www.houstontx.gov](http://www.houstontx.gov)). Greater Houston President, Russell Hamley, along with other ABC members have met with several City Council Members in the past two months, including Councilmember Larry Green and Councilmember Jerry Davis among others, in order to inform them of specific inefficiencies in the program and opinions on how to better them. Local policy-makers seem to be very receptive to opinion's from ABC as this program directly effects a large fraction of its membership.

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