



**What A  
Difference Five  
Years Makes at  
ABC of Texas**

**2014 Primary  
Election Season**

**One-on-One with  
Texas Senator  
Brian Birdwell**

**Texas Lien Law  
Revision**

**ABC Chapter  
Initiatives  
Around the State**

*Learn more about ABC of Texas,  
scan the following QR Code with  
your smartphone or visit our  
website.*



[www.abctexas.org](http://www.abctexas.org)



**Texas Senator Brian Birdwell  
Discusses His Initiatives To Keep  
Texas A Pro-Freedom, Pro-Growth,  
and Pro-Business State.**



**TURNAROUNDS ARE OUR BUSINESS.  
 QUALITY SERVICE IS OUR PRODUCT.  
 SAFETY IS OUR WAY OF LIFE.**

We offer exchanger specialty services, tower services and complete turnaround management and execution services including cost control and subcontract management. And we are the undisputed leader in HF Alky turnarounds. Our ability to execute mechanical services in multiple units provides a resilience that many contractors can't or won't offer. Contact us for your project needs whether it is a planned outage or an emergency.



**Corpus Christi, TX**  
 (361) 289-6342

**Beaumont, TX**  
 (409) 861-2323

**Houston, TX**  
 (281) 542-9590

**Baton Rouge, LA**  
 (225) 644-8713



[www.repcon.com](http://www.repcon.com)

**Turnarounds • Construction • Maintenance • Refining • Petrochemical • Chemical • Oil & Gas • Power & Utility**

## CHAPTER CONTACT INFORMATION

### ABC OF TEXAS

Jon Fisher, President  
P.O. Box 1891  
Austin, Texas 78767-1891  
ph (512)470-5756  
www.abctexas.org

### CENTRAL TEXAS CHAPTER

David Ford, President  
3006 Longhorn Blvd., Ste. 104  
Austin, Texas 78758  
ph (512)719-5263  
www.abccentraltexas.org

### GREATER HOUSTON CHAPTER

Russell Hamley, President  
3910 Kirby Dr., Ste. 131  
Houston, Texas 77098  
ph (713)523-6222  
www.abchouston.org

### SOUTH TEXAS CHAPTER

Steven Schultz, President  
814 Arion Parkway, Ste. 204  
San Antonio, Texas 78216  
ph (210)342-1994  
www.abcsouthtexas.org

### TEXAS COASTAL BEND CHAPTER

Kathy Burnette, President  
PO Box 2584  
Corpus Christi, Texas 78403  
ph (361)289-5311  
www.abctcb.org

### TEXAS GULF COAST CHAPTER

Terry McAlister, President  
PO Drawer 2650  
Freeport, Texas 77542  
ph (979)233-1616  
www.abctxgulfcoast.org

### TEXAS MID COAST CHAPTER

Kathy Autry, President  
116 Jason Plaza  
Victoria, Texas 77901  
ph (361)572-0299  
www.abctxmidcoast.org

### TEXO CHAPTER

Brad Brown, President  
11101 Stemmons Freeway  
Dallas, Texas 75229  
ph (972)647-0697  
www.texoassociation.org

ABC Texas Merit Shop Journal  
3910 Kirby Drive, Suite 131  
Houston, Texas 77098  
(877)577-6ABC www.abctexas.org

Publisher: Associated Builders  
& Contractors of Greater Houston  
Exec. Editor: Jennifer Woodruff  
Account Manager: Janice Peters  
Contributing Writers: Jon Fisher, R.E.  
(Bob) Parker, Mike Toomey, R. Wes  
Johnson  
Graphic Design: Jennifer Woodruff

Legislative Advertising by Jon Fisher on  
behalf of ABC of Texas, P.O. Box 1891,  
Austin, TX 78767



## 4 Letter From the ABC of Texas Chairman

## 5 Letter From the ABC of Texas President

## 6 ABC of Texas: We've Come a Long Way, Baby!

ABC of Texas Board Member R.E. (Bob) Parker discusses his experiences as an ABC of Texas Board Member and the vast changes he's seen within the organization over the last five years.

## 8 Primary Election Season

The short 2014 election cycle poses many challenges for candidates running to fill open seats. Learn about each race, the candidates and where they stand in the running.

## 10 One-on-One with State Senator Brian Birdwell

State Senator Brian Birdwell discusses the free enterprise system, his experiences carrying a Senate Bill, and his legislative priorities.

## 12 Texas Lien Law Revision

ABC of Texas is participating in the Texas Lien Law Revision Group. Learn how this group is working to address the complexities of Texas Lien Law and how it will affect the industry in the future.

## 13 ABC Chapter Initiatives Around the State

Learn about ABC Chapter Initiatives in your area.

## Special Feature: Law Firm Profile

Andrews Myers Attorneys At Law (p7)

## INDEX OF ADVERTISERS

Andrews Myers Attorneys at Law .....	7	ISC Constructors .....	9
ABC South Texas .....	9	Marek Brothers Systems.....	11
Infinity Construction Services, LP .....	11	Repron, Inc.....	2

## BOARD OF DIRECTORS

**Mark Roach - Chairman**  
Dealers Electrical Supply  
Chapter: Texas Coastal Bend

**R. Wes Johnson - Chairman-Elect**  
The Gardner Law Firm  
Chapter: South Texas

**Buck Blevins - Secretary**  
Infinity Construction Services  
Chapter: Texas Gulf Coast

**GPaul Holliman - Treasurer**  
Holliman Consulting Group  
Chapter: TEXO

**Gerald Andrews**  
Victory Insurance  
Chapter: Texas Gulf Coast

**Jason Beers**  
Harvey-Cleary Builders  
Chapter: Central Texas

**Michelle Seward Davis**  
Joeris General Contractors, Ltd.  
Chapter: South Texas

**Donald Day**  
Texas Glass and Tinting  
Chapter: Texas Mid Coast

**Darlene East**  
Holes Incorporated  
Chapter: Greater Houston

**Russ Garrison**  
SEDALCO  
Chapter: TEXO

**Mike Gremillion**  
ISC Constructors, LLC  
Chapter: Greater Houston

**Paul Lembke**  
LEMCO Construction  
Chapter: TEXO

**Bob Parker**  
Repon, Inc.  
Chapter: Texas Coastal Bend

**Tony Pieprzyca**  
Hart Company  
Chapter: South Texas

**Jared Tomanek**  
K&T Construction Co., Inc.  
Chapter: Texas Mid Coast

**Ben Westcott**  
Andrews Myers, P.C.  
Chapter: Greater Houston

**Lawrence Wilcox**  
Large & Sons Foundation Drilling  
Chapter: Texas Coastal Bend

**Barry Wurzel**  
Wurzel Builders, Ltd.  
Chapter: Central Texas

Learn how you can get involved  
with the ABC of Texas Chapter, call  
(512)470-5756

## Letter From the Chairman



ROACH

### Dear ABC of Texas Member,

We welcome in a new year and your ABC State Board continues to press ahead to make certain you, our members, receive the best possible benefit from our efforts. We completed our Strategic Planning Conference this past November, and I would like to thank not only our Board Members and Presidents who attended, but also our guest members from some of our Chapters who attended as well. Our guest members offered some very interesting and helpful perspectives and questions. I continue to be awed by the talent we have in our Chapters!

In addition, a big thanks for a job well done goes out to Mr. Pat Kiley, of Kiley Advisors, LLC, for his assistance in facilitating our conference. Pat did a marvelous job.

This is also a perfect opportunity to extend deepest appreciation to all who participated in our "Friends of ABC of Texas" effort. Your belief in and commitment to ABC of Texas, beyond your regular dues, beyond "the call of duty", is evidence of the kind of quality members we have in ABC. I am proud to be a part of the organization in which you have chosen to place your confidence. Thank you for your continued support.

Our planning conference was extremely fruitful where our Strategic Plan is concerned. I believe our Board left the meeting with one of the best understandings of our finances we've ever had. Not to say that previous reviews were cursory, but we literally reviewed our budget piece by minute piece. In the area of legislation, our focus on HB 5 and continued pursuance following its passage assured that the State Board of Education fulfilled the intent of the legislation, evidence that simply because a bill passes, does not mean it will necessarily be enacted like everyone thought. My compliments to our President, Jon Fisher, for keeping an eye on these kinds of details and for his hard work on entrenching us in relationships with all the other organizations with which we have become associated. Jon's ability to navigate the network never ceases to amaze me.

In addition to HB 5, a reminder that we are a significant part of a large effort to tackle Lien Law in this State. And nothing helps an effort of the magnitude of this endeavor more than the personal experiences of our members. Please don't feel like what you may have to offer won't amount to much help. If you have a war-story or a perspective, let us know. It's going to take a lot of "ammunition" to fight the battles we are anticipating.

Also, as you know, this year is a critical election year, so our PAC effort will be back in full swing. I am confident in you, our membership, that you will all be a part of making ABC continue to grow as one of the heavy hitters in Austin and in each of the Chapter areas as well. What a great organization we have!

Trusting each of you had a wonderful Christmas and hoping that you are already on your way to a successful and prosperous New Year, at your service, I remain.

Mark Roach  
2013-2015 ABC of Texas Chairman of the Board  
Dealers Electrical Supply

## Letter From the President



FISHER

Dear ABC of Texas Member,

As we begin a new year, it is important to continue to focus on what challenges lie ahead. To that end, your State Board recently completed an update to our ABC of Texas Strategic Plan. One critical change is to begin to study our financial situation. For the past two years, the Board has elected to solicit member companies who believe in our mission to contribute above and beyond their dues payments through the chapters. Of course, this is after we have cut everything we can identify that we can do without.

These "Friends of ABC of Texas" are recognized in this magazine, on our website, and at our biennial Legislative Breakfast and Reception. Without their help, we would have drawn more significantly on reserves these past two years. Thank you for your support!

But, in order to continue to build on our successes, due in part to declining membership numbers at the chapters, state dues are likely to be rising slightly for the next three years if the Board continues in the direction they have chosen. My job is to continue to make our efforts worth the dues you are paying!

As I've mentioned before, we really need our chapters to engage with their local school districts to make sure the school districts are aware of the curriculum offered through NCCER to prepare students for careers in the construction industry. This is the necessary follow-up to the passage of HB 5 last session which provided more flexibility for school districts to serve their students.

In a recent surprise, the Texas Education Agency in draft rules to the State Board of Education (SBOE) proposed requiring Algebra II in every endorsement despite clear legislative intent to allow school districts to make that choice. Jobs for Texas, a 22 association effort which includes ABC of Texas, and Raise Your Hand Texas were instrumental in convincing the SBOE to delete this requirement in all but the Science, Technology, Engineering and Math endorsement. It is hard to argue that it is not appropriate there. Of course, the Distinguished Path still includes this requirement (along with more science courses). Many school districts are adopting the distinguished path as the default, but that is their choice. ABC of Texas was responsible for providing three witnesses at the SBOE hearing including yours truly. We

will continue to monitor the SBOE rules as they advance. Another vote is scheduled for January.

I hope everyone had a joyous holiday season, and I hope to see you soon!

Sincerely,

Jon Fisher  
ABC of Texas  
President

# THANK YOU

The following ABC of Texas Members have provided financial support which is above and beyond their normal dues commitment.

**Friends of ABC of Texas**  
(as of December 2013)

**ISC Constructors, LLC**

**Repron, Inc.**

**Andrews Myers, P.C.**

**Infinity Construction Services**

**Weaver and Jacobs Constructors**

In return for their generous contributions, Friends of ABC of Texas receive:

- Acknowledgement in Texas Merit Shop Journal
- Listing on ABC of Texas Website
- Acknowledgement at Legislative Day

Learn how you can become a Friend of ABC of Texas, contact Jon Fisher at (512)470-5756.



# ABC of Texas We've Come A Long Way, Baby!



**A**BC of Texas has truly come a long way in a short period of time. One of the exercises in our recent Strategic Planning Session involved us looking back at how ABC of Texas got started and how we got to where we are now. Once we did this, we believed it important to share with our members just how far we have come in the last five years.

When we decided to hire a full-time President to manage and coordinate our efforts in Austin one of the first challenges facing ABC of Texas was to find the right person. Our interview team involved 9 State Board Members and Chapter Presidents. Our current President, Jon Fisher, was the unanimous first choice of the nine.

Our first session with our new President was quite a challenge. The plaintiff attorneys saw an opening when the make-up of the Texas House was 76 Republicans and 74 Democrats. ABC of Texas worked closely with other business groups led by the Texans for Lawsuit Reform (to which ABC of Texas belongs) and the Texas Civil Justice League to defeat a virtual onslaught of legislation designed to roll back tort reform. In that same session, ABC of Texas led passage of a bill to correct some bad court interpretations of trust funds issues.

The next session in 2011, ABC of Texas shepherded the passage of two bills—one dealing with recovery of prompt pay interest from local governments and another dealing with attorneys fees on commercial lien foreclosures. We also worked with other construction associations to pass changes in lien law deadlines dealing with retainage, consolidating public procurement statutes, and eliminating broad form indemnification agreements.

During the interim and leading into the 2013 Legislative Session, ABC of Texas joined with 3 other construction industry groups to reverse a potentially devastating interpretation of supervisory labor as not being a direct cost of goods sold. We believe conservatively that the construction industry avoided having to pay tens of millions (if not more) in back taxes had this interpretation

stood. ABC of Texas decided to pursue passage of Open Competition legislation with the support of another construction industry association and two business groups. That legislation passed the House, but died in a Senate Committee chaired by a Democrat. And, ABC of Texas also worked with other construction industry groups to successfully pass legislation dealing with sovereign immunity for state construction contracts. But, the biggest success last session was passing high school curriculum reform legislation which will give school districts more flexibility to offer courses preparing students for careers. That last effort was through the 22 association coalition called Jobs for Texas. ABC of Texas was one of two Jobs for Texas coalition members testifying at a recent State Board of Education hearing where our position was upheld in draft rules.



**PARKER**

Not all of our gains have been on the legislative front. ABC of Texas has led industry efforts to avoid some bad rules at the Texas Department of Licensing and Regulation and has secured the appointment of two of our State Board members to the Electrical Safety and Licensing Advisory Board.

Currently, ABC of Texas is part of a construction industry group trying to simplify our complicated Lien Laws.

As you can see, we've accomplished a lot in the last five years and hope to accomplish even more in the next five!

#### **ABOUT THE AUTHOR:**

R. E. (Bob) Parker is the founder and President/CEO of Repcon, Inc., a leading heavy industrial contractor specializing in shutdowns, turnarounds, revamps, and maintenance support for the refining, chemical, petrochemical, and the mid-stream oil & gas industries. Repcon has offices in Corpus Christi, Houston, and Beaumont, Texas and in Baton Rouge, Louisiana, and operates nationwide providing complete turnaround and construction services.



**The Texas Law Firm of Choice for Business,  
Construction, Commercial Real Estate,  
Employment and Bankruptcy Needs**

*"We trust Andrews Myers with everything from our most important, complex legal needs to our routine, day to day matters. They're my "go to" firm for acquisitions and employment issues, as well as for commercial contracts and disputes."*

Mike Knigin  
CEO, Apache Industrial Services, Inc.

*"For over twenty years Andrews Myers has guided the EE Reed family of companies on construction transactions, joint ventures, dispute resolution, employment issues and risk management strategy. They are knowledgeable and responsive advisors and a valuable part of our team."*

Mark Reed  
President, EE Reed Construction

*"Andrews Myers understands the ins and outs of the construction industry. Whether it's drafting contracts or handling disputes, they give me practical advice that works in the real world."*

Jason Lawson  
President, Pepper-Lawson Construction

*"Working in the construction industry creates a constant need for contractual and legal assistance and guidance. Andrews Myers has become a great asset to our company – while providing a proactive, knowledgeable and professional approach to all of our legal needs."*

Ronnie Wills  
President, Aggregate Technologies, Inc.

*"Andrews Myers is not just some legal hammer, they offer the complete toolbox of legal services to help us when we need it. I want them on my side! Andrews Myers: Smart. Professional. Effective."*

Steve Winn  
Corporate Credit Manager, Marek Brothers Systems

CONSTRUCTION | COMMERCIAL REAL ESTATE | CORPORATE | EMPLOYMENT | BANKRUPTCY

Andrews  
Myers  
Attorneys at Law  
HOUSTON | AUSTIN

**Whether it's procurement or statutory analysis, contract support, employment issues, change order resolution or accident response management, Andrews Myers has quickly, efficiently and effectively responded to our legal needs.**

- Peter Turk  
Legal Counsel, Odebrecht USA  
Andrews Myers Client since 2009

Business Insight from the Ground Up

Houston: 713.850.4200 • Austin: 512.900.3012  
Toll-Free: 866.535.2329 • [www.AndrewsMyers.com](http://www.AndrewsMyers.com)

# 2014

## **Primary Election Season**

**T**he filing deadline for the 2014 primary elections was Monday, December 9, 2013. As you might expect in a Republican dominated state (no statewide offices are currently held by a Democrat and there is a clear Republican majority in both houses), there is a robust primary season on the Republican ticket.

There are a number of distinguishing features this primary season, foremost being that this will be a very, very short election cycle. The primary election date is March 4, 2014, followed by the runoff on May 27. That leaves a very short time period (2 months) after the holidays for candidates to raise the bulk of their funds, get grassroots efforts in place and get their message out. A short

*There are a number of distinguishing features this primary season, foremost being that this will be a very, very short election cycle. The primary election date is March 4, 2014, followed by the runoff on May 27. That leaves a very short time period (2 months) after the holidays for candidates to raise the bulk of their funds, get grassroots efforts in place and get their message out.*

election cycle generally favors the incumbent. We will see if that holds true.

### **Race summaries**

**Governor's Race:** Attorney General Greg Abbott is in essence the undeclared winner in the primary. Some candidates have filed to oppose him, but they have no record, and will cause no problem for General Abbott.

**Lt. Governor's Race:** Incumbent David Dewhurst has 3 challengers—Land Commissioner Jerry Patterson, Agricultural Commissioner Todd Staples and State Senator Dan Patrick out of Houston. Because all of these candidates currently hold other office, it will be win or out for all 4.

**Attorney General:** The 3 leading contenders are long serving house member Dan Branch, current Senator Ken Paxton and current Railroad Commissioner and former PUC Chairman Barry Smitherman.

**Comptroller:** The candidates for Comptroller are Harvey Hilderbran, current serving House member and most recent Chair of House Ways and Means, current Senator Glen Hegar, and finally Debra Medina. Ms. Medina is a tea party candidate that has most recently been a vocal environmental activist. Senator Hegar has a “free ride”, meaning even if he loses, he still serves in the Texas Senate. Rep. Hilderbran is either up or out.



**State Senate:** The action in the Senate is in the open seats that have been created by current Governor Rick Perry's announcement that he will not seek another term, and the ensuing musical chairs that created. Long serving Senator Tommy Williams resigned to take a Governmental Affairs position at Texas A&M. Two state representatives, Steve Toth and Brandon Creighton, among others, are vying for that seat. In the seat that is being vacated by Senator Paxton running for Attorney General, Rep. Van Taylor has no primary or general election opponent, so he will be the next Senator. In the vacancy created by Dan Patrick, Paul Bettencourt, former Harris County Tax Assessor/Collector will be assured of this Senate seat. In the Fort Worth area, there will be a highly contested race to succeed Wendy Davis who is running as the Democratic candidate for Governor. Several other Republican incumbent Senators will face primary challengers—John Carona, Donna Campbell, Kel Seliger, Bob Deuell and Joan Huffman.

**State House:** 62 incumbents, both Democrat and Republican, escaped a challenge in the primary. That leaves, however, 88 races up for either a primary or general election race, too many to detail here. There are common themes in the races.

- There continues to be tea party candidates filing in the Republican primary in open seats or challenging incumbents.
- Candidates are filing against incumbents viewed as establishment candidates or allies of current Speaker of the House Joe Straus.
- A number of veterans who are coming back from wars in Iraq and Afghanistan have filed for office this cycle.
- There has been an increase in lawyers filing in the Republican primary. This will be something to pay attention to and have conversations with these candidates on their commitment on lawsuit abuse.

This should be an interesting Primary season and will do much to determine the landscape of the next session and the legislature's position on issues important to our industry.

**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.

**INDUSTRIAL INSTRUMENTATION AND ELECTRICAL SERVICES**

**The Value of High Standards**

*Our clients are demanding and their standards are high. So are ours, because high standards attract the best people, and high standards challenge them to learn and grow.*

*That's why so many of the world's leading industrial facilities count on ISC, where NCCER-certified men and women set high standards of their own, and constantly challenge themselves to get even better.*

*If that sounds good to you, call ISC -- whether you're planning a job or looking for one.*

**420 Dickinson Ave.  
League City, TX 77573  
281-338-2000**

**6350 Walden Road  
Beaumont, TX 77707  
409-842-3500  
www.iscgrp.com**

**ABC**  
Associated Builders and Contractors, Inc.  
South Texas Chapter

is proud to present our 2013  
**Platinum Partners**

**CBY**  
COKINOS BOSIEN & YOUNG  
Attorneys at Law

10999 West IH-10, Suite 370  
San Antonio, TX 78230  
(210) 293-8700 • Fax: (210) 699-1902  
www.cbylaw.com

Cokinos, Bosien & Young have been members of the ABC South Texas Chapter since 2006.

Whether engaging in business formation, commercial transactions, or complex litigation, our clients look to us again and again for sound counsel, guidance and dependable advice. The depth of legal and business experience of our attorneys combined with the efficient and personal touch that only a mid-size law firm can provide enables Cokinos, Bosien & Young to help develop the right solutions to your legal challenges.

**JOERIS**  
General Contractors

San Antonio - (210) 494-1638  
Houston - (713) 898-9708  
Dallas / Ft. Worth - (817) 204-0770  
www.joeris.com  
twitter.com/joerisgc

Joeris General Contractors, Ltd. has been a member of the ABC South Texas Chapter since 1998.

An ABC Accredited Quality Contractor (AQC), Joeris is simply one of the best commercial general contractors in Texas. With over 45 years experience and more than \$3 Billion in construction, Joeris provides our clients with the most experienced and professional team. Client satisfaction has resulted in a 95% client retention rate and numerous awards. We are an employee-owned firm committed to our clients, our families and our communities. Our mission is to produce construction excellence on every project while providing a family-first workplace.

ABC South Texas Chapter • 814 Arion Parkway, Ste. 204 • San Antonio, Texas 78216  
Office (210) 342-1994 • Fax (210) 342-5385



## *One on One With...*

### **STATE SENATOR BRIAN BIRDWELL**

*Lt. Col. (Ret.) Brian Birdwell is a native Texan, decorated military veteran, survivor of the 9/11 terrorist attack on the Pentagon, husband, father and lifelong conservative Republican proudly representing the citizens of Texas State Senate District 22.*

*A native of Fort Worth and a graduate of Lamar University, Command & General Staff College, and the University of Missouri-Kansas City, Birdwell served in the United States Army for more than twenty years. He was first elected to the Texas Senate in a June 2010 special election and was subsequently re-elected in November 2010 and again in November of 2012.*

*Birdwell serves as the Vice-Chairman of the Senate Committee on Veteran Affairs & Military Installations Committee and is a member of the Senate Committees on Higher Education, Economic Development and Government Organization. In January 2012, he was appointed by Lieutenant Governor David Dewhurst to serve a four-year term on the Sunset Advisory Commission.*

*Brian and his wife of 27 years, Mel, reside in Granbury, where they operate Face the Fire Ministries, a non-profit assisting and encouraging critical burn survivors and wounded servicemen and women.*

### **Describe your background.**

I am a native Texan and served as a career soldier in the United States Army from 1984-2004. At retirement, I founded with my wife of 27 years, Mel, a 501(c)(3) that encourages and assists critically burned civilians and wounded service men and women. In 2010, I was elected in a special election to represent the citizens of District 22 in the Texas Senate.

### **What is your view of the free enterprise system?**

The free enterprise system is the best and most effective means to ensure individuals can achieve and improve their station in life by virtue of their own talents, choice of career paths and unique interests. There are millions of transactions every day that involve individual choices such as what to purchase and from whom. As such, the free market serves as the efficient and impartial medium to reward successful practices and penalize inefficiency. The role of government is to ensure that there is a mechanism to prevent, punish or reconcile market transactions that stem from dishonest gain, such as fraud or other criminality. Otherwise, government governs best when it takes a minimalist view of intrusion into the marketplace.

### **Last session, you carried SB 438, which addressed concerns about the potential for bid rigging in roofing contracts. In fact, you passed the bill in the Senate. Any observations you wish to share about your experiences carrying this bill?**

First, my legislative intent was twofold based upon the principles detailed in my previous answer. The bidding process in question involved public schools spending taxpayer dollars; thus, the legislation I sponsored with State Representative Doc Anderson was designed to provide statutory guidance to ensure a fair opportunity for all contractors to earn school district business. Competition always puts a downward pressure on pricing, while a lack thereof has the opposite effect. Second, this process also demonstrated that good law making usually takes more than a

single legislative session of work to properly educate lawmakers and to build support for the issue.

### What were your personal priorities last session and how did they fare?

My personal priorities are always in this order. First: To live up to my oath of office to ensure that state government operates only within the sphere in which our state constitution authorizes it to do so. Second: To remember that just because the state may have authority to make law in a particular area, it does not always mean we should. I always think through what level of government is the proper level to make the policy decision. Third: To focus on the issues of particular interest and concern to the district which I serve. I try to always do these three things and to maintain an overarching view that while government has a proper role and function, my attention should be on how to best protect citizens from government.

### How do you think the 83rd Texas Legislature did in addressing the state's needs?

Broadly, I think the legislature did well in addressing the big issues facing our state. Rejecting the expansion of Medicaid given its rapidly-growing percentage of the state budget, expanding water resources to support our growing state, and of course, keeping Texas a pro-freedom, pro-growth, pro-business state because citizens and their liberties are the center of gravity—not government.

## Commercial Interior Specialists

Helping General Contractors meet today's challenges with a trained and qualified workforce.



Setting the standard for workforce development in the commercial construction industry:

- On the Job Standardized Training
- NCCER Journeymen Certification Program
- Career Pathways
- English on the Jobsite Initiative

**MAREK**  
Shaping the Industry for 75 Years

2115 Judlway Drive  
Houston, Texas 77018  
713-681-2626  
www.marekbros.com



- Piping Fabrication & Erection
- Structural Steel & Equipment Installation
- Paint, Scaffolding & Insulation



- Supplemental Maintenance
- Turnaround Planning, Scheduling & Execution
- Small Capital Project Execution



- Heavy Civil Construction
- Industrial Site Development
- Environmental Construction



- Electrical & Instrumentation
- HVAC & Sheet Metal
- Crane & Elevator

Serving the Chemical, Petrochemical and Refining Industries

622 Commerce St.  
Clute, TX 77531  
979.388.8579

2301 S. Battleground Rd.  
La Porte, TX 77571  
281.476.3131

www.inf-grp.com

# Texas Lien Law Revision



**A**ssociated Builders and Contractors of Texas works every legislative session to represent its members by affecting state legislation and other governmental affairs favorable to free enterprise principles and the Merit Shop Philosophy. As part of that process for the 2015 legislative session, ABC of Texas is participating in the Texas Lien Law Revision Group.

This Group consists of lawyers knowledgeable in the construction process representing various construction trade organizations, lenders, owners, home builders, and title companies. The general purpose of the Group is to address the complexity of Texas lien law, and hopefully reduce that complexity through revisions to the statutory law governing liens. In addition to input from the respective segments of the construction industry represented in the Group, the members are also reaching out to obtain input from other industry segments not specifically represented. The two lawyers acting on behalf of ABC of Texas are Jason Spencer from Austin, and Wes Johnson of San Antonio.

Because there are a number of “interests” involved in the construction process, the Group retained a mediator, Joe Canterbury, a knowledgeable and experienced construction lawyer from Dallas, to assist the Group in resolving disputes and remaining on course. The Group has had several meetings, and is continuing to meet with the ultimate goal of producing legislation for the 2015 legislative session. The Group anticipates that it will be completed with its drafting work by April 15, 2014.

The Group initially decided to address private construction. The Group determined its first task was to reach a consensus on what type of statute is appropriate. Current Texas law is what is known as a “notice of debt” type statute, i.e. notice is provided due to non payment within a required time period, followed later by the filing of an affidavit claiming a lien. Another type of

statute is what is known as a “pre-notice” statute. Under this type of lien statute, anyone who is entitled to a lien provided notice within a certain number of days after it provided labor or materials on the job, regardless of whether money is owed. If money is not paid, an affidavit claiming a lien is filed within a certain time period. The Group’s first task is to decide whether to use one of those or a third type known as a “hybrid” statute, which has some parts of both the “notice of debt” and “pre-notice” type statutes.

After the type of statute is determined, the Group will then start working on the nuts and bolts, such as who should be entitled to a lien, how much of the owner’s property should the lien attach to, procedures for perfecting the lien (including notice and filing of affidavits), summary lien removal, priorities and preferences, release and foreclosure, and other issues related to lien law.

The Group’s task is not easy, however ABC of Texas believes participation in this Group provides the best chance for meaningful legislation. ABC of Texas will keep you posted on the Group’s progress.

#### **ABOUT THE AUTHOR:**

R. Wes Johnson is the Managing Director of Gardner Law. He has almost 30 years experience in complex construction and commercial litigation, and he is Board Certified in Consumer and Commercial Law by the Texas Board of Legal Specialization. His experience includes trials in both federal and state courts, arbitrations, and appeals. He provides counsel and strategic advice to clients on a wide range of legal and business issues.



**JOHNSON**

# ABC INITIATIVES AROUND THE STATE



*The Texas Gulf Coast Chapter Public Relations/ABC Cares committee recently donated over \$6,000 to various local charitable organizations and food pantries.*



*The South Texas Chapter's Sporting Clays Shoot hosted over 140 shooters at the National Shooting Complex with BG Metals taking first place.*

## TEXAS GULF COAST CHAPTER

The fall months have been busy for the ABC Texas Gulf Coast Chapter. Fundraising events in 2013 included a Texas Hold-Em Poker Tournament, the 24th Annual Cook-Off Event, and the 29th Annual Golf Classic.

In September, the chapter welcomed Doc Blakely, a humorist and author for 40 years, to host the Joint Membership Event/Luncheon. Close to 130 people were entertained by words and song with his nostalgic humor. At this event, 28 STEP Awards for 2013 were presented, including 15 Gold, 6 Platinum, and 7 Diamond.

In October, along with hosting the fall poker tournament and the golf classic, the Human Resources committee invited Russell Chapman, an employee benefits attorney with Littler Mendelson, PC, to speak at the Symposium and Luncheon. The Chapter also had a terrific turnout for the Supplier Mixer and Shrimp Boil in spite of the rainy weather.

Texas Gulf Coast's ongoing education and training programs include basic training, foreman training, excavation safety training, craft assessments and verifications, construction site safety, project management/supervision, and construction management. The chapter has had a steady increase in the number of participants in all of the programs.

The chapter ended the year with the annual Christmas Social. The generosity and kindness of the members was once again displayed by the numerous new toys found beneath the Christmas tree. The toys will be donated to area children through the Blue Santa Program.

The chapter's Public Relations/ABC Cares committee recently donated over \$6,000 to local charitable organizations and food pantries. Grateful recipients included Actions, Inc., Operation Backpack, Women's Center of Brazoria County, Military Wives & Moms, Brazoria County Dream Center, Brazosport Cares Food Pantry, Interfaith Food Bank, and the St. Thomas Center. The committee works very hard throughout the year to give back to the community.

The chapter is looking forward to 2014 by not only participating in this year's Construction Exhibition and sponsoring candidates for the National Craft Championship, but also anticipating the start of Texas Gulf Coast's new facility.

[www.abctexas.org](http://www.abctexas.org)

## SOUTH TEXAS CHAPTER

The fourth quarter started with the chapter's apprenticeship program relocating to the St. Philips College campus as the Alamo Community College District became the new LEA for ABC. Enrollment increased over the last year which is seen by some to be an indicator of improvement in the construction economy. There also appears to be increased interest in the chapter's other education and safety programs. And speaking of safety programs, the South Texas Chapter recognized the 2013 safety award winners at three levels in three man-hour categories. The local program is patterned after the national STEP application process.

The South Texas Chapter hosted its first annual Fishing Tournament which was held in conjunction with the Board's October planning retreat. Twenty teams competed in two categories with three sub-categories. The Gardner Law Firm swept the guided division, and in the unguided division Gunn Automotive took first. There were no second or third place winners as the participants felt they didn't have a chance so they didn't submit stringers for weigh-in. Hopefully, next year everyone will participate in the weigh-in!

The main focus of the board retreat was membership growth for 2014. There was also quite a bit of discussion on technology but it centered on how it could benefit membership growth. As part of the membership growth discussion it was decided to secure the services of an advertising/marketing firm to assist with branding, market penetration and increased community awareness. RFPs went out in December.

The 2013 Sporting Clays Shoot was moved from the summer to November, and what a great move it was. It is a lot more comfortable shooting with temperatures in the low 60s than the low 100s. Over 140 shooters competed at the National Shooting Complex sporting clays field. The BG Metals team took first place, with Chris Christians III (Lynwood Building Materials) taking first place individual honors.

In December, the chapter hosted a Christmas Open House which also served as a membership recruitment effort. The offices were festively decorated, chapter staff provided detailed descriptions of activities and programs, and the Institute of Chili food truck provided outstanding chili and other savory delights. It was a great way to end another successful year at the ABC South Texas Chapter.

# ABC INITIATIVES AROUND THE STATE



*TEXO celebrated numerous achievements in 2013, and one of those achievements which stand out the most is TEXO's Safety First Program.*



*The highly successful ABC Texas Coastal Bend Annual Skeet and Trap Shoot raised money for the ABC PAC account and the John "Jocko" Taylor Scholarship fund.*

## TEXO CHAPTER

As 2013 came to a close, many organizations prepared reports to show their success and value to their members. TEXO celebrated numerous achievements, and one of those achievements which stand out the most is TEXO's Safety First Program. This training initiative has proven to be a valuable tool for the industry in a very short timeframe. On September 30th the first class opened its doors to 40 students and as of December 386 individuals had gone through the program.

Safety First covers multiple training topics including several topics that are required for the Susan Harwood grant as well as additional safety topics. Fall Protection in Construction, Ergonomic Hazards, Hazard Communication, and Injury and Illness Prevention Programs are covered in the Safety First orientation program. Additional topics include Workplace Housekeeping, Safety Signs and Barricades, Drug Education, GHS Material Handling, Stairways & Ladders, Welding Cutting & Brazing, Fire Protection & Prevention, Scaffolds, Electrical Safety, Hand & Power Tools, Motorized Equipment, Excavation & Trenching, and Confined Spaces. These topics were selected since they reflect the unique needs of the commercial construction jobsite and they also cover several topics included in OSHA 10 hour.

This program is an excellent tool in standardizing the safety training that is provided to the North and East Texas commercial construction industry; providing a fundamental understanding of construction safety for all workers in their native language, something that is essential for a program of this magnitude. For more information on the TEXO Safety First Program contact the Chapter office at (972) 647-0697.

## TEXAS COASTAL BEND CHAPTER

The Texas Coastal Bend Chapter recently held the annual Board of Directors Planning Conference where leaders discussed strategies regarding membership, member services, fundraisers, political goals and many other aspects of the chapter for the new year.

In the past few months, the chapter had several monthly luncheons and mixers. Luncheon topics ranged from "The Art of Networking" to providing a workforce update for the area as well as tips for hiring in a competitive market. The monthly mixers are always a great opportunity for members to network and socialize. The most recent sponsors were NES Rentals (July), Rabalais I & E Constructors (October) and Scott Macon (November). The

September mixer was held in conjunction with the Skeet and Trap shoot.

The 19th Annual Fishing Tournament was held in July at Mile Marker 37. Members David and Debbi LeGros with AFLAC, along with the rest of the Fishing Committee did a wonderful job of organizing and making this event such a fun and successful event.

The 12th Annual Skeet and Trap Shoot was held in September and was another successful event for the chapter. Money was raised for the PAC account and the John "Jocko" Taylor Scholarship fund. Mark Roach with Dealers Electrical, along with the Skeet Committee, worked tirelessly to organize and coordinate the details for the event. This year a mini flurry tournament was added as a side pot.

The Craft Training Center of the Coastal Bend (Corpus Christi) dedicated a \$6.3 million expansion on December 5, 2013. Funding for \$2.5 million of the expansion was provided by the Type A Board of the City of Corpus Christi with the remaining \$3.8 million provided by Corpus Christi area industry. The expansion adds an additional 30 multi-process welding booths, an electrical laboratory, an instrumentation laboratory and 16 classrooms. This brings the total training square footage to 70,000 square feet with 94 welding booths as part of the total \$9.5 million facility investment in workforce training.

On November 11, 2013, Construction Users Round Table (CURT) awarded the Craft Training Center its Workforce Development Award as part of the CURT Annual Conference. The CURT Workforce Development Awards are designed to provide national and international recognition for training and education programs to encourage individuals to pursue careers in construction and enhance their construction skills. There were 40 applicants competing for this award. Congratulations to the Craft Training Center of the Coastal Bend for all their hard work and dedication!

## CENTRAL TEXAS CHAPTER

Late last year, Chuck Schu, ABC Central Texas Chapter Educational Director spoke before the State Board of Education on behalf of ABC and NCCER in support of HB 5. He explained how the NCCER curriculum supports the upper level Math TEKS and its relevance for skilled career paths for students.

## ABC INITIATIVES AROUND THE STATE



*The Central Texas Chapter presented State Representative Paul Workman with the ABC of Texas Free Enterprise Champion Award and the ABC of Texas Public Service Award.*



*The Greater Houston Chapter ended the year with the annual Holiday Party Fundraiser which helped the chapter gain substantial ground towards reaching their \$75,000 goal.*

On the events front, 290 members attended the Excellence in Construction (EIC) Banquet. The EIC awards competition has two levels, the top honor being the EIC Award of Excellence and the next level being the EIC Award of Merit. The EIC strives to honor those who exemplify the highest quality of workmanship in their projects, while upholding a dedication to building projects on time and on budget. There were 30 EIC entries, 20 safety entries and 17 STEP winners.

The 2013 Casino Night was held at the ABC office and members were encouraged to wear costumes for the Halloween Casino party. The relaxed informal gathering gave attendees the opportunity to mix, mingle, and enjoy food and cold beverages as well as playing cards or dice.

The November Safety Lunch and Learn, held at the ABC office, featured 3M Company's presentation of their new PPE, Fall Protection Equipment and Fire Protection supplies. Forty people attend this educational event.

On November 21st, the chapter held a "Meet the GC" event at the ABC office. Zapalac/Reed Construction, American Constructors, JE Dunn Construction, Joeris General Contractors and Satterfield & Pontikes were in attendance. Subcontractors and suppliers had the opportunity to visit with the GCs and learn how to get on bidders list, projects they have coming up, and exchange business cards.

About 60 people attended the Central Texas Chapter Christmas Party at Abel's on the Lake. Members brought toys or Non-Perishable Foods for Operation Blue Santa. The chapter also presented State Representative Paul Workman (District 47) with two awards for his service in the Legislature. He received the ABC of Texas Free Enterprise Champion Award and the ABC of Texas Public Service Award.

### **GREATER HOUSTON CHAPTER**


This fall has been an exciting time for the Greater Houston PAC as many of the meetings were spent screening candidates for Houston City Council and confirming endorsements. Interestingly enough, city elections seem to be mirroring state and federal, as quite a few incumbents on Houston's City Council were predicted to face tough competition during the election cycle, making the PAC's endorsement decisions much more complex. Yet, the hard

work seemed to pay off as 11 out of 14 candidates endorsed by ABC Greater Houston PAC saw a victory on Election Day- including Mayor Annise Parker.

Following elections the PAC kept their plates full- in a much more literal way- by hosting a pork butt fundraiser. The meat sale was a first for the chapter's PAC and unpredictable in how profitable it would be. The fundraiser idea came from a new member of the PAC, Danny Myers of Lighthouse Video Surveillance, who had helped with similar fundraisers for other organizations that ended very successfully. Holes Incorporated and Cort Furniture, both winners at ABC's BBQ Cook-off earlier this year, agreed to donate their time and BBQ Pits to cook nearly 100 pork butts for the fundraising effort. At the end of the day, the PAC raised over \$2,000 in funds- getting the committee closer to their \$75,000 goal for 2013.

Lastly, the Greater Houston Chapter ended the year with a celebration as the PAC held their annual Holiday Party Fundraiser. The event took on a new look this year with a change in venue from the laid back St. Arnold's Brewery to the more sophisticated Tanglewood home of George and Laura Pontikes of Satterfield and Pontikes Construction. Attendees had a chance to bid on over twenty silent auction items throughout the course of the night as well as a live auction item- an all-inclusive trip to Napa Valley, California. In between trying to compete with the next bidder, ABC members had a chance to talk with various elected officials who were in attendance. Elected officials included Representatives Jim Murphy, Steve Toth, Dwayne Bohac, Dan Huberty, Gene Wu, Wayne Smith, and State Senator Sylvia Garcia. In addition, Council Members Dave Martin and Oliver Pennington as well as Regional Directors for Rep. John Culberson and Senator Ted Cruz joined the event.

Members of Greater Houston's Political Action Committee worked diligently this year to effectively screen candidates, raise funds, and educate elected officials on the association's legislative priorities. As the year comes to an end, there is no doubt that their efforts have paid off.



**ABC  
Works  
For You.**

**Join The Industry Leader**

**Political Clout**

**Business  
Development  
Opportunities**

**Training  
Programs**

**Safety  
Training**

Associated Builders and Contractors is a voice for members with state and federal agencies, on Capitol Hill and in state houses across America. Membership provides access to great insurance programs and to other business partnerships that save your firm money while increasing value for your employees.

Joining ABC provides access to top training and safety programs including access to ABC's national safety partnership with the Occupational Safety and Health Administration (OSHA). Through ABC you can build and improve your business by networking with America's top contractors while connecting with top owners.

Isn't it time you joined the most exciting organization in the construction industry?

**Visit [www.abc.org](http://www.abc.org)  
To Join an ABC Chapter Near You!**