Concrete Sawing & Drilling Association

CSDA ROUNDTABLE

How to Get Politically Active

2007 CSDA Convention
Maui, Hawaii
February 26, 2007
INTRODUCTION

Many people today feel that the political process does not involve them and that they cannot make a difference. This roundtable will examine why it is necessary to participate in the political process and what laws should concern contractors in their state. The purpose of the discussion is to discuss what legislators really care about and determine the best practices for getting legislation passed.

Darlene Aitken: One of the most important roles that I take on, as president of Holes Incorporated, is that of lobbyist. As a lobbyist, my job is to make sure that every legislator understands how the laws they are considering can affect my business. Every year legislators vote on thousands and thousands of pieces of legislation and there is no way for them to understand what that legislation can do unless their constituents visit them and tell them how it is going to affect them. So every year we go and visit Washington D.C. and talk to our senators and congressmen. We talk to them about state tax reform, association health plans and industry regulations such as silica and highway safety. We work with industry groups to get access and those groups keep us apprised of where the legislation is in the whole process. Our political activism at Holes, Inc. led Susan Hollingsworth to serve on the Small Business Regulatory Enforcement & Fairness Act Panel. This gave Holes and our industry the first opportunity to make our views known on the proposed silica standard. This involvement eventually led to the Silica Task Force.

Two years ago we worked on TX Senate Bill 15 which changed the way industrial dust lawsuits, like silica or asbestos claims, are handled in Texas. No longer can a person who is exposed to industrial dust sue because they were exposed. They cannot sue until they actually are sick and have a verified disability due to the illness. This is good for the workers. It allows them maximum payout for their known illness and disability. In asbestos cases, workers who were exposed but not sick, received very small settlements. The lawyers got very wealthy and when some of the workers eventually got ill they could not receive any additional money. It is also better for our industry. We are not going to be sued by everyone who has seen a concrete saw.

This year in Texas, we are working on broad form indemnification and additional insured language. We had a hearing in front of the Senate and out of that they agreed that broadform indemnification should be against public policy. Now we are waiting and hoping that they follow through with what they say and pass a law that says that broad form indemnification is against public policy.

I also brought a DVD as an example of what you can do with a coalition. We joined a coalition with several other Texas contractor groups and just talk about immigration. We do not take a side, but we stimulate dialog about how we need comprehensive reform.
DISCUSSION TOPICS

Discussion Questions

1. Are you or anyone in your company politically active? How are you involved? Write letters, make phone calls, volunteer campaigns, contribute money, join PAC’s, association walks on the capital or other activities.

One participant said his activism was restricted to writing letters to his senators and congressman. Another contractor makes phone calls but usually contributes through the small business association. He usually made phone calls for someone whose agenda he knew about. He felt that small business associations are a way to gain access to information on how senators and congressmen are voting.

Darlene Aitken: What we were able to do in Texas was get a Republican Senator and a Democratic Congresswoman to work together on our behalf and sign a letter jointly urging their members to review our concerns on immigration. They were able to understand the issue and work together because we were able to explain our issue to them.

A participant from Diamond Products stated that he has written letters before. Others at the table stated they too have been politically active by writing letters, making phones calls and volunteering at campaigns.

In today’s world, written letters are screened. You can write a letter and three months from now the recipient might get it because of the anthrax screening. This is on a federal level. E-mails and faxed letters are more effective because they are received faster. An effective method of contacting legislators is with a handwritten note. They figure if you have taken the time to write out a note, then the issue must be very important to you.

Many associations have this new program where you go out and customize the letter, you can personalize it and add your story then you can choose to email it back or have it mailed. That is still effective on some level. Personal handwritten notes, especially to your local legislature, can be very effective.

2. What groups besides CSDA do you belong to that help you stay politically aware? Small business groups, industry groups or other groups?

If you belong to any of the groups, you can get on their email list and receive updates everyday on issues or topics of concern. Some belong to small business groups like a Chamber of Commerce.

3. Have you affected legislation in your state? If so how? Have you testified, written letters/made phone calls? What was the legislation?

One participant was not aware if he personally affected the legislation but he does write letters and make phone calls. He has written letters on toll roads in Texas. Another has tried but was not effective. Susan Hollingsworth has been very active, speaking to any group that would listen to her about the issues of concern in Texas, like immigration and silica.
Darlene Aitken: I think it is interesting that with a national issue like immigration, the Federal Government has been so ineffectual at resolving the controversy and securing a national position that small local governments are stepping in to resolve the problem for themselves.

4. What are the biggest issues facing your business? Contract language, aging workforce, tort reform, insurance?

Contract language is a major area concern in many states. It is up to the subcontractors to negotiate reciprocity in contracts. Insurance is another big issue. Discussion also centered on who is representing subcontractors, i.e. small businesses, in government. Many at the roundtable felt that it was important to have a businessman representing them instead of a lawyer. They consider lawyers more self-serving than business owners.

5. What do you think should be done about these issues?

Most recognized the need to become more politically active but commented on how hard it was because they are busy running their businesses. They recognized that unless they were to get politically active though the likelihood of things changing would be very slim.

It was discussed whether CSDA as an association could become politically active, despite the fact it is a non-profit organization. It was recommended that perhaps CSDA could develop a branch or another association that was devoted to political activism – almost as a separate association. And then this association could work in collaboration with another association like ASA to change legislation.

The consensus was that if someone really wants to get involved with an association, a subcontractors association was the best type to join. Not one with general contractors – one made up of primarily subcontractors so that the interests are not conflicting.

6. What laws or regulations pending or current concern you?

Silica, contract language and insurance are all areas of major concern. Immigration is another major concern. Those concerned about immigration want a worker’s system in place. The other issue is how long it takes for someone from another country to receive American citizenship. The issue of immigration is not just a border state issue – there are illegal workers all over.

Another issue of concern is identifying which workers are here legally and which are not. If you fail to hire someone because you believe their documents are not real, and they are, you can be sued for discrimination. If you hire someone because their documents look real and they are not you can be criminally prosecuted by Homeland Security.