



THE 2025 LEGISLATIVE SESSION EDITION

# TEXAS CONSTRUCTION ASSOCIATION

Working on issues of major importance to the  
Texas construction industry

Winter 2025



# Message from the President



On January 14, 2025, the Texas Capitol opened its doors to welcome the 89th Texas Legislature. During the 140-day session, TCA will be supporting specific construction bills, bills affecting our members as employers, and other issues that may arise which are beneficial to our members. And we'll be watching for those bills that are contrary to our members' interests too! See page 7 for some of the statewide issues.

Earlier this year, on February 11th and 12th TCA held its biennial Walk on the Capitol. It was a great opportunity for TCA members to mingle with each other, legislative staff, as well as visit with elected officials to educate them about the impact of what they do in Austin on the construction industry. If you missed the 2025 Walk, you'll have another chance in 2027!

This newsletter has articles prepared by TCA staff and others to give you a perspective on issues of statewide importance and those of particular importance to the construction industry. I hope you find the content helpful. And feel free to reach out to me or the staff if you would like more information on anything covered here.

Are you a TCA member who shared in the \$42 million distributed by Texas Mutual Insurance Company to the Texas Construction Safety Group in 2024 for its workers' compensation performance? If not, call your insurance agent to see if your company qualifies to be a member of the safety group. Check out page 9!

See you soon!

Raymond

## Stay Up to Date on the Texas Construction Industry!



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Texas Construction Association



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Texas Construction Association



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Texas Construction (TexconAssn) Assn



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Find Us Online!  
[www.texcon.org](http://www.texcon.org)



# TEXAS CONSTRUCTION ASSOCIATION

## BENEFITS OF MEMBERSHIP



### TCA'S WORKERS' COMPENSATION PROGRAM

Texas Mutual Insurance Co. provides premium discounts for lower workers compensation insurance costs through its group purchasing power and Safety Groups. The program was developed to benefit companies in all construction trades. In addition to participants being eligible for Texas Mutual Insurance Co.'s regular dividend, they are also eligible for the additional TCA group dividend and enhanced premium discount for upfront savings. Check out the Texas Construction Safety Group at [txconstructionwc.com](http://txconstructionwc.com)!



### OFFICE DEPOT BUSINESS SOLUTIONS/OFFICE DEPOT DISCOUNTS

Offered through TCA's member benefit program, TCA has partnered with ODP Business Solutions and Excelerate America to provide our members with discounts on almost all products. TCA members receive 10-30% off the top 100 business items purchased most and up to 55% off additional business products. In addition to product discounts, our members save up to 40% on black and white copies, 25% on color copies and 40% on finishing services.



### TCA RETIREMENT COLLECTIVE 401(K)

A multiple employer 401(k) Plan exclusively designed for TCA Member Companies to provide 401(k) Plans to their employees, our multiple employer plan functions as a company's 401(k) support team so a company's staff doesn't need to act as 401(k) experts. The TCA Retirement Collective eases plan administration, is customizable, reduces employer fiduciary liability by 95%, is fully compliant, has low fees due to volume pricing and is serviced by our experienced national providers: The Retirement Advantage, Raymond James Financial Services, and Ameritas Retirement Plans.



### TOTAL WORKPLACE SAFETY (TWS)

The Texas Construction Association (TCA) wants all their members to work in the safest, most efficient possible manner. That is why TCA has partnered with TW Safety (TWS). TWS offers services including First Aid Kit Supplies and Refill Service, AED Defibrillator Sales and Maintenance Service and Safety Database Management.



### TCA RAPID! PAYCARD

This benefit provides a member company with one of the most comprehensive PayCard benefits and ePayroll programs designed for employers choosing to convert to electronic delivery of payroll at zero cost. The PayCard is free to TCA members.



### TCA WEX FUEL CARD

This card gives members the necessary tool to help reduce costly waste and save up to 15% on fuel management costs. WEX's fuel card program offers security by helping to protect against unauthorized spending and gives your drivers the convenience of being able to fill up just about anytime and anywhere. ExxonMobil & Leasing Associates have teamed up to provide TCA members with a new and improved fuel card. The ExxonMobil fuel card powered by WEX delivers significant savings and greater control over the costs associated with fueling fleet vehicles. Start saving 5¢ on every gallon!



### MINDFORGE

Mindforge is a platform that allows you to establish a communication network with your field personnel and put just-in-time information and education in the palm of their hands. With efficient knowledge sharing across all crews, you will save time, increase your work quality, and empower your workforce to stay safe. TCA members receive a 20% discount.



### TCA RESOURCE CENTER

The TCA Resource Center on the TCA website contains a wealth of information for members with glossaries of construction industry resources and construction industry associations. In addition, the Resource Center provides members a construction contract clause library with an extensive list of contentious clauses commonly found in construction contracts. Explanations and examples are given to help members apply the information to their own specific situations. The Resource Center also contains statutory lien waiver and lien notice forms.



### NAYLOR ASSOCIATION SOLUTIONS

In collaboration with the Texas Construction Association, Naylor Association Solutions established an exclusive career center for the association's members and industry. Employers can confidently list their job openings, ensuring heightened visibility amid the clutter of conventional job boards. Simultaneously,, job seekers gain access to a tailored job board featuring Texas-based opportunities aligned with their skills and interests.

# 2024 Texas General Election Results

By Eric Woomer, Woomer Policy Solutions

The dust has settled on a particularly turbulent election cycle, and the results help paint a clearer picture of who will wield influence in the 89th Legislative Session, following a campaign season that saw intense personal attacks, unprecedented intra-party squabbling, record-breaking campaign contributions, saturated television advertising, and extensive direct mail campaigns.

The top headlines were, of course, the race for the White House and the United States Senate seat from Texas. While national attention fixated on the Presidential and Congressional races, Texas' state election results will shape state policy for the next two years. There were no major statewide offices on the ballot, and Republican control of the Senate and House of Representatives was never in doubt. Most races were secured during the March Primary season, and only a few were predicted to be close. At the end of the day, there were no truly big surprises, and the GOP picked up one seat in the Texas Senate (Sen. Morgan LaMantia (D-Palm Valley) getting knocked off by Adam Hinojosa (R-Corpus Christi)), and two seats in the Texas House, HD 34 (previously held by Democrat Abel Herrero (D-Robstown) was picked up by Denise Villalobos (R-Corpus Christi) and HD 80 (previously held by Rep. Tracy King (D-Uvalde) was handed over to Don McGlaughlin, Jr. (R-Uvalde)).

This makes the GOP partisan advantage 20-11 in the Senate, with three new faces, and an 88-62 edge in the House, with 32 freshmen (although Alan Schoolcraft (R-McQueeney) is a former member). In raw numbers, as a practical matter, these increases don't move the needle – the Senate already had a Republican supermajority, and the House didn't have one before and didn't attain one this cycle. But both chambers became more conservative – the House quite a bit so – and both have lost some meaningful senior leadership.

There was a flurry of critical activities at the Capitol in the weeks leading up to Christmas, with decisions and deadlines that would shape the legislative session. At the forefront was the fight for the Speaker's gavel in the lower chamber, while simultaneous leadership transitions unfolded with the election of both a new House Republican Caucus, House Democratic Caucus and Mexican American Legislative Caucus leadership.

Following the November election, it wasn't clear who would preside over the House. Speaker Phelan had a comfortable Republican majority before and now, albeit more conservative. He presumably enjoyed fairly broad

support from his Democratic colleagues, but that hurt him where the bread gets buttered, in the GOP caucus. Faced with a tough challenge from Rep. David Cook (R-Mansfield), Speaker Phelan withdrew from the race for Speaker just before the Republican Caucus met to vote for its preferred candidate. However, a new challenger entered the race, Rep. Dustin Burrows (R-Lubbock), a six-term representative and member of Speaker Phelan's leadership team. At the House Republican Caucus meeting on December 7th Rep. Cook secured a majority vote for Speaker; however, Rep. Burrows asserted that he had enough bi-partisan support to win the vote in January. When the rubber met the road and the House members officially voted to elect their Speaker, the members chose Rep. Burrows.

During this 89th session, both seasoned incumbents and newly elected lawmakers must pivot from campaigning to governing. They face a daunting task: navigating what promises to be a contentious session, complicated by both inter-chamber tensions between the House and Senate and intra-party divisions within the caucuses. Because Speaker Burrows was elected with support from most Democrats, one can predict a level of animosity and tension with Lt.



Gov. Dan Patrick. Thus, navigating legislation through this landscape will be a challenge for even the most seasoned political hand. One bright spot – the state's budget picture overall remains rosy.

This intense pre-session period caps what has been an exhausting year for the Capitol community. The political landscape has been dominated by historic events and personal attacks among the three branches of government, beginning with the state's first impeachment of a statewide elected official in over a century. Four subsequent special sessions

*Continued on page 15...*





## 2025 LEGISLATIVE AGENDA

**S.B. 1612**  
**SEN. NATHAN JOHNSON**  
**H.B. 3287 REP. KEITH BELL**  
**SECURING RETAINAGE**

Amend the Construction Trust Fund Act to classify retainage as trust funds for commercial projects.

**S.B. 1513 SEN. JUAN HINOJOSA**  
**H.B. 3290 REP. KEITH BELL**

**RELEASE OF RETAINAGE**

Amend the Property Code to increase objectivity and certainty around the timeline for release of retainage.

### CROSS-DEFAULT CONTRACT CLAUSES

**S.B. 1614 Sen. Nathan Johnson/H.B. 3289 Rep. Keith Bell**

Amend the private Prompt Pay Act to clarify that a “good faith dispute” does not include a dispute relating to another contract.

**S.B. 1615 Sen. Nathan Johnson/H.B. 3288 Rep. Keith Bell**

Amend the Construction Trust Fund Act to clarify that withholding funds due to a disagreement on another contract is a “misapplication of trust funds”.

**H.B. 2960 REP. RICHARD HAYES**  
**OUT OF STATE VENUE/LAWS**

Reverse the 14th Court of Appeals ruling allowing for waiver of out of state law and venue contract clauses as “voidable” upon signing a contract with such a clause or incorporating by reference another contract with such a clause.

**S.B. 1040 SEN. TAN PARKER**  
**INCORPORATION BY REFERENCE**

Amend the Business & Commerce Code to require the disclosure of documents incorporated by reference in a construction contract.

### CURB NUCLEAR VERDICTS

As a member of the [Lone Star Economic Alliance](#), work to curb nuclear verdicts in personal injury and wrongful death cases by preventing the introduction of evidence that serves only to inflate damages and prejudice the jury.



# The Texas Legislature 101

## The Basics

The Texas Legislature is a bicameral legislature made up of two houses: the Texas Senate and the Texas House of Representatives. The Senate has 31 Senators and each of them represent approximately 940,000 Texans. The House of Representatives has 150 members and each of them represent approximately 194,000 Texans.

Texas Representatives are elected in November every two years. Texas Senators serve 4-year terms, so only half are on the ballot every two years.

The Texas Legislature is a “volunteer legislature,” which means each member is paid a nominal \$600 per month.

The Lieutenant Governor is a statewide elected official and presides over the Senate. The Speaker of the House is selected by the members of the House from their own body and presides over the House.

As set out in the Texas Constitution, the Legislature convenes on the second Tuesday in January of odd-numbered years. The current session began January 14, 2025. Each Regular Session is limited to 140 days. The Governor may call Special Sessions on select issues which are limited to 30 days each.

## Legislation

During a Regular Session of the Texas Legislature, approximately 8,000 pieces of legislation or “bills” are filed in the House and Senate. And because the Legislature is bicameral, potential new laws must pass by a majority vote through both houses of the legislature before being sent to the Governor’s desk.

After a bill is received by the Governor, it may be signed, vetoed, or become law without any action. If a bill is sent to the Governor with more than 10 days left in a Regular Session, the Governor must veto it within 10 days or it becomes law; bills sent to the Governor with less than 10 days left in a Regular Session must be vetoed within 20 days following the Legislature’s adjournment. Bills vetoed during a Regular Session may be overridden by a two-thirds vote of each house; however, once the Legislature has adjourned a veto is final.

Most legislation becomes effective September 1st following the Regular Session or within 90 days following a Special Session. However, a new law may have immediate effect if it is passed by a two-thirds majority in each house.

Resolutions proposing constitutional amendments must be approved by two-thirds of the members of each house, then they are placed on the next November general election ballot for voter approval/disapproval.

Due to the high number of bills filed and the 140-day limit for the session, generally less than 20% of bills filed become law.



## Interesting Facts

There are no term limits for state elected officials in Texas. There are no limits on campaign contributions to state elected officials in Texas.

The Texas Legislature is a “volunteer legislature,” which means each member is paid a nominal \$600 per month. They also receive a per diem to cover expenses when the Legislature is in session. ★

## Resources

The Texas Legislature Online website allows you to track legislation and get alerts for committee hearings and bill movements throughout a session. [www.capitol.texas.gov](http://www.capitol.texas.gov)

The Texas Legislative Reference Library produces a Daily Newspaper Clipping Service on its website with articles of interest to the legislative community from over 30 newspapers. [www.lrl.texas.gov](http://www.lrl.texas.gov)

Do you know who represents you? To find your elected officials you can enter your home address on this website: <https://wrm.capitol.texas.gov/home>



# A Preview of The 89th Texas Legislature

The 89th Texas Legislature was sworn in to begin its 140-day regular session on Tuesday, January 14, 2025. As with past sessions, there will be a multitude of issues vying for the attention of the state's 181 elected officials. The state budget, property tax reform, education, the power grid, and border security will most likely take center stage; however, if history repeats itself, the House and Senate will end up passing well over 1,000 bills on various issues, before adjourning on June 2nd. Below is a discussion of what the elected officials will be grappling with this session. *Note: the legislative session moves swiftly. The discussion below is accurate as of the date of printing.*

## Texas State Budget

On January 13th the Texas Comptroller, Glenn Hegar, issued the Biennial Revenue Estimate for the 2025-2027 budget biennium. This estimate dictates how much money is available to the Legislature for appropriations in the upcoming session.

Overall, the Texas Legislature will have \$362.2 billion to allocate across programs. This includes almost \$115 billion in federal funds (e.g. Medicaid, disaster recovery, etc.) and other general revenue-dedicated funds (e.g. gas tax revenue dedicated to highway funding) that are not subject to redirection. The total amount of general revenue that the Legislature may allocate over the next biennium is set at \$195 billion, which includes almost \$24 billion in surplus funds, or funds in excess of what was appropriated during the current biennium.

Each session, the bulk of general revenue is allocated to the two largest budget areas – public education and healthcare. Nothing indicates things will be different in 2025. As far as surplus funds go, they are generally used for one-time expenditures. To date, there have been calls to spend the surplus on the Texas Energy Fund, property tax relief, water infrastructure projects, border funding, and teacher pay raises.

The Legislature will also have access to approximately \$24 billion in the Economic Stabilization Fund (ESF), also known as the “Rainy Day Fund”. The Comptroller forecasts that the ESF will hit its constitutional cap sometime early in the biennium. Therefore, the Legislature is expected to do one of three things: (1) appropriate funds from the ESF; (2) vote to propose a constitutional amendment to raise the cap; or (3) vote to propose a constitutional amendment to remove the

cap. If money from the ESF is appropriated, like the surplus funds, it will be limited to one-time expenditures such as a transfer to the Texas Water Fund or a “thirteenth check” for retired teachers.



During the week of January 20th, the House and Senate introduced their versions of the appropriations bill and provided a glimpse into spending priorities for both chambers. In general, spending levels and appropriations for priorities are similar between the Chambers. Senate Bill 1 appropriates a total of \$234.4 billion in State Funds, representing a 4.3% increase from the previous biennium and \$332.9 billion in All Funds, a zero increase in overall spending from 2024-25. House Bill 1 appropriates \$237.7 billion in State Funds, representing a 5.6% increase from the previous biennium, and \$335.8 billion in All Funds. Both bills make substantial investments in long-term projects such as property tax relief, public education, public safety, border security, and infrastructure.

## Governor Abbott's Emergency Items

The Texas Constitution limits the Legislature's ability to pass any legislation in the first sixty days of a session to those items deemed an emergency by the Governor. During his State of the State Address on February 2nd, Governor Abbott announced his emergency items for the 89th Legislative Session:

- \$10 billion of property tax relief
- \$1 billion a year for 10 years toward water infrastructure
- Increasing teacher salaries
- Expanding career training education
- Creating a public school voucher program
- Reforming the bail system
- Creating the Texas Cyber Command

## Lieutenant Governor Patrick's Priorities

Lt. Gov. Patrick has released twenty-five of his top forty legislative priorities for his office and the Senate. School choice remains his top priority, followed closely by additional property tax relief through the form of an increase in the homestead exemption. He also wants to create the Dementia

*Continued on page 19...*



# TEXAS CONSTRUCTION ASSOCIATION POLITICAL ACTION COMMITTEE

**The Texas Legislature is involved in your business.**

**Its decisions affect the way you operate your business every day.**

The Legislature passes or defeats bills involving your taxes, your tort liability, your contracts, your insurance protection, the roads you travel, the education and regulation of your workforce, and a myriad of other issues.

**To have a say in these issues, you have to be involved.**

**How do you get involved? Contribute to the TCA PAC.**

The TCA PAC is organized to make contributions to individuals running for the Texas Legislature and non-judicial statewide offices. Funds are also used to support grassroots efforts by TCA members.

**Why should you contribute to the TCA PAC?** The TCA PAC is able to pool the resources of numerous construction industry members to have a greater impact than a single individual.

Is this really important? YES! TCA's advocates must have the ability to make contributions to candidates who share your viewpoint. If TCA doesn't have a well-funded PAC, it's at a disadvantage because it is guaranteed that TCA's opponents do.

**To contribute, visit the TCA PAC website at [www.tcapac.org](http://www.tcapac.org).**







*Gina O'Hara (l),  
TCSG Program  
Manager; Cassie  
Doolittle (r),  
TCSG Team*

Since 2005, TCA has endorsed the Texas Construction Safety Group, a workers' compensation program through Texas Mutual Insurance, the largest workers compensation insurance carrier in Texas. Are you already insured by Texas Mutual? Be sure to confirm you are part of the Group.

For many businesses, safety group programs provide the most cost-effective and advantageous workers' comp insurance options. With the Texas Construction Safety Group you'll get lower premiums and excellent tools and resources to help keep your workers safe. Plus, being covered by Texas Mutual Insurance Company means you have award-winning service, cost saving claims handling and innovative safety training. There is also a proven history of both individual and group dividend payouts.

The Texas Construction Safety Group continues to have phenomenal success in growth dividends and loss ratios. As of November 1, 2024, it has 1900 policyholders. It is the largest workers' compensation safety group for construction companies in Texas. Since 2005, the group has earned over \$63 million in dividends. The Group's safety efforts have made a significant impact this year, resulting in the largest dividend distribution ever from Texas Mutual.

TCA member companies receiving group dividends (in addition to the individual company dividends from Texas Mutual) were those who are insured with Texas Mutual in the Texas Construction Safety Group. Dividends are not guaranteed, but Texas Mutual has a

proven track record of never missing a year in paying one. The longer a company is insured with Texas Mutual and in the Group, the higher the percentages can be because the dividend has a loyalty component.

**TEXAS CONSTRUCTION  
SAFETY GROUP**

**BETTER TOGETHER**

**PREMIUM DISCOUNT**

**TWO DIVIDEND  
OPPORTUNITIES**

**VALUABLE SAFETY  
RESOURCES**

**Texas Mutual**  
WORKERS' COMP INSURANCE

Dividends are based on performance and are not guaranteed.

Joining the Group is simple. Just ask your agent to request a quote in the group from Texas Mutual. Additional answers can be found at [www.txconstructionwc.com](http://www.txconstructionwc.com) or by calling the program administrator, Gina O'Hara at (512) 330-9836, ext. 6324, or emailing [info@txconstructionwc.com](mailto:info@txconstructionwc.com). ★





# 2025 TCA PA & Walk on t





# TCA Roundup at the Capitol



*What a gorgeous crowd full of bright smiles! Thank you so much for joining us for our 2025 TCA Walk on the Capitol. It is always so wonderful to be together as we make our voices heard in Austin! We are proud to call you our members!*





# Ending Nuclear Verdicts in Texas

By Will Bashur, Texans for Lawsuit Reform Assistant General Counsel



Enormous personal injury verdicts have been catastrophic for Texas, and they are only getting worse. Verdicts greater than ten million dollars, dubbed “nuclear verdicts,” are becoming commonplace in the legal ecosystem—often exceeding hundreds of millions, sometimes billions, of dollars for injuries to only one person. The shadow cast by these verdicts puts pressure on insurance companies to settle claims more frequently and at far higher numbers than are justified by facts. This increases the cost of insurance premiums, which in turn causes higher prices for all consumers. These nuclear verdicts, which are often rooted in fraud, are arguably the greatest threat to economic progress in Texas.

**It works like this:** a plaintiff gets injured and their attorney sends them to one of their hand-selected medical care providers (chiropractors, pain management specialists, orthopedic surgeons, etc.). These medical providers are given a “letter of protection,” in which the lawyer guarantees that the medical providers will be paid from the proceeds of the litigation. Because these providers know they will be compensated by a settlement or judgment, they make up outrageous charges with no basis in reality. These exaggerated bills are then used by the attorney to demand an even bigger award for emotional damages (pain and suffering, mental or emotional pain or anguish, disfigurement, etc.) in settlement negotiations or at trial. The net result is a culture of braggadocious billboards, attorneys on private jets, and plaintiffs who think every sore back leads to a pot of gold. All Texans are stuck with the bill.

**This is why we formed the [Lone Star Economic Alliance \(LSEA\)](#)—to bring attention to this issue.** In the past we focused our efforts on lawsuits related to commercial vehicles, an area of particular abuse, but now the problem has spread to other sectors like funeral homes, foster care agencies, restaurants and bars, retail, and the trades. LSEA is a coalition of job creators, citizens, and organizations of all stripes that

can communicate to the legislature the size and scope of the problem.

LSEA’s goal is to pass a bill this session that puts an end to the fraud and reduces the frequency of nuclear verdicts. Our bill contains the following elements:

- **Require medical damages to be tied to real costs.** Medical damages would be limited to the amount actually paid or incurred by a health insurer for a plaintiff’s medical treatment, or if the plaintiff does not have insurance, the damages should not exceed 150% of the average cost of comparable care.
- **Make Letters of Protection Discoverable Evidence.** Juries should know that attorneys are referring plaintiffs to their favorite medical providers who are getting a cut of the settlement or judgment.
- **Have fewer blanks for the jury to complete—**namely, past and future pain and suffering and past and future mental anguish. Currently, juries are confused by having to consider too many categories of damages (pain & suffering, mental anguish, loss of consortium, disfigurement, physical impairment, loss of companionship & society, and loss of enjoyment of life). This leads to overlapping damages and grossly inflated awards.
- **Instruct juries that noneconomic damages are for compensating the plaintiff and not for punishing the defendant.** End the practice of juries awarding massive damages to punish a perceived wrongdoer. Such punishment is for punitive damages, not noneconomic damages.
- **Require judges to justify excessive awards.** If an attorney makes a motion to reduce the size of a noneconomic damages award, a trial judge should have to provide a legal and factual basis for the excessive award. This will facilitate the overturning of bad judgments on appeal.

Altogether, this legislation should rein in nuclear verdicts. If we work together, we can save Texas from the lawsuit abuse that is smothering it. ★





lonestarconstructioncareers.org

# CONSTRUCTION CAREER PROGRAMS

## \$45K+ EARNING POTENTIAL

Lonestar Construction Careers is an informational resource designed for use by middle school and high school students, parents, and counselors.

If your child is showing an interest in the construction trade, we can help get you the information you will need for your child to succeed!

There has been no better time to join this industry. Business is booming, and we can help you be a part of it.

The #1 middle skills industry currently in Texas with the **highest expected job growth** is **Construction!**

A career in the construction industry is one of the **Top Paying Careers** not requiring a four-year degree.

**Pre-apprenticeship offers the ability to learn about:**

- ✓ Various Trades
- ✓ Materials
- ✓ Interviewing Skills
- ✓ Financial Literacy
- ✓ Earning Some Safety Certifications in 5 weeks!

### More Information

+512-473-3778

LoneStarConstructionCareers.org

info@lonestarconstructioncareers.org



# Broad Form Indemnity Clause Prohibitions

In 2011, the Texas Legislature passed HB 2093 which amended the Texas Insurance Code, Chapter 151, Subchapter C, to make some broad form indemnity clauses void and unenforceable beginning January 1, 2012.



Broad form indemnification clauses require a person to be responsible for the acts of another person including the sole acts of the other person. Under the law, any indemnification provision in a construction contract that requires a person to indemnify another person against a claim caused by the negligence or fault, the breach or violation of a statute, ordinance, governmental regulation, standard, or rule, or the breach of contract of the indemnitee, its agent or employee or any third party under the control or supervision of the other person is void and unenforceable.

**Sole and joint indemnification and defense obligations previously placed on the backs of subcontractors and contractors are unenforceable...**

Sole and joint indemnification and defense obligations previously placed on the backs of subcontractors and contractors are unenforceable, while limited form indemnification and defense obligations are permitted. Limited form allows for indemnification for one's own fault.

Requirements for subcontractors or general contractors to include another person as an additional insured in their general liability policies must be no greater than the indemnification allowed under the law. There is an exception for broad form indemnity or additional insured coverage for employee claims.

Parties may enter into joint defense agreements after a claim is filed. Additionally, general liability policies issued under a CIP will be required to have a minimum of three years of completed operations coverage.

The Code includes several exemptions. Some of which are as follows:

- General agreement of indemnity required by sureties as a condition of execution of bonds for construction contracts;
- Benefits and protections under the Texas Workers' Compensation laws;
- Benefits or protections under the Texas governmental immunity laws;
- Agreements related to wells for oil, gas, or water or to a mine for a mineral;
- License agreements between a railroad company and third parties for construction work on the railroad's property that does not benefit the railroad;
- Copyright infringement;
- Residential construction contracts; and
- Municipal public works contracts.

Finally, it should be noted, that the Code expressly prohibits a waiver of the law in contract or otherwise. ★







ensued, focused on school choice, property tax relief, border security, and education funding – issues which all promise to resurface in 2025. The traditional interim period, typically a time for policy review and planning, as well as personal renewal, instead became a blur of overlapping priorities, with special sessions and interim hearings to plan for the 89th Legislature crowding out time for legislators to return home to campaign.

The convergence of these events and deadlines hints at the challenging dynamics in the 89th Legislature. As lawmakers navigate this compressed timeline, they must balance immediate duties while preparing for another complicated, far-reaching session in Texas. ★

## Spotlight on Executive Director



# Carrie Buckley

**Subcontractors of the Metroplex (SAM)  
& Central Texas Subcontractors Association (CTSA)**

Carrie Buckley began her career in construction with her family's business Astro Sheet Metal, after graduating from University of Texas. She worked in accounting, fostered strong customer relationships, and served as President during her 17-year tenure. Upon inquiring about "SAM", her father described "a little networking group that has meetings about once a month" as being the Subcontractors Association of the Metroplex, and he encouraged her to attend.

Carrie found SAM educational, and the people to be kind and knowledgeable. As her participation increased, Carrie was asked to join the SAM Board of Directors, where she eventually became Treasurer. Carrie realized the best place to speak to guests was while sitting at the registration table. There she could say hello to every person, and the conversation flowed easily. The Executive Director at that time, Pete Snider, could see that Carrie's interest in SAM was growing. Carrie became the Executive Director of SAM in 2017! Then in 2023, she became the Executive Director of the Central Texas Subcontractors Association (CTSA), SAM's twin in the Central Texas Region.

Planning the meetings, the rush of last-minute registrations, the learning opportunities, and working with so many wonderful people thrill her! Carrie enjoys everything about the association world. Construction makes the world go 'round and, she is proud to be part of it!

Carrie and her husband own Space Walk of North Fort Worth, a party rental business that focuses on bounce houses and small casino parties. Event planning and bringing people together is her forté.

Carrie enjoys spending time with her husband, two children and their fur babies.



# Get to Know You

Chris Lambert is the President and Co-Owner of L&O Electric, Inc. in Austin, an electrical contracting business. His 40-year-old business works in the commercial and industrial sectors. L&O specializes in design build, design assist projects, and value engineering to help bring projects into budget.

A Master Electrician, Chris is licensed in Texas with an Engineering degree and a minor in Construction Technology from Texas Tech University.

He currently serves as the Chair of the Board of Directors of the Texas Construction Association, and he also occupies a board seat with the Central Texas Subcontractors Association.

Chris proudly declares, *"I have a beautiful wife, Wendy, and together we have two lovely teenage daughters."*



Andy Adams is President of Adams Insurance Service, Inc. Founded in 1947, Adams is the oldest independent family-owned insurance agency in Houston. Specializing in insurance and surety for construction, Adams serves subcontractors of all trades. Andy also serves on the Board of Directors for the American Subcontractors Association's Houston Chapter and his term as Chapter President will begin in June 2025. Andy is an attorney and graduated from the University of Texas Law School in 1998. Andy worked at Bracewell & Patterson as a labor and employment associate attorney before joining the family business.

Andy is proud to serve as Vice Chair of the Board of Directors of the Texas Construction Association as well as the ASA Houston Chapter Board to, *"...keep Texas a construction-friendly state and build a better business environment for all subcontractors. Construction is a fundamental industry to Texas--every other industry relies on it to build their places of work, shelter, hospitality, worship, healthcare, transportation, and entertainment. Everything first has to be built by the men and women who make up the construction industry. Our subcontractors form the backbone of that industry in Texas!"*

Andy and his wife Amy were married in 2000 and have four children ages 22 to 14 and one standard poodle, Andy emphatically conveys, *"...that we try not to disappoint."* Andy & Amy enjoy traveling to National Parks (28 & counting) in their RV as well as visiting historic Texas dance halls. Their visits to Disney parks are too numerous to mention!





# r Board Officers

Kevin Camarata is the Chief Executive Office of Camarata Masonry Systems, Ltd., a company he founded in 2004 that has grown to over 600 employees with offices in three states. Under his leadership, the company has earned more than 70 craftsmanship awards, including five national honors. Notable projects include the Houston Dynamo Stadium, the 1910 Harris County Courthouse restoration, and the Methodist Hospital Outpatient Care Center. He is also the immediate Past President of the Natural Stone Foundation. He is the current Secretary of the Board of Directors of the Texas Construction Association.



Before Camarata Masonry Systems, Kevin served as President of Lucia, Incorporated, where he expanded the team from 12 to over 550 employees and achieved consistent top 20 national rankings by Engineering News Record. His early career included leadership roles at Intrepid Enterprises, where he oversaw large-scale projects like the Pentagon City Office Building in Washington, D.C., and Figueroa Plaza in Los Angeles, CA.

Kevin has also held leadership positions with the Texas Masonry Council, Associated General Contractors of America, and the Masonry Contractors Association of America. He has contributed significantly to Texas construction industry growth and safety initiatives therein.



Brian Shahan is President of Shahan & Son Painting. The company is a full-service commercial paint contractor that was founded in 1946. They also complete wallcovering installation, tape & bed, and floor & roof coatings.

Brian has been President of the Paint Contractors Association's Texas DFW Council since 2018, and currently serves as Treasurer of the Board of Directors of the Texas Construction Association.

Brian has been in the construction industry for 28 years and counting. He enjoys having a hand in building some fantastic projects all over North Texas, and he is consistent in forming new relationships with clients, employees and vendors. Brian looks forward to helping Texas remain the greatest state in the union to live and build in!

Married to Carrie since 2000, Brian and his wife and have two children ages 19 and 24. They also share three fur babies -- one Boxer and two Dachshunds. In his free time, he and Carrie enjoy traveling and attending concerts of all types.





# Texas Construction Laws

**quick reference guide**

**Private  
Prompt Pay Act**

**Texas Property Code,  
Chapter 28**

**Public  
Prompt Pay Act**

**Texas Government Code,  
Chapter 2251**

**Construction  
Anti-Indemnity Law**

**Texas Insurance Code,  
Chapter 151, Subchapter C**

**Construction  
Trust Fund Act**

**Texas Property Code,  
Chapter 162**

**Contingent Payment  
Statute**

**Texas Business &  
Commerce Code,  
Chapter 56**

**Consolidated  
Insurance Programs**

**Texas Insurance Code,  
Chapter 151**

**Construction  
Liability Claims on  
Public Projects;  
Right to Repair**

**Texas Government Code,  
Chapter 2272**

**Mechanic's,  
Contractor's, or  
Materialsman's  
Liens**

**Texas Property Code,  
Chapter 53**

**Lien Claim Notice  
Forms**

**Texas Property Code,  
Chapter 53,  
Sections 53.056 & 53.057**

**Waiver and Release  
of Liens**

**Texas Property Code,  
Chapter 53,  
Subchapter L**



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**ALWAYS IN  
GOOD COMPANY  
WITH OUR  
TCA MEMBERS!**



## The 89th Texas Legislature *Continued from page 7...*

Prevention Research Institute of Texas (DPRIT) and enact a ban on all forms of THC, including hemp. On the budget front, he has indicated a desire to add billions of dollars to the Texas Energy Fund and the Texas Water Fund from the budget surplus. Social concerns also make the list: placing the Ten Commandments in classrooms; removing inappropriate books from public schools; prohibiting drag time story hours; stopping AI child pornography; and educating students on the horrors of communism.

### Speaker Dustin Burrow's Priorities

In his speech following his election as Speaker, Burrows cited a few items as his priorities: property tax relief, public schools, water infrastructure and addressing terrorist threats that stem from open borders.

### Private School Vouchers/School Choice

It is no secret that Gov. Abbott, Lt. Gov. Patrick and many members of the House and Senate, have been working for several sessions to pass a school choice bill that allocates money to Texas families as private school vouchers. There have been many, many moving parts and versions of the proposed program. With the recent election of 32 new members in the House, the probability of passing a school

choice bill has skyrocketed. The devil is in the details though.

Senate Bill 2 by Sen. Brandon Creighton was voted out of the Senate on February 5th. The latest version of the bill creates education savings accounts in values of \$2,000, \$10,000 and \$11,500 for homeschooled students, non-disabled students, and disabled students, respectively. In contrast, H.B. 3 by Rep. Brad Buckley was filed February 20th and the voucher amount for each student would be the equivalent of 85% of what their public school would receive for them through state and local funding. Both bills are capped at \$1 billion, and both include preferences for lower income families.

### Property Taxes

Property tax relief is a perennial issue on the docket for each Legislature. Both Gov. Abbott and Lt. Gov. Patrick have stated that property tax relief is their number one priority for the surplus funds. This has been a priority in past sessions and reductions have been passed on to homeowners via increases in homestead exemptions and rate freezes and/or caps.

All of the items listed above are in addition to so many other issues, large and small, including, but of course not limited to, election security, electric grid stability, social issues, death row appeals, and of course, construction industry issues. ★



# Texas Construction Association Board of Directors

## OFFICERS

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Central Texas Subcontractors Association

**Andy Adams** - Vice Chair  
American Subcontractors Association  
Houston Chapter

**Kevin Camarata** - Secretary  
Texas Masonry Council

**Brian Shahan** - Treasurer  
Painting & Decorating  
Contractors - DFW Council

**Raymond Risk** - President / CEO  
Texas Construction Association

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## LEGAL COUNSEL

**Fred Wilshusen**  
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