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# THE LICA CONTRACTOR

Volume 16, Number 2

Mid-Spring 2023



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**Industry Partners Remain at the  
Forefront of Drainage Safety**

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**The “Green Wave”**

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**Gradall Introduces Electric Excavator**

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The Land Improvement Contractors of America

The LICA Contractor is the official publication of the Land Improvement Contractors of America, dedicated to the professional conservation of soil and water. LICA was founded in 1951 and is today comprised of twenty-four chapters across the continental United States.

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# A Message from the President



Fourteen years ago, a contractor and good friend, Johnny Stanford, invited me to attend a Virginia LICA meeting. Along the way, he explained to me the LICA offered classes on safety, CPR, first aid, truck inspections, and so on. Once I arrived, I realized that many of the contractors I'd known for a while. Needless to say, I joined LICA and the journey began!

In a matter of years, I became Vice President, then President, then took over for Chris Johnson as VP of Region 2. Chris and Kim brought me to a National LICA meeting for the first time 9 years ago in Las Vegas, never thinking I would become President 9 years later. Showing up very nervous, I soon realized that every single person I met went more than out of the way to make me feel at home. At my first meeting I was told that I would be the treasurer, as the new kid on the block, and I started sweating bullets. If I had to do the books, this would be a disaster! Quickly everyone started to chuckle, and the joke was on me- I only had to read the report. This started a relationship that will never end.

I look forward to the coming year, and pray I do a good job for all the members. I'm sure I'll stumble along the way, but I've learned that at National everyone has your back. In May, we will be hosting the second annual golf outing for our Veterans Foundation. Polish up your clubs and come join the fun!

At CONEXPO in Las Vegas the team did a great job talking to contractors and signing up new members. I applaud each and every one of you. GREAT JOB!!!!

David Gallagher, National LICA President

*The LICA booth at CONEXPO-CON/AGG 2023. The photo wrapped around the tower was taken at a Missouri LICA Field Day. The Missouri LICA logo can be seen lower right.*



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# Industry Partners Remain at the Forefront of Drainage Safety

*“LICA members have been instrumental in the development of new drainage techniques, technological adaptations to drainage equipment, GPS, laser technology, and the never-ending research into better procedures and conservation efforts.”*

By CHRIS WAGNER, National LICA Chairman of the Board

The Land Improvement Contractors of America are honored to be part of Drainage Contractor’s 50<sup>th</sup> year Anniversary. Drainage is the foundation upon which LICA was built. In 1938, a group of terrace contractors in Missouri got together to form the Missouri Terracing and Conservation Contractors Association. In 1948, the Michigan Farm Trenchers Association was formed. Contractors in Iowa and Minnesota in 1949 formed the Midwest Drainage and Soil Conservation Contractor Association, and in 1952, the Kansas Conservation Contractor Association was formed. All of this led to the creation of the National Land Improvement Contractors of America in February of 1952. State chapters continued to be added throughout the 20th century

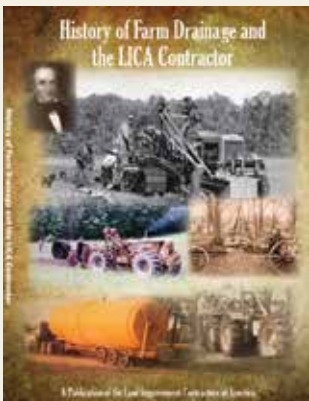
as LICA expanded its reach to all earth moving contractors. LICA continues to expand today.

LICA has been dedicated to the conservation of land and water since its inception and we are proud to be entering our 81<sup>st</sup> year as a national association. LICA members have been instrumental in the development of new drainage techniques, technological adaptations to drainage equipment, GPS, laser technology, and the never-ending research into better procedures and conservation efforts. The accomplishments of individual LICA members in the drainage industry are too long to list here, but they can be found in the LICA publication, “The History of Farm Drainage and the LICA Contractor.” LICA contractors and State Chapters continue to work with State



1978 (LICA News) Drainage Committee meets in Washington, DC to urge “208” planners to modify regulations to include drainage practices in clean water programs. Agricultural Conservation Program (ACP) is restored.

“While the conservation of land and water is the heart of LICA, safety is its soul.”



and Federal administration offices to address the ongoing demands of drainage and environmental concerns.

Drainage has been one of the most important industries in this nation. As the country moved west and the population exploded, feeding the people was paramount to the expansion of the United States. One of the greatest drainage accomplishments ever was the drainage of the

Great Black Swamp in northwest Ohio and northeast Indiana in the second half of the 1800's. It was done to provide better transport to the West, but more importantly, to create more land to grow food. Today we face an increasing need to produce food as our own, and the world's, population continues to grow, which means we need to make more land available for agriculture.

While the conservation of land and water is the heart of LICA, safety is its soul. I was fortunate to attend the Pennsylvania LICA State Chapter conference in February and was both saddened and encouraged by two seminars I attended. Saddened by the drainage and trenching accidents that were discussed. Encouraged by the incredible passion presented to eliminate accidents. I discovered that as we are expanding the land we need to grow food, we are looking to farm land that is very rural and undeveloped. Many pipes and transition lines were buried in this land years ago. Some we know about; others we do not. More importantly, we do not know how deep they are.



*The general extent of the Great Black Swamp before the 19th Century.*

We all work in an extremely dangerous industry. If you have never seen the film produced by Drain Tile Safety Coalition titled "Three Seconds Later," I suggest you find it and watch it, but not with your children present. The accident described in the film happened not so much from negligence but from the unknown about the land where things were buried years ago. We all call 811 for mark outs, but that does not produce depth locations. Today we continually install drainage 5-6' deep or deeper. Many pipelines and transition lines are at that depth, and many were buried years ago in land that was never expected to be developed. Certainly no one expected to have drainage



*Education on proper tile connections were demonstrated at the start of every run on the DPAC farm.*

**Indiana LICA held two field days in conjunction with Purdue University.** Indiana LICA has continued to maintain a good working relationship with Purdue University. This continued over the 2018 summer with two fields. The first was held at the David Purdue AgCenter (DPAC) in Farmland. Education was the focus during this event. Along with tile camera demonstrations each day, they were able to install 1800' of dual wall mains, 58,000' of 4" tile and 2300' of waterway surface drain.



*Completed tile work on the DPAC farm.*

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LICA member Mike Cook makes adjustments to the Spectra Analog mast during field trials for the “Pipe” software program.

pipe installed, or any excavation at those depths. Nature has changed the depth of those lines. We can no longer assume pipe depths based on our own historical experiences.

The Drain Tile Safety Coalition pointed out that the depth of pipes and lines can be determined. It is a more extensive pre-excavation procedure. It requires more planning, more lead time, and more dealing with government agencies that we would rather not contact. However, our responsibility is not just to the water and soil, but to the safety of ourselves, our employees, our families and their families. Does this require more planning and time on our part? Yes. Do we need to do it? I will let you answer that after you watch the film.



Seminar hosted by Monica Rakoczy of EnterTRAINING Solutions

The second seminar that moved me was given by Monica Rakoczy of EnterTRAINING Solutions. It is entitled “Everybody, Anybody, Somebody, and Nobody.” If you ever have the opportunity to attend one of Monica’s safety seminars or classes, make sure you attend. The premise of the presentation is actually incredibly simple. It is that we, all of us on site, the ones with experience, the ones that have seen what can happen on a site, the ones who know better, are responsible for on-site safety. Not just the safety guy, the safety book, the safety toolbox talks, the daily morning safety meetings, but all of us. Do not just say to a new guy, “Do not do that.” Tell him/her why. Tell them what could happen and unfortunately what you have seen happen. Be a storyteller. Be the Somebody, not the Anybody or the Nobody. Let us forget the line, “You learn by your mistakes.”

LICA has expanded well beyond a drainage association, enveloping all aspects of earth moving. We are responsible for transforming the earth, for providing the food and infrastructure required now and in the future. Drainage Contractor and LICA will continue to be at the forefront of the industry. Let us do it with due diligence and safety. Let us celebrate our history. And as we look forward, let us not only protect the land and the water, but more importantly our employees, our employees’ families, our families, and ourselves. ■

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# Volvo Penta and Gradall Collaborate on Electric Excavator Concept

Volvo Penta and leading North American telescopic boom excavator manufacturer Gradall Industries, Inc. are showcasing the latest development in their partnership at CONEXPO this week – an electrified version of the OEM’s XL 4100 V highway speed wheeled excavator. The zero-emissions concept machine, named EL41H4, is on display at the Gradall Booth, W41500.

The concept machine is powered entirely by two Volvo Penta batteries, matched to the duty cycle of the excavator, which fit neatly into the existing engine bay. The electric driveline system from Volvo Penta also includes the complete high voltage system – electric motors, gearboxes, inverters, junction boxes and cabling.

The partnership between Volvo Penta and Gradall began in 2014 when Volvo Penta became the exclusive supplier of 5 and 8-liter Tier 4 Final engines for Gradall’s diesel-powered telescopic boom excavators. This nearly decade-long partnership made Volvo Penta the obvious choice for the company’s first step into electromobility.

“We were looking for a major power solutions provider with a good track record to partner with,” says Mike Popovich, President of Gradall. “We see Volvo Penta as a power partner rather than an engine supplier – this is a turnkey solution to them. We didn’t want to be in a situation where we’re mixing and matching from 10 different suppliers and trying to make it all work seamlessly. Volvo Penta’s full systems approach and expertise, together with proven Volvo Group technology, was the ideal solution for us. This is a natural progression of our existing partnership towards where we’re both heading in the future.”

## A growing partnership

With growing interest from Gradall’s municipality customers for quieter, cleaner solutions that meet intensifying sustainability demands and regulations, collaborative discussions between Gradall and Volvo Penta began in spring 2022.

“Expanding our partnership with Gradall into electromobility is an exciting development for us,” says Hannes Norrgren, President of Volvo Penta’s Industrial Business Unit. “This is our first electrification project in a construction application, representing another milestone in Volvo Penta’s electromobility journey and aligning with our sustainability ambitions.”

## Not your average excavator

Unlike a traditional hydraulic excavator, Gradall’s highway speed solution features a telescopic boom mounted next to a separate cab sitting to the rear of a road-going chassis that allows the machine to be independently dispatched to many locations throughout the workday, rather than requiring a low loader for transport.



*Gradall has unveiled an electrified concept model of its multipurpose, highway speed wheeled excavator, powered by Volvo Penta’s electric driveline, at CONEXPO. This milestone signifies the strength and evolution of the two companies’ long-standing partnership, as well as Volvo Penta’s ability to act as a full system supplier of the latest electromobility technology.*

With a hydraulic system powered by a Volvo Penta-supplied electric machine power take-off (EM PTO), this concept machine can effectively use battery power to transport its own excavator. The system will deliver 94 kWh of energy, and with the increased likelihood of the EL41H4 operator returning to the yard between jobs or for lunch, the potential is high for opportunity charging, or reaching full capacity in under 45 minutes from a 150kW charger.

The unique highway speed design – and its suitability for work in environments where knuckle boom models may not be the ideal fit for operation, such as under overhead obstructions like power lines – means the concept has huge potential for application to other designs in the Gradall portfolio. Currently, the EL41H4 is still a concept machine and further testing and development is required before the next steps can be decided.

## Working together

Following its appearance at CONEXPO and at the Association of Equipment Manufacturers (AEM) display at the National Mall in Washington, DC in May, the EL41H4 will undergo extensive testing and verification to optimize it for the application.

“At Volvo Penta, we partner with our customers and collaborate to optimize the design and adapt the complete electric driveline system for a specific vehicle, allowing us to deliver a tailored solution based on their exact usage requirements,” concludes Fredrik Högberg, President of Volvo Penta North America. “We are on hand and provide technical expertise throughout the entire design and development stages, so our collaboration with Gradall is still very much ongoing – it’s a true partnership.” ■

# Joe Burklow: A Generous Heart and a Love for Community Service



“Captain” Joe Burklow is an outstanding person with a heart for community service. He is a disabled veteran who has dedicated his life to serving his country and his community. Recently, he demonstrated his generosity and kindness by donating a

weekend fishing package to the LICA Educational Foundation for Veterans.

The mission of the Foundation is to train veterans to operate heavy equipment so they can start a new career after they leave the service. During the recent CONEXPO-CON/AGG show in Las Vegas, LICA and the Foundation hosted a booth where they showcased their work and services. It was there that Joe approached them and offered to donate the fishing trip to help the Foundation raise funds. He happened upon the booth on his way out of the show. “You all were very good to me at the Vegas Show. I could have exited at a number of doors. My journey was set to be with my new LICA family,” Joe says.

Joe has enjoyed fishing for 58 years and has had some very good luck at Rend Lake in Southern Illinois. Rend Lake is

## REND LAKE

home to over 30 species of fish and some of the best crappie fishing around. It’s also a perfect getaway for nature lovers and those who want to escape the hustle and bustle of the city. Joe’s offer included overnight accommodations as well. The lake is surrounded by cute little cabins that are fully furnished and equipped with all the amenities needed for a comfortable stay. Joe’s generosity was met with gratitude and appreciation from the Foundation, and they accepted his offer with enthusiasm.

Joe’s selfless act of kindness is a testament to his character and his love for his community. He believes in giving back and helping others whenever possible. His donation will help the organization in their mission to help veterans begin a rewarding new career post-service.

“Captain” Joe Burklow is a remarkable person who deserves recognition for his generosity and kindness. His dedication to serving his community and his country is an inspiration to us all. We can all learn from his example and strive to make a positive difference in the world. Thank you, Joe, for your service and for being a shining example of what it means to be a good person. ■

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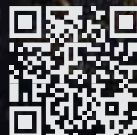


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# Third in a Series of Executive Director Spotlights

As you may know, there are some new, and returning, additions to our leadership team here at LICA! We asked our most recently appointed Executive Directors to share some personal information with us so we can get to know them better. Here's what they had to say:



**Andrea Rice** is excited to join MLICA as the new executive director. Andrea comes to MLICA with experience as Director of Research, Education, and Outreach for Missouri Agribusiness Association and Missouri Fertilizer Control Board. As part of these roles, Andrea works directly with the Missouri Certified Crop Advisers board and coordinates Missouri's 4R program for nutrient stewardship. Andrea has worked with the Missouri Association of Soil and Water Conservation Districts as part of the Missouri 4R program to develop a cost-share program encouraging producers to utilize nutrient stewardship practices.

Andrea and her husband, Mitchell, live on their family farm near Salisbury, MO. They keep busy with their three daughters, Isabell, Abigail, and Elizabeth. The Rice's farm includes cow/calf operation as well as row crop with corn and soybeans.

## **Eileen Levy-Executive Director North Dakota**



Eileen has worked for National LICA since 1984, and currently serves as CFO and Executive Director of North Dakota. Her sister attended college with then CEO's wife, who mentioned LICA was looking for a bookkeeper. Eileen was a perfect fit, so she interviewed and started her LICA journey.

Fun fact, she has worked for every CEO in LICA history! Her favorite part of the job is her relationship with the members. It truly is a family, and getting to know everyone has been wonderful. She enjoys watching their families grow as well, and especially likes hearing all the cute stories about new grandkids. It's amazing how close they've all become and how well they've kept in touch throughout the years. This is what she will miss the most about LICA when she decides to retire.

The same year Eileen joined LICA, she and her husband, Scott, started a small engine repair company. They named the business ESA after themselves and their first born, Allison. As they went on to have more kids, they decided they'd better name them with an E, S or A, so they didn't feel left out of the family business. Hence, twins Elizabeth and Andrew, then Erin were added to the Levy family. They have since expanded the family with 5 beautiful grandchildren, as well.

Eileen currently resides in Willowbrook, IL with her husband of nearly 42 years, Scott. When she is not busy crunching numbers at the National office, Eileen enjoys traveling and spending time with her grandkids.

## **Joanie Micsky- Executive Director of Pennsylvania**



Joanie Micsky has been the Executive Director of Pennsylvania LICA for more than 10 years. During this time, she has been afforded wonderful opportunities to travel, meet lots of people, learn more about her husband's industry, and enhance her business skills.

Joanie's husband Dan was on the PALICA board of directors in one role or another and Joanie enjoyed attending some state meetings with him. When her mother-in-law, Nancy Micsky, decided to step down as Executive Director, Joanie started wondering what she could bring to this job and if it would be a good fit. With the upcoming expense of 3 kids going into college, it became an easy decision for her to take on the new role. Joanie and her husband Dan reside in Greenville, PA, and will be married 31 years in August. They have 3 kids - Nick (29) who works for the Western PA Conservancy, Sarah (26) who works in the world of sports management and professional hockey, and Rachel (24) who is an ER nurse; they are Dan and Joanie's greatest pride and joy! Throughout the years, they have participated in LICA events and have helped her from her home office on different projects. In what little free time she has, Joanie enjoys reading traveling, cheering on all the Pittsburgh sports teams, and spending time with her husband and kids.

For the past 7 years, Joanie has also worked for the County Commissioners at her local courthouse. More specifically, as an executive assistant to the Chairman to the Board of Commissioners. There are a lot of parallels between her positions at the County and with PALICA, and she finds this to be a big part of the reason she's been successful at both positions. The parts of her job that she enjoys most are producing the PALICA quarterly newsletter, and planning her state's winter convention, which just had its largest attendance in over ten years. She is passionate about safety, growing membership, and ensuring her members are learning, networking and getting the most benefit out of joining LICA. Joanie runs a tight ship, but she is very thankful for her board and their spouses who always step up to help when she needs it. She is very proud that this teamwork earned Pennsylvania the LICA Chapter of the Year award in March!

### Maura Dibble - New York Executive Director



Maura has been Executive Director of New York LICA since 2007, but LICA has been a part of her life since 1980, when her husband was an active member, New York Board member and president. She attended her first National convention in Corpus Christi in 1984, at the brand new Hershey Hotel.

After her husband's passing in 2006 due to an accident, the New York Board of Directors asked her to take the Executive Director's job, and Maura said she would "try it". She is still at it, 17 years later.

Maura attended SUNY Geneseo and the local community college for accounting and business, which helped her with running the office business, Dibble Brothers, Inc., and with New York LICA.

During her time with New York LICA she has seen many changes in both the industry and the membership. She has seen the New York LICA Safety Group grow and give back a record \$1,400,000 in dividends to the members this year. The New York LICA scholarship program has grown to four \$1,000 scholarships, and the Board is now preparing for the 10th Annual Golf Outing, which has grown each year.

She volunteers at the local VFW, the Fire Department, and the Cemetery. She set up, and maintains, a scholarship in her husband's memory with local Dollars for Scholars, and is also the Secretary for the organization.

Maura was born and raised in Batavia, NY, where she still resides. She enjoys cooking, gardening, entertaining, cycling, and especially traveling, having had the pleasure of visiting all 50 states. Her most passionate enjoyment is in the Buffalo Bills, having attended 3 of their Super Bowl games. A nice reward for maintaining her season tickets that have been in the family for 60 years and were passed down from her father-in-law.

### Toby L. Crow- Executive Director of South Dakota



Toby Crow has served as the Executive Director of the South Dakota Land Improvement Contractors Association since March of 2006. In addition, he serves as the Executive Vice President of the AGC of South Dakota, Highway-Heavy-Utilities Chapter. Prior to joining SDLICA & AGC, Toby worked

for two consulting engineering companies in Illinois, Maryland & Canada and was the Executive Vice President of the South Dakota Chapter of the American Concrete Pavement Association. Prior to this time, Toby spent 10 years with the South Dakota Department of Transportation as the State Pavement Management Engineer.

Toby naturally chose the construction industry for his professional career because he grew up on South Dakota's highways, as his dad was a bridge builder. Toby received his B.S. degree in Civil Engineering from the South Dakota School of Mines & Technology and is a registered professional engineer. Toby and his wife Elizabeth (Liz) are the proud parents of five (5) children and five (5) grandchildren, with their sixth due this summer!

### Buddy Freund-Executive Director of New Jersey



Buddy has served as the Executive Director of New Jersey LICA for seven years. Throughout this time, he has enjoyed the new challenges his role brings every day. Building the New Jersey LICA Apprenticeship program has both broadened and lengthened the scope of work they do in their state chapter. He also loves actively promoting the trades in schools, job fairs, etc., throughout the state of New Jersey.

Prior to joining LICA, Buddy received a BS in Hotel and Restaurant Management from James Madison University in Harrisburg, VA, and spent 15 years in foodservice, after which, he decided to change careers. He went back to school to get his NJ Teacher Certification and Masters in Administration and Supervision, then served as a high school administrator for 16 years.

Born in Trenton, NJ, Buddy has spent most of his life in Succasunna, NJ, where he currently resides with his wife of nearly 41 years, Cathy. They have two children, Kelley and Kurt, and two grandsons. When he is not busy growing New Jersey LICA, Buddy enjoys all sports, playing with his grandkids, and spending time with his adult children. ■



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# The “Green Wave” Takes Over CONEXPO 2023!

*We are so grateful for the time and effort our members put into representing LICA. It was a long but rewarding week.*

By CAROLINE KRUG, Assistant to the National LICA CEO and Editor of The LICA Contractor

The largest construction trade show in North America rolls into Las Vegas every three years to dazzle the industry with the latest innovations in equipment, tech, business and safety, and this year was one for the books! The 2023 CONEXPO-CON/AGG show smashed records with an amazing 139,000 attendees and 2,400 unique exhibitors filling over 3 million square feet of space at the Las Vegas Convention Center. This year was the first CONEXPO to include the new West Hall in its footprint, which made a prime location for LICA to showcase our fantastic association. With a buzz that felt like a return to school after a long summer break, attendees swarmed the halls of the convention center, eager to catch up with their peers in person since the world shut down in 2020.

The LICA booth was poised perfectly at the intersection of the seminar rooms, the entrances and exits, and the food court, generating an enormous amount of foot traffic throughout the five days of the show. The LICA Tower stood a grand 16 feet tall and was wrapped in a mural of heavy equipment working the land at a Missouri LICA field day. Their logo is prominently displayed on a bulldozer, front and center of the image. The space was decked out in signature LICA green and modern white, with tall tables surrounding the perimeter. The green and white was an attractive contrast that stood out amongst the exhibitors. Our team of brand ambassadors also received many compliments on their uniforms of satin green tops and white pants, a credit to our CEO, Jerry Biuso’s understanding of advertising, and his keen fashion sense. His vision



The “Green Wave” of LICA volunteers and staff rally before the start of CONEXPO-CON/AGG 2023.



Maura Dibble, Executive Director of NYLICA, Jeff Schell, Region 6 VP, and David Gallaghan, LICA National President recruiting new LICA members.



Caroline Krug, Assistant to the CEO of National LICA and Eddy Mayen, Executive Director of the LICA Educational Foundation for Veterans.

for the LICA presence at CONEXPO was a long time in the making and it came to fruition beautifully.

We proudly displayed our new documentary promoting LICA, and ultimately heavy equipment operation as a career choice for young adults entering the workforce. The video was produced for a series on PBS called “Viewpoint with Dennis Quaid”, and featured commentary from longtime members Bob Clark II, Bruce Barnhart, and Charlie Schafer, and LICA Staff Allison Hack and Caroline Krug. With Jerry Biuso, Sr. at the helm of the project, the team worked hard on creating the piece and were pleased to debut it to the masses at such a big event.

The booth also dedicated some space to the newly formed LICA Educational Foundation for Veterans. Executive Director, Eddy Mayen, represented the foundation and had many productive conversations with attendees interested in giving

back to veterans. He made several meaningful connections with like-minded charities as well, which could help extend the reach of the foundation’s potential impact.

Quite possibly the main attraction of the booth, was the presence of Jerry Biuso, Sr. himself, the “godfather of LICA”. Several past and present members and associates paid a visit to the booth just to get a few moments with Jerry in person, after a long period of social distancing and disconnection. We even had a few celebrity guests stop by to chat with Jerry and the staff about their appreciation for LICA as an organization and the work we’re doing via the foundation to help veterans.

More than 30 volunteers from all over the country joined the team to recruit new members, explain benefits and spread awareness of LICA. During lunch on the last day of the winter LICA convention, Jerry Biuso, Sr. led a pep rally and gave tips on effective hand-shaking technique, before distributing green



Jerry Biuso, Sr. welcomes Michael Norman of Gradall to the LICA family.



LICA Educational Foundation for Veterans Executive Director, Eddy Mayen, with veteran applicant, Chase Nader, from Great Falls, Montana.



Marty Raney from Discovery Channel's "Homestead Rescue" pays National LICA CEO, Jerry Biuso, Sr. a visit in the booth.



Minnesota LICA member, Nordis Estrem, joins the LICA "Scooter Squad."

shirts to all volunteers. With the exception of Eddy Mayen representing the foundation in red, there was one rule enforced at CONEXPO: no one is allowed to work in the booth without a green shirt. We rotated the volunteers in 2-hour shifts of work in the booth, while the rest of the team spread out across the convention center grounds like a "green wave". While walking the show, volunteers were encouraged to visit our associates, talk with peers about LICA, and refer potential members to the booth to learn more about the many benefits of joining the Land Improvement Contractors of America.

This was also the first year we sent a team out on scooters, decorated in LICA green and equipped with copies of "The LICA Contractor", to cover more ground. Overall, the efforts of our volunteers and staff paid off. We grew our membership by 20 new members, including one new national associate member who demonstrated enthusiasm about getting more involved in LICA and building a mutually beneficial relationship. We also scanned the badges of hundreds of booth visitors, and potential

new members, to collect contact information for follow up conversation upon returning from the show.

To ensure the week was not "all work and no play", we encouraged our members to get out and have a little fun too. They reported back about friendly competition while testing out simulators, taking a ride on the underground Tesla loop, collecting some neat giveaways, and checking out some shiny new heavy equipment. There were a few opportunities to rub elbows with the stars of Discovery Channel shows like "Gold Rush" and "Homestead Rescue", as well.

Between the LICA winter convention and CONEXPO-CON/AGG, it was quite a whirlwind week. As everything wrapped up, the team sat down for a meal and discussed the highlights of the show. We are so grateful for the time and effort our members put into representing LICA. It was a long but rewarding week. We were all in agreement that this was certainly a CONEXPO to remember and, call us crazy, but we are already looking forward to CONEXPO 2026! ■

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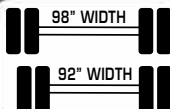
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**JOHN DEERE**

# “You’ll See the Difference”: CASE Teases New Attitude, New Equipment and “The New CASE” at CONEXPO-CON/AGG 2023

CASE Construction Equipment put the construction industry on notice with a promise that “You’ll See the Difference” at CONEXPO-CON/AGG 2023, held in Las Vegas March 14-18, 2023, and they delivered. The 180-year-old+ manufacturer highlighted “The New CASE” at the industry’s largest North American trade show – showcasing groundbreaking new equipment, exciting new partnerships, and a range of new solutions designed to help contractors get more work done, easier and more profitably than ever before.

“A focus on innovation is extremely important but it isn’t enough to support our industry in 2023 – our dealer network, our equipment, and our team will build on our legacy and turn heads as we make moves to greatly enhance equipment users’ productivity,” says Terry Dolan, vice president – North America, CASE Construction Equipment. At CONEXPO, CASE launched exciting new machines, revealed some unexpected products and their booth clearly demonstrated their plan for making work easier and more productive.

“All great companies and great brands evolve,” says Rebecca Bortner, director of marketing, CASE Construction Equipment. “The New CASE’ marks the next step in our evolution as a brand and we’re looking forward to making some waves in the industry.”

The CASE booth showcased industry and business solutions to make contractors’ jobs easier – including more than 30 new machines, tons of new attachments, ingenious new technology and educational sessions with tips on best practices around technology, equipment, fleet management and more. CASE also hosted new product presentations in the booth Tuesday through Friday, in addition to having loads of knowledgeable team members ready to help industry members get more done, with greater ease than ever before.

“These are just some of the ways CASE is digging deeper, pushing harder and reaching higher to help contractors and business owners win,” says Brad Stemper, director of product management – North America, CASE Construction Equipment. “We are focused on delivering swift, smooth and smart machines with an operator-first focus and industry leading hip-pocket support from field staff and dealers all throughout North America.”



CASE teased some of this new attitude and business approach at the 2023 ARA Show in Orlando, Florida February 13-15 – including a sneak peek at one of the new products the company officially announced at CONEXPO-CON/AGG 2023.

“We are making moves with the speed and agility of a startup – all anchored in 180 years of experience in the earthmoving business,” says Stemper. “Last year we launched the most talked-about machine in recent history with the industry-first compact dozer loader—the CASE Minotaur™ DL550, and we’re moving forward with that same hustle on innovation and practical solutions that will really make a difference for businesses all throughout North America.”

The CASE Minotaur DL550 compact dozer loader, which made countless year-end lists as one of the best new products of the year, was showcased alongside other recent innovations such as the all-new CASE E Series excavators (new models were shown at the show). The company also promises numerous new product introductions including some entirely new categories for CASE, business solutions, and exciting brand partnerships that will build the foundation for “The New CASE” moving forward.

“2023 will be a year where we reshape the industry and help businesses and equipment owners do better in all facets of their work,” concludes Dolan. “CONEXPO was just the start.” ■

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# Uncertainty Abounds

By NICK YAKSICH, LICA Director of Government Relations

I usually think of myself as an optimistic person, but recently find myself surrounded by uncertainties: the economy, tracking the legislation and politics in Washington and the states, my kids' decisions to buy a house now or wait and, of course, the completely confused state of my beloved Washington Nationals. For LICA members' businesses, I unfortunately cannot find any clear certainty in two significant legislative issues I have been tracking for years: the Waters of the U.S. rule and the repeal of the death tax.

## Waters of the U.S. (WOTUS) Update

As he promised, President Joe Biden vetoed a joint resolution from Congress to overturn the administration's "waters of the U.S." rule, likely dooming the measure to failure.

Both the House and Senate passed the Congressional Review Act (CRA) joint resolution of disapproval – the House by a 227-198 vote and the Senate, 53-43; neither margin is near the two-thirds needed to overturn the veto.

President Biden said the rule from the EPA and Army Corps of Engineers "carefully sets the bounds for which bodies of water are protected under the Clean Water Act. It provides clear rules of the road that will help advance infrastructure projects, economic investments, and agricultural activities – all while protecting water quality and public health."

But Senate Environment and Public Works Committee ranking member, Shelley Moore Capito (R-WV), who led the effort in the Senate said President Biden was "ignoring the will of a bipartisan majority in Congress, leaving millions of Americans in limbo, and crippling future energy and infrastructure projects with red tape."

Five non-democrats supported the repeal including Senators Joe Manchin (D-WV), Catherine Cortez Masto (D-NV) and Jacky Rosen (D-NV), and Jon Tester (D-MT). Kyrsten Sinema (I-AZ), who caucuses with the Democratic majority, also voted for the resolution.

Senator Capito called Biden's use of his veto power "blatant executive overreach" and cited support for the measure from "those who work in agriculture, building, mining, and small businesses of all kinds across America."

In the House, nine Democrats crossed the aisle to back the resolution, including House Ag ranking member Rep. David Scott (D-GA).

The final "Revised Definition of WOTUS" was published on January 18, 2023 and took effect in March. The Rule is operative in all jurisdictions of the U.S., except for Idaho and Texas. In light of the injunctions, agencies are interpreting

"waters of the U.S." as consistent with the pre-2015 regulatory regime in Idaho and Texas until further notice. Courts have, so far, split on the rule. A federal judge in Texas has enjoined its implementation in the state and Idaho, but another judge in Kentucky rejected a similar challenge on standing grounds.

The Supreme Court will at some point issue a decision in the *Sackett Clean Water Act* case, which could affect the rule that went into effect March 20.

## The Death Tax Lives On

U.S. Sen. John Thune (R-SD), ranking member of the Subcommittee on Taxation and Internal Revenue Service Oversight, recently led 40 of his Senate colleagues, including Republican Leader Mitch McConnell (R-KY) and Mike Crapo (R-ID), ranking member of the Senate Finance Committee, in reintroducing legislation to permanently repeal the federal estate tax, more commonly known as the death tax.

National LICA joined over 150 small business associations in supporting Senator Thune's Death Tax Repeal Act of 2023. The Family Business Coalition sent a letter signed by business groups from every sector of the economy including groups representing farmers, contractors and small business owners.

The Death Tax Repeal Act would end this purely punitive tax that has the potential to hit family-run farms, ranches, and businesses as the result of the owner's death.

"Agriculture is the backbone of South Dakota's economy," said Thune. "For years I have fought to protect farm and ranch families from the onerous and unfair death tax. Family-owned farms and ranches often bear the brunt of this tax, which makes it difficult and costly to pass these businesses down to future generations. I will continue to do everything in my power to remove these roadblocks for family businesses and repeal the death tax once and for all."

"For far too long, the death tax has wreaked havoc on farm families and small businesses across Kentucky. The burden of this unfair and punitive tax can be devastating for families who only want to pass down their hard-earned livelihoods to the next generation. Washington Democrats need to recognize the economic damage they've inflicted and join Republicans in ending this harmful tax," said McConnell. "I'm proud to stand with Senator Thune for repealing the death tax for good. Kentuckians must be allowed to build upon the legacies of their family farms without fear of financial ruin."

The Coalition letter reads, in part: "It makes no sense to require grieving families to pay a confiscatory tax on their loved one's nest egg. Far too often this tax is paid by selling

family assets like farms and businesses. Other times, employees of the family business must be laid off and payrolls slashed. No one should be punished for fulfilling the American dream. The negative effects of the estate tax make permanent repeal the only solution for family businesses and farms. Your legislation will help America's family businesses create jobs, expand operations, and grow the economy."

The 2017 Tax Cuts and Jobs Act increased the current estate tax exemption but only on a temporary basis. If no legislation is passed by December 31, 2025, the number of families subject to the death tax will increase, causing more business closures and job losses. America's family businesses believe the only permanent policy solution for the death tax is repeal. After a lifetime of paying taxes, Congress should be doing everything possible to help make transitioning to the next generation of ownership as painless as possible for family businesses.

Whether it's the death tax, WOTUS or the Washington Nationals, I need to have faith and hope for the

day some certainty comes to these important issues. ■



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# 2023 NATIONAL LICA SUMMER MEETING

July 11 - 15 Lincoln, NE  
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## LICA HOMECOMING 2023

### Agenda

Tuesday, July 11 - Tour (TBA)

Wednesday, July 12 - Tour (TBA) & Executive Committee

Thursday, July 13 - Seminars & Associates' Night (LICA Homecoming 2023)

Friday, July 14 - Committee Meetings

Saturday, July 15 - Board Meeting



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# Accident, Delay or Workmanship—How Do You Respond to the Claim?

By CRAIG MARTIN, Construction Attorney with Lamson Dugan and Murray

None of us likes dealing with a claim on a project. But how you respond to that claim can be the difference between your insurance paying the claim, or you paying the claim. This article will discuss some things you should consider when responding to a claim, particularly in light of your insurance and indemnity obligations.

## First: Figure out Your Contractual Obligations/Insurance Coverage

When you receive a claim on a project, you should immediately review your contract, subcontracts, and insurance policies. When reviewing these documents, you should determine to whom you have to provide indemnity and/or insurance coverage, and who has to indemnify and insure you.

If you hired subcontractors on the project, you likely have a subcontract that requires them to name you as an additional insured on their insurance policies. Do you have that certifi-

cate of insurance? Is the insurance still in effect or has it expired? Did you request an updated certificate of insurance?

You must determine whether you have agreed to indemnify an upstream contractor. Most construction contracts contain indemnity clauses which obligate you to pay for any damage that you or your subcontractors caused. Depending on the clause, you may have to pay the entire claim, even though you were only partially responsible.

Similarly, you must determine if your subcontractors are required to indemnify you. You should review your subcontractor agreements to compare your subcontractor's indemnity obligations to your indemnity obligations. Do they match up? Do you have indemnity obligations that are greater than your subcontractors? It is critically important that you analyze these contractual obligations and shared insurance responsibilities after you receive a claim.

## Then: Write Some Letters

Once you understand your insurance and indemnity obligations, you need to provide notice. You need to let your insurer and your subcontractor's insurer know that a claim has been made. You should also let any downstream or upstream contractors know that they may have an indemnity obligation to pay the claim.

## Why This Matters

Notice is particularly important for your insurer. Chances are very good that your insurance policy has notice requirements and, if you do not comply with these requirements, your insurer has an easy way out. Providing early notice may also help you reduce your attorney fees. It is likely that your insurer has agreed to pay attorney fees relating to the claim. If you delay providing your insurer with notice of the claim, you may have to pay those fees until your insurer engages counsel.

It is also important to make sure all insurers are aware of the claim so that all policy limits can be considered, should a claim have to be paid. If a claim does have to be paid, it may require the limits of both your policy and your subcontractor's policy.

As you can see, once a claim is made there is a lot of work to do to identify your potential liability and make sure that all impacted insurers and contractors know about the claim.



If you would like some help reviewing your claim policy or your contracts to make sure that you are protecting your company, let us know. We'd love to help. ■

*Craig Martin is a construction attorney with Lamson Dugan & Murray, LLP law firm in Omaha, Nebraska, and a member of the collaborative Johnson Team. The Johnson Team consists of a group of specialists serving LICA members on matters of significance – planning, protection, and preservation of their businesses and families. If you have any questions, Craig's e-mail is [cmartin@ldmlaw.com](mailto:cmartin@ldmlaw.com).*

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# National Membership Drive

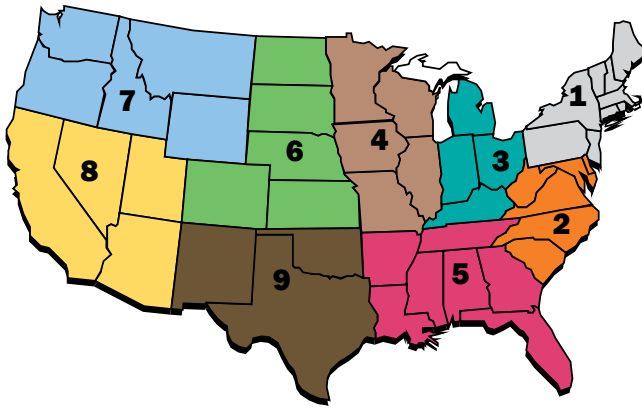
January 1, 2023 through March 31, 2023

<b>Connecticut</b>		<b>Maryland</b>		<b>Nebraska</b>	
ConExpo	1	ConExpo	1	Unidentified	1
<b>Florida</b>		<b>Michigan</b>		<b>Ohio</b>	
ConExpo	1	ConExpo	1	Nate Cook	1
<b>Georgia</b>		<b>Minnesota</b>		Convention	1
ConExpo	1	Unidentified	1	Unidentified	1
<b>Illinois</b>		<b>Missouri</b>		<b>Oklahoma</b>	
Ryan Arch	1	Gerald Bauer	1	ConExpo	1
ConExpo	1	Debbie Dickens	1	<b>Pennsylvania</b>	
Unidentified	2	Rob Liles	1	ConExpo	1
<b>Indiana</b>		Web/insurance	1	<b>Texas</b>	
Unidentified	1	<b>New Jersey</b>		ConExpo	1
<b>Iowa</b>		Apprenticeship Program	31	<b>Utah</b>	
ConExpo	2	Insurance	3	ConExpo	1
Insurance	1	Web	1	<b>Wyoming</b>	
<b>Kansas</b>		<b>New York</b>		ConExpo	1
ConExpo	2	ConExpo	3	Total	71
Unidentified	2	Insurance	1		
		Unidentified	1		



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## STATES WITH MEMBERS-AT-LARGE

- California
- Massachusetts
- North Carolina
- Oklahoma
- Oregon
- South Carolina
- Texas
- Wyoming

### ■ ARKANSAS LICA

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rochester.rr.com

### ■ WISCONSIN LICA

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Email: nilca@aol.org

# Membership Application

Company Name \_\_\_\_\_

Member Name \_\_\_\_\_ Spouse's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (\_\_\_\_\_) \_\_\_\_\_ Cell Phone (\_\_\_\_\_) \_\_\_\_\_

Fax (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

LICA Sponsor \_\_\_\_\_

## Contractor (Type of Business)

- |                              |  |                              |                                   |
|------------------------------|--|------------------------------|-----------------------------------|
| <input type="checkbox"/> CR  | Crane Service  | <input type="checkbox"/> OSW | On Site Waste Treatment           |
| <input type="checkbox"/> DI  | Drainage/Irrigation  | <input type="checkbox"/> PA  | Paving                            |
| <input type="checkbox"/> EC  | Erosion Control  | <input type="checkbox"/> PD  | Ponds or Dams                     |
| <input type="checkbox"/> EMC | Earthmoving/Land Cleaning  | <input type="checkbox"/> R   | Reclamation                       |
| <input type="checkbox"/> EXG | Excavating/Grading   | <input type="checkbox"/> SEP | Septic Systems                    |
| <input type="checkbox"/> GR  | Gravel/Rock Production   | <input type="checkbox"/> SP  | Site Preparation/Development      |
| <input type="checkbox"/> HD  | Hardscaping  | <input type="checkbox"/> SWU | Sewer/Water/Underground Utilities |
| <input type="checkbox"/> LL  | Land Leveling  | <input type="checkbox"/> TH  | Trucking or Hauling               |
| <input type="checkbox"/> LS  | Landscaping  | <input type="checkbox"/> TW  | Terraces or Waterways             |
| <input type="checkbox"/> ODW | Open Ditch Work  | <input type="checkbox"/> WM  | Water Management                  |
| <input type="checkbox"/> SA  | Dealer, Service Co., Government Agency, Consultant, Insurance Agency |                              |                                   |

## Application is for (Check One)

- Active Contractor Member (Annual Dues)..... Vary by State Chapter  
*Active Land Improvement Contractor.*
- Company Associate Member (Annual Dues)..... Vary by State Chapter  
*Person or companies manufacturing or selling materials, equipment or services to active contractor members.*
- Supporting Member (Annual Dues)..... Vary by State Chapter  
*Person(s) or associations interested in LICA.*
- National Associate Member ..... \$300.00
- Member-At-Large..... \$195.00  
*Contractors in state without chapters*

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Please contact your state chapter for annual dues and additional information. See page 33.**

**To become a national associate please contact:  
National LICA, 3080 Ogden Avenue, Suite 300, Lisle, IL 60532  
Phone 630-548-1984 • Fax: 630-548-9189  
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- ▶ Optional Camera System
- ▶ Machine Telematics Standard
- ▶ Oscillating Track Frames & Body Tilt Standard
- ▶ Best in Class hydraulic filtration



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- ▶ All fluids sampled
- ▶ Internal inspection of all drivetrain components
- ▶ Detailed quote for suggested repairs
- ▶ Factory trained technicians complete repairs
- ▶ Post repair testing
- ▶ 6 month parts only warranty assigned




## THE BRON TOTAL PACKAGE

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- ▶ Road service for all BRON Products & other selected Equipment
- ▶ Custom fabrication
- ▶ New & Used Equipment Sales
- ▶ Parts & Service all BRON products
- ▶ Selected all makes parts for construction equipment
- ▶ Certified rebuilds on BRON products
- ▶ Parts facilities in Woodstock ON, Marine City MI, and LeRoy MN



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