

Aug 2020/  
Sept 2020

MINNESOTA

LICA NEWS

LAND IMPROVEMENT CONTRACTORS OF AMERICA • MINNESOTA CHAPTER

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# Our Scholarship event in September has been postponed till next year!

Hope to see you at this event then.  
Remember as a member of MNLICA  
your children, grandchildren or  
employees children are eligible to apply.

**Deadline for applications is March 15th.**

*Due to the postponement of this event donations  
to the scholarship fund are greatly appreciated.*

## WELCOME NEW MEMBER:

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## GREETINGS From Your PRESIDENT

### MNLICA President's Report

Hello from SW Minnesota,

I hope everyone is having a safe and busy summer. Things are definitely a little closer to normal weather wise this year. I've heard of some really severe weather going through different parts of the state though. It has also been one of the craziest years most can remember as far as everything else going on in our country since about March 1. We are all looking forward to having things get back to normal. I've talked to a few different contractors who have said they are having a pretty good year. Work to do and better weather to get it done.

We had our regular MNLICA meeting in person at New Ulm on June 18. It was good to see everyone again. There was much discussion about how to go forward with different things with much in the state still closed down with the virus. We have decided to cancel the MNLICA scholarship golf and clay shoot until next year. We are asking for donations for the scholarship fund if you are able. This is a great scholarship which is available to children and grandchildren of MNLICA members and their employees for help with continuing education. Spread the word to have kids apply. The deadline for applications is March 15.

The board is also busy looking into different topics to cover at next January's convention. If you have anything you would like considered, please let one of the board members know. We try to make it a fun and informative convention.

I think we all get discouraged about the future of our state and country when we see everything going on right now. We need to remember that God is in control! Pray for peace and healing for this great land.

Thanks,

Steve Vis- MNLICA President

**BOARD meeting  
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THURSDAY,  
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at the  
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MNLICA Web-Site; [www.mnllica.org](http://www.mnllica.org)  
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# Minnesota Chapter of Land Improvement Contractors of America 2020 Legislative Position Paper

***March 4, 2020***

## **Farm Taps**

MNLICA has been working on ways to make farm taps safer. We are happy to report great strides are underway for a solution. MERC is in the process of obtaining MPUC approval for replacement, integrity verification, disconnection, alternative replacement and abandonment of farm taps. When fully approved and funded through the entire MERC system, the farm taps will be locatable, maintained by MERC and located through the GSOC system. A HUGE thank you to MERC for their efforts.

## **Recreational Marijuana**

MNLICA members work diligently to provide safe workplaces. With many members struggling to fill jobs positions, MNLICA questions the wisdom of legalizing recreational marijuana, as it will remove a significant number of potential employees who will not pass a drug test. Making recreational marijuana legal removes the stigma currently attached to marijuana. Numerous sources have warned of the damage that marijuana can do to the brain, especially to teenagers who's brains are still developing. For the safety of our families and employees, we oppose legalized recreational marijuana.

## **State Agencies**

State agencies are formed to serve the public and serve the state. However, there have been instances when a state agency has drained a lake without permits and stood in the way of environmentally beneficial projects. Even though this agency is considered to have sovereignty, it should be emphasized that being a good neighbor is important for agencies and the environment. **State agencies should be required to obtain local permits rather than act on their own.**

## **Health Insurance**

Health care is becoming a major concern with increased costs and limited options. In many areas, small town providers are leaving and causing people to travel great distances for health care. Also, insurance coverage restricts where treatment can be obtained. MNLICA urges legislators to look for creative ways to **deal with high health insurance costs.**

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WETLANDS



PUBLIC DRAINAGE



COMPLIANCE



PERMITS





AgrAbility is a USDA program that seeks to enhance quality of life for people with disabilities in agriculture. The AgrAbility Program consists of one National AgrAbility Project and 20 state AgrAbility Projects. There are also seven previously-funded affiliate projects that provide some services through non-USDA funds.

AgrAbility assists farmers, ranchers, and other agricultural workers with disabilities through such services as on-site assessments, recommendations for assistive technology and/or modified work practices, printed and electronic resources, workshops and other educational activities, and referral services to other agencies such as state vocational rehabilitation departments. Some AgrAbility projects also provide business planning services for self-employment. AgrAbility does not provide direct funding or products to consumers.

For more information on AgrAbility and a listing of State/Regional AgrAbility projects, please visit [www.agrability.org](http://www.agrability.org) or call 1-800-825-4264.



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## EXECUTIVE DIRECTORS

### REPORT

We have also been busy paying bills, working on the newsletter, making bank deposits. The membership renewals have been coming in, at this time we have a total of One hundred-forty-one members of which five are new members (two were at the convention). There are eighteen members that haven't renewed at this time.

MNLICA didn't receive any applications for scholarships again this year. Please remember that as a Member of MNLICA your children, grandchildren or employees children can apply for this scholarship. Go to the MNLICA website for additional information.

Membership attendance at our events is low. How can we get it higher? Calling and e-mailing by the executive directors hasn't done it, what else can we do to try and get members to attend our events? These events are for you so please attend. The

safety classes are offered at a reduced rate for our members

We are in need of new members; we need to grow to keep up with the number of people that retire or just close their business each year. So, if you know of someone who would make a good member bring them to the next LICA event or convention.

Do you have an idea for an educational session at your winter convention, please let us know of your interest and we'll see what we can do to have it. At this time we have a session on hiring and dismissing employees. Other possible sessions will be the MNDOT and NRCS sessions. We currently look at a possible conceal and carry permit class, if you would be interested, please let us know as that will help determine whether this is a possible class.

*Kevin and Jeanie*



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# Tips on Effectively Working with Congress (Lobbying?)

By

**John Peterson, LICA Director of Government Relations**

Introduction: In the 40 years I have been privileged to work on Capitol Hill in Washington, DC with Members of Congress, Congressional staffs, cabinet agencies, and professional lobbyists, I have been compiling helpful tips picked up from a number of sources. Those sources are as varied as the American Society of Civil Engineers (ASCE), the Portland Cement Association (PCA), and the American Farm Bureau Federation (AFBF). With LICA involved with government relations, these tips are worth sharing. They are important not only for LICA; legislative Committee members, but also for individual LICA members who may have reason to contact legislator at any level, federal, state, or local. While they are specific to the U.S. Congress, they are probably just as useful with state legislators.

- ♦ **Don't underestimate legislators.** With very rare exceptions, they are honest, intelligent, and want to do the right thing. Your role is to inform them on what you think is right.
  - ♦ **Be Understanding.** Put yourself in the legislators' place. Try to understand their constituent's positions, their outlooks, and their goals. Then you are more likely to persuade them to adopt your position.
  - ♦ **Be Practical.** Recognize that each legislator has commitments. Don't unduly chastise a legislator if they happen to vote against one of your issues. This does not mean they have deserted your whole program. Give legislators the benefit of the
- doubt. They will appreciate and remember that you did.
- ♦ **Be informed.** Never meet with legislators to advocate a position without first mastering all the facts on it, and the arguments for and against.
  - ♦ **Be a good opponent.** Fight issues, not persons. Be ready with alternatives and solutions as well as with criticisms. This is constructive opposition.
  - ♦ **Don't run down the opposition.** Name calling, or derogatory remarks don't win friends and influence legislation.
  - ♦ **Don't assume each legislator is a walking encyclopedia on every pending issue.** Each session of Congress or your State Legislature sees thousands of bills introduced and passed. In my Commonwealth of Virginia in 2004, 3,006 different bills and resolutions were introduced, and 1,715 passed by the General Assembly. That's a lot of legislation to read and remember. It's impossible for every legislator to know every bill, chapter, and verse.
  - ♦ **Don't talk without the facts.** Smoke and mirrors won't do the job in winning legislator over. You must demonstrate, through tangible evidence supported by facts. That a particular action is both desirable and justified. Couch your arguments in long term investments discuss cost effectiveness and efficiency.
  - ♦ **Don't forget there is always another side to the issue.** Each VA State Representative about 700,000. It's

even more for Senators, you can be sure that there is at least one of the constituents who have a different position on your issue, and like you expect to have their voice heard.

- ♦ **Don't expect commitment on the spot.** Most legislators are thoughtful and deliberate, who make a point of seeking all sides of an issue before taking a position. This does not mean that you fail to ensure they know what you would like them to do, be specific. Good politicians check the depth of the water before diving in.
- ♦ **Be reasonable.** Recognize that legitimate differences of opinion exist. Never indulge in threats. Remember that friends come and go, but enemies accumulate.
- ♦ **Never break a promise.** This is a cardinal rule of politics. If you tell a legislator you will do something, then do it. No excuses. Keep your word. Keep all commitments and promises in a timely manner.
- ♦ **Learn to evaluate and weigh issues.** Many bills which are introduced "by request" are never intended to become law. So, don't criticize legislators for bills introduced, and don't call out the "troops" until you are sure a bill you oppose is serious.
- ♦ **Don't change horses in the middle of the stream.** Never leave legislators out on a limb supporting your issue, and then change our position after they have publicly supported a position you asked them to take.
- ♦ **Be realistic.** Remember that controversial legislation or regulations usually result in compromise. It has always been so and will always be in our Constitutional Republic. Like it or not, compromise is the language of politics.
- ♦ **Don't burn your bridges when you don't win.** Working with legislators is an investment that may not pay off immediately. Don't burn your bridges if the results you want are not immediately forthcoming.
- ♦ **Be thoughtful.** Commend the things your legislators do that you support. They may not even be your main issues. That is the way you would like to be treated. Lawmakers will tell you they get dozens of letters asking them to do something, but very few thanking them for what they have done.
- ♦ **Be friendly.** Don't contact legislators only when you want their help. Invite them to attend your organization's meeting when they are back in their district to say, "thank you" and discuss issues. Take pains to stay in touch with them throughout the year—every year.
- ♦ **Don't fail to say, "thank you".** Even though meeting with constituents comes with the territory for legislators, it is still an act that should be acknowledged. A thank you is always in order and appreciated.
- ♦ **Don't leave never to be heard from again.** One phone call or visit is not enough. Stay on top of developments relating to your issue so that when new and relevant information becomes available, you can pass it along.

One final thought – **be sure of what you ask for. You might just get it?** There is another old adage that is appropriate for LICA, "**Your influence counts – but only if you exercise it.**"

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# HR COMPLIANCE BULLETIN

## Workers' Compensation Changes for COVID-19

Under most state workers' compensation (WC) laws, COVID-19 may be a compensable, work-related condition only if an employee can show that:

- He or she contracted the coronavirus while performing services growing out of and incidental to his or her employment; and
- The disease arose out of that employment (work relatedness).

As of June 30, 2020, however, several states have made—or are in the process of making—changes that reverse this burden for certain employees. In general, these changes mean that it would be an employer's burden to prove that an employee **did not** contract COVID-19 on the job, rather than the employee's burden of proving that he or she **did** contract it on the job. While most of these changes apply only to certain types of workers—such as first responders, health care providers or those who are otherwise deemed "essential"—some changes apply the new presumption more broadly.

Many states have also taken actions that aim to reduce the impact of COVID-19-related claims on an employer's WC premium rates.

This Compliance Bulletin provides general information about the COVID-19-related changes made to state WC laws and policies.

### Action Steps

Employers should follow all workplace safety guidance from the Occupational Safety and Health Administration (OSHA), the Centers for Disease Control and Prevention (CDC) and local health authorities to minimize the risk of employees contracting COVID-19 on the job.

Employers should also familiarize themselves with state laws that may impact their workers' compensation COVID-19 obligations and premiums.

---

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### Highlights

#### Workers' Compensation

No-fault system that provides medical expenses and lost-income replacement for employees who sustain injuries or illnesses that arise out of and in the course and scope of their employment.

#### Presumption Changes

Several states have changed their WC laws so that COVID-19 is presumed to be a work-related illness for certain employees.

#### Premium Calculations

Some states allow employers to exclude COVID-19-related claims or take other actions from the calculations used to determine WC premium rates.









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## 2020 Board Member Meeting Attendance

<i>Area/Director</i>	Jan	March	June	Aug	Nov
Pres Steve Vis	P	C	P		
VP Stu Frazeur	P	C	A		
Tres Mark Olsen	P	C	A		
Chrmn Mike Lehmann	P	C	P		
East Jay Engles	A	C	A		
East Dallas Loken	P	C	P		
East Mark Morreim	P	C	P		
East Karlen Nelson	P	C	P		
West Everett Garlisch	P	C	P		
West Open					
West Brad Herickhoff	P	C	A		
West Mark Machart	P	C	A		
Retired Jim Walker	P	C	A		
Assc Tim Dahl	A	C	P		
Ex Dir Kevin Bakken	P	C	P		
Ex Dir Jeanie Bakken	P	C	P		

A = Absent P = Present C = Cancelled Meet

## NOTICE

**WE HAVE AN OPENING  
FOR A BOARD MEMBER  
FROM THE WEST AREA.  
IF INTERESTED,  
PLEASE CONTACT  
ONE OF THE CURRENT  
BOARD MEMBERS OR  
ONE OF THE  
EXECUTIVE DIRECTORS.**

# HR COMPLIANCE BULLETIN

## Background

Workers' compensation is a no-fault system that provides medical expenses and lost-income replacement for employees who sustain injuries or illnesses that arise out of and in the course and scope of their employment.

Each state has its own workers' compensation law that governs of the process of determining whether an injury or illness is work related and therefore compensable. Although workers' compensation benefits are usually the exclusive remedy against an employer for any compensable condition, employers may also be subject to private lawsuits if they intentionally cause harm to an employee or fail to have workers' compensation coverage as required.

## COVID-19 Compensability Presumptions

The table below provides a general overview of the changes to state workers' compensation laws that have been enacted to provide a presumption that COVID-19 is a compensable, work-related condition for certain employees. Similar changes remain pending in other states. Employers should become familiar with (and regularly check for updates to) the detailed requirements that may affect them under all applicable laws.

State	Affected Employees	Order/Change
Alaska	First responders and health care workers.	<a href="#">Senate Bill 241</a>
California	All employees not working from home.	<a href="#">Executive Order N-62-20</a>
Florida	Front-line state employees.	<a href="#">Directive 2020-05</a>
Illinois	First responders and front-line workers (including essential workers who are required to encounter members of the general public or to work in employment locations of more than 15 employees).	<a href="#">House Bill 2455</a>
Kentucky	All essential workers.	<a href="#">Executive Order 2020-277</a>
Minnesota	First responders and health care workers.	<a href="#">HF 4537</a>
Missouri	First responders.	<a href="#">Emergency Rule</a>
New Hampshire	Emergency response and public safety workers.	<a href="#">Emergency Order 36</a>
New Mexico	State workers who provide direct assistance or care to COVID-19 patients or work inside a facility that provides direct assistance, care or housing to COVID-19 patients.	<a href="#">Executive Order 2020-025</a>
North Dakota	First responders and health care workers.	<a href="#">Executive Order 2020-12</a>
Utah	First responders and health care workers.	<a href="#">Senate Bill 3007</a>
Washington	First responders and health care workers.	<a href="#">L&amp;I Policy</a>
Wisconsin	First responders and health care workers	<a href="#">Assembly Bill 1038</a>
Wyoming	All workers.	<a href="#">House Bill 1002</a>

## Premium Calculations

The premiums an employer must pay for coverage under a workers' compensation insurance policy is usually determined based on payroll, measures of risk associated with the jobs that workers perform and the number and type of WC claims that have been made against the employer in the past. Due to the effects the COVID-19 pandemic may have on these factors, some states (including [California](#), for example) allow employers to reclassify employees or exclude COVID-19-related claims from their calculations.



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## Roasted Red Potatoes and Greens

**Olive oil spray**  
**1-1/2 lbs. cubed small red potatoes      2-tsp dried basil**  
**1/2 teaspoon salt**  
**1/2 tsp pepper                                 1-8-10oz. package frozen fine green beans, thawed to room temperature**  
**1-8-10 oz. package frozen asparagus spears, cut to desired length and thawed**  
**1/2 cup finely shredded cheese of choice.**

**Preheat oven to 425 degrees. Spray rimmed baking sheet with oil. Set aside.**


**In a large mixing bowl, mix potatoes, basil, salt & pepper. Spray generously with olive oil spray until all are coated. Place potato mixture onto baking sheet and bake 40 minutes or until toothpick easily slides through potatoes. Remove from oven.**

**In same as potatoes mixing bowl, add beans and asparagus and toss to coat remaining seasoning from bowl. Add to potatoes, toss lightly to mix. If needed add more olive oil spray.**

**Return to oven, and brown 12-15 more minutes. Remove from oven, place in a serving dish and sprinkle with cheese.**

Submitted by Nordis Estrem



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**West Board Member Open****2020—2021 UPCOMING EVENTS MNLICA**

Web-site: [www.mnlica.org](http://www.mnlica.org)

**August 20th, 2020—Fall Board Meeting—Best Western Plus New Ulm at 6:00 p.m.**

**September 18th, 2020—Scholarship Fund Raiser Event—Postponed**

**December 3rd, 2020—Winter Board Meeting—Best Western Plus, New Ulm, at 5:00 p.m.**

**January 13th, 14th and 15th, 2021—Winter Convention—Best Western Plus, New Ulm, MN**

**February 9<sup>th</sup> – 13<sup>th</sup>, 2021 – National LICA Winter Convention - San Antonio, TX – Holiday Inn Riverwalk**

**February 2020 – MSHA Class – Dennison, MN**

**February 2020 – Legislative Visit – St. Paul, MN**





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the silent partner of man,  
the producer of food, fiber and fuel,  
the basis of factories,  
the foundation of banks.*

*All that man builds is from the land.  
We often take it for granted, or even abuse it,  
and yet many unthinkingly and unknowingly pass the land by.  
What man finally does with the land  
will be the deciding factor in his survival.*