



STAKEHOLDER ADVOCACY

Case Study In Damage Prevention Advocacy: Indiana

The following is a case study developed by the Common Ground Alliance (CGA) Stakeholder Advocacy Committee on the efforts to rewrite Indiana's damage prevention law in 2009 and 2014. The case study is based on a conversation with several individuals who helped write and pass the new legislation, including representatives from Indiana 811, USIC, Verizon, Duke Energy, Citizens Energy Group, Indianapolis Power and Light, Vectren Energy, Time Warner and the City of Shelbyville. It is intended to serve as a resource for individuals and organizations conducting or planning to undertake advocacy activity related to state one call and damage prevention legislation.

Origin: What was the basis for advocacy?

In 2009, the law rewrite was driven primarily by Indiana 811's Legislative Committee and the Indiana Energy Association (IEA) which sought to bring certain elements of the existing law into alignment with CGA's Best Practices guide. It was a major rewrite that mandated fines for facility operators who were not members of Indiana 811, and created an enforcement authority for damages to gas pipelines.

The 2014 rewrite was primarily an adjustment to the 2009 effort, designed to address some issues that had arisen with that initial rewrite. The Indiana Energy Association (IEA), the Indiana Contractors Association (ICA) and Indiana 811 were the primary organizers and drivers of the 2014 effort. A state senator's contractor constituent had been fined under the 2009 penalty structure and brought his issue to the senator. The senator then pursued a revision of Indiana's damage prevention law.

Legislative Strategy: How did you identify and entice lawmakers to champion the legislative proposal?

In 2014, the state senator who was contacted by his contractor constituent about changing the law then approached the Indiana 811 leadership. Eventually, a coalition driven by Indiana 811 members, the IEA and ICA formed and worked between one another and state legislators to come up with a bill that all stakeholders could agree on.

Coalitions: Was this an effort of an industry and/or government coalition?

How was it formed and who were the stakeholders?

Were there conflicting goals/positions among coalition members?

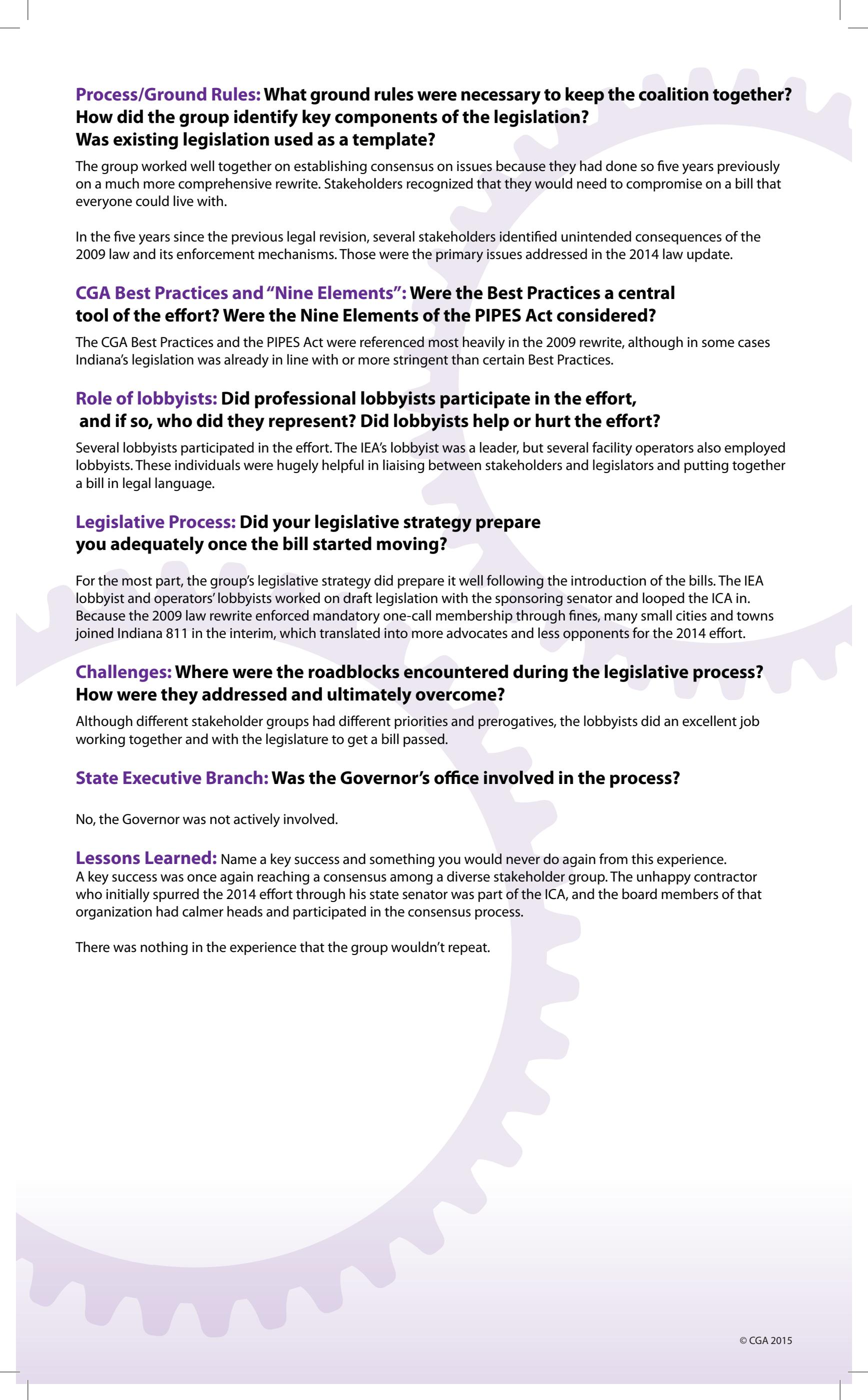
There was not a formal coalition, but the IEA, ICA and Indiana 811 members did meet and work together. At an initial meeting called by Indiana 811 at the behest of the senator, the one-call center's Executive Committee, leadership from the IEA and leadership from the ICA were expected to attend, and the group was surprised when 45 stakeholders including many ICA members showed up in force. The IEA proceeded to call a few meetings between legislators and stakeholders.

Because the law had undergone a major rewrite in 2009, most stakeholder groups were somewhat comfortable liaising about legislative issues. Locators were the only group that had been heavily involved in the 2009 rewrite and were not as involved in 2014. There were a number of differences in points of view among the stakeholder groups, but a consensus-based process helped them work together productively to create new legislation in 2014.

Key Players: Who were the leaders of the coalition and how were they selected?

Did coalition leaders have political relationships within the legislature?

The IEA, which had its own lobbyist with legislative ties, led the effort in terms of condensing the group and working with legislators. Three bills were initially introduced in 2014 by different stakeholder groups, and the IEA helped coalesce them into one. As previously mentioned, the ICA was also heavily involved. Several facility operators and other Indiana 811 members were also key players.



Process/Ground Rules: What ground rules were necessary to keep the coalition together? How did the group identify key components of the legislation? Was existing legislation used as a template?

The group worked well together on establishing consensus on issues because they had done so five years previously on a much more comprehensive rewrite. Stakeholders recognized that they would need to compromise on a bill that everyone could live with.

In the five years since the previous legal revision, several stakeholders identified unintended consequences of the 2009 law and its enforcement mechanisms. Those were the primary issues addressed in the 2014 law update.

CGA Best Practices and “Nine Elements”: Were the Best Practices a central tool of the effort? Were the Nine Elements of the PIPES Act considered?

The CGA Best Practices and the PIPES Act were referenced most heavily in the 2009 rewrite, although in some cases Indiana’s legislation was already in line with or more stringent than certain Best Practices.

Role of lobbyists: Did professional lobbyists participate in the effort, and if so, who did they represent? Did lobbyists help or hurt the effort?

Several lobbyists participated in the effort. The IEA’s lobbyist was a leader, but several facility operators also employed lobbyists. These individuals were hugely helpful in liaising between stakeholders and legislators and putting together a bill in legal language.

Legislative Process: Did your legislative strategy prepare you adequately once the bill started moving?

For the most part, the group’s legislative strategy did prepare it well following the introduction of the bills. The IEA lobbyist and operators’ lobbyists worked on draft legislation with the sponsoring senator and looped the ICA in. Because the 2009 law rewrite enforced mandatory one-call membership through fines, many small cities and towns joined Indiana 811 in the interim, which translated into more advocates and less opponents for the 2014 effort.

Challenges: Where were the roadblocks encountered during the legislative process? How were they addressed and ultimately overcome?

Although different stakeholder groups had different priorities and prerogatives, the lobbyists did an excellent job working together and with the legislature to get a bill passed.

State Executive Branch: Was the Governor’s office involved in the process?

No, the Governor was not actively involved.

Lessons Learned: Name a key success and something you would never do again from this experience.

A key success was once again reaching a consensus among a diverse stakeholder group. The unhappy contractor who initially spurred the 2014 effort through his state senator was part of the ICA, and the board members of that organization had calmer heads and participated in the consensus process.

There was nothing in the experience that the group wouldn’t repeat.