

THE FIRST WORD

April, 2006

ACEC OKLAHOMA General Membership Meeting Set for April 13th

ACEC OKLAHOMA's next General Membership Meeting will be held on Thursday, April 13th at the Tulsa Renaissance Hotel & Conference Center.

With the 2006 Legislative Session nearing the end and the Election Season starting to heat up, we have a very interesting program which will help you and your employees understand the importance of the election process on your business and their jobs.



**"Our Employees Vote...
Oklahoma Wins"**

Mark Rathe of The State Chamber will tell us how, through the Oklahoma Prosperity Project, employers can receive free election-related posters, stuffers, and other materials to help your employees make informed decisions at the polls on the election issues and candidates affecting your companies, their jobs, and their future.

Do your employees understand the importance on your business and their jobs of the political process and the

upcoming elections? Do you wish you could get them more "engaged" without imposing your personal political views?

The 2006 elections couldn't be more important to Oklahoma's business climate and economic growth. With term limits and resignations creating at least 25 State House and Senate open seats, Oklahoma employers and our employees will play an important part in determining the new legislators who will be their successors.

The Prosperity Project is a free, nonpartisan election education program and does not endorse candidates.

Learn how the Prosperity Project helped Oklahomans in 2004 elect more pro-jobs Democrat and Republican State Legislators than ever before — and how you can help your workforce "vote smart" in 2006.

Registration information has been sent to all members, and we look forward to seeing you on April 13th.

We're Going to be *Rockin'* in June

ACEC OKLAHOMA will be joining Missouri, Arkansas, and Kansas for the Annual Joint Convention, June 1-3, at the Chateau on the Lake in Branson.

While details are still being finalized, we can assure you that it's going to be a **ROCKIN' GOOD TIME!!!**

Dust off the saddle shoes, stock up on Brylcreem, and shine up the '57 Chevy because we're going to step back in time and gather around the Bandstand.

Registration information will be coming soon. Join us as we Rock, Roll, and Remember in June!!!!

Seven Weeks Left in 2006 Legislative Session

Transportation vrs. "The Children" Issue Raised in Senate Committee

As the 2006 Legislative Session heads into its final two months, House and Senate Committees are working through full agendas as Committee Deadlines rapidly approach. The Senate deadline for bills to be out of committee is Thursday, April 6th, with the House deadline still two weeks away on April 20th. Once those deadlines pass, April 27th is the day that all bills must have been acted upon by the "opposite house." After that, the final month of the session will be filled with Conference Committee and Appropriations/Budget work.

ACEC OKLAHOMA started the session with over 60 bills on the "watch" list. At this writing, that number has been trimmed to seventeen, and a handful of those won't survive the April 6th/April 20th deadlines.

But, there are still major issues facing the 2006 Legislature which we are tracking closely, and which are very important to ACEC OKLAHOMA members:

HIGHWAY FINANCE – Early in the session there were a number of bills dealing with highway funding. Now, all of the "live rounds" have been identified, and one (SB 1288) has already been signed into law.

While things seem to be going very well for new transportation funding, the first "**shot across the bow**" was fired on Tuesday, April 4th, when **HB 2940** was heard in the Senate Finance Committee.

HB 2940, by Rep. Mark Liotta, R-Tulsa, and Sen. Frank Shurden, D-Henryetta, is the main bill to provide additional funding to both the state and counties. The bill reduces the percentage of vehicle license and registration fees apportioned by the Tax Commission to the General Revenue Fund to 29.84 percent. The measure directs that 15 percent of fees collected by the Tax Commission be apportioned to the County Transportation Improvement Fund. It also apportions funds generated by gasoline taxes to a new High Priority Bridge Replacement Fund and determines the total apportionment to the Rebuilding Oklahoma Access and Driver Safety Fund to be \$200 million annually.

In mid-march the House passed the bill **UNANIMOUSLY!!!!!!**

But, on Tuesday, April 4th, the bill was heard in the Senate Finance Committee and the opposition has started. Many in the transportation community have wondered when the "Education Lobby" would weigh in on taking General Fund revenues to fund the transportation crisis, and April 4th was the day!

The target of the opposition is the "re-direct" of the title & tags fees from the General Fund. While "education" statutorily receives over 50% of the Title & Tags fees, the "education lobby" sees the re-direct of some of the 38% of the title & tags fees that go to "General Revenue" as an attack on the "children."

Three members of the Senate Finance Committee strongly questioned Senator Shurden about taking funding away from education, and it was clear that this is going to be the focal point which may "make or break" the bill before the end of the session.

In the long run, the bill Passed the Committee, and is headed to the Senate Floor. HOWEVER, the bill will end up in a House/Senate Conference Committee, and that's where all of the final decisions will be made.

SB 1288, by Sen. Johnnie Crutchfield, D-Ardmore, and Rep. Chris Benge, R-Tulsa. Gov. Brad Henry signed SB 1288 in mid-March allocating \$125 million to repair roads and bridges across the state. The bill directs \$100 million to state bridges with an additional \$25 million earmarked for counties. ODOT Director Gary Ridley said the \$100 million can allow for the replacement of 30-35 of the 137 load-posted bridges with construction on all projects beginning within 18 months.

SB1028, by Sen. Daisy Lawler, D-Comanche and Rep. Ryan McMullen, D-Burns Flat. This is another very important piece of the various funding proposals as it removes the motor fuel taxes from the apportionment process by creating a statutory "lock box".

SB 1028 has passed the Senate, and has been sent to the House where it has passed in the Appropriations sub-committee and is awaiting full Committee action..

SJR 0058, by Sen. Kenneth Corn, D-Poteau and Rep. Danny Morgan, D-Prague, proposes a constitutional amendment to create an Oklahoma Safe Roads Trust Fund (Lock Box) and prohibit the use of motor fuel tax revenue except for construction and maintenance of state roads, bridges and highways. The legislature would be prohibited from using the trust fund to replace other funds supporting transportation purposes. The upside of SJR 0058 is that the Trust Fund could not be changed without another vote of the people unlike SB 1028 which could be changed at anytime by future Legislatures.

SJR 0058 has passed the Senate, and is now awaiting action by the full House Committee.

(Cont. on Pages 3)

Legislative Report (Cont.)

PROFESSIONAL LICENSURE – HB 2530, by Rep. Doug Miller, R-Norman and Sen. Cliff Branan, R-Oklahoma City, was requested by The State Board of Licensure for Professional Engineers and Land Surveyors making amendments to last year's re-write. ACEC OKLAHOMA is following this closely and supports the amendments. The bill has passed full House and received approval from the Senate Business & Labor Committee. It now awaits action by the full Senate.

USE OF THE TERM “ENGINEER” BY NON-LICENSED ENTITIES – SB 1881, by Sen. Charlie Laster, D-Shawnee and Rep. Shane Jett, R-Tecumseh, exempts from state regulation the use of the term “engineer” in the name of any manufacturing company that does not engage in the practice of engineering.

As we reported last month this bill was requested by a constituent of the Senate sponsor whose company name has the word “Engineering” in the title, even though the company is a manufacturing company that does not offer engineering services. The company wants to maintain the word “engineering” in their name without having to meet the requirements of the statutes, and is asking for an “exemption”.

ACEC OKLAHOMA opposes any dilution in the protection of the use of the term “engineer” and believes that only properly licensed individuals and companies should be able to use the terminology. In our opinion, it's no different than someone calling them self a Doctor or Attorney without being properly licensed as such.

The bill has passed the Senate with the "title stricken" and is awaiting action in the House Commerce, Business & Labor Committee. In all likelihood, the bill will probably end up in House/Senate Conference Committee.

WORKER'S COMPENSATION – ACEC OKLAHOMA was watching three bills which address the “third party liability” issue which ACEC OKLAHOMA championed in the early 1980's. However, all three bills failed to receive approval in their house of origin and are dead for the session.

QUALIFICATIONS-BASED SELECTION – SB0558, by Sen. Frank Shurden, D-Henryetta and Rep. Mark Liotta, R-Tulsa, was requested by the Department of Central Service's Construction and Properties Division to make changes in both the State Consultants Act (QBS) and the Competitive Bidding Act. ACEC OKLAHOMA has been involved in this since last session, and supports the modifications in the State Consultants Act. There is no negative impact of the changes, and in fact, the DCS

proposal expands the use of QBS and clears up some “grey” areas, such as with regards to aerial surveying.

The bill passed the House, and has received first-round approval in a House sub-committee.

ARCHITECT'S ACT – SB1991, by Sen. Mike Morgan, D-Stillwater and Rep. Mike Wilt, R-Bartlesville. This bill addresses two long-standing issues concerning the State Architectural Act as well as with the licensure of Interior Designers. These issues have been around for several years and there are hopes that some agreements can be reached this session to solve at least some of these issues.

If passed, the bill would attempt to resolve the long-standing dispute between “building designers” and Architects as to when an Architect is required on a project. As you might remember, the Architects Act specifically defines a variety of “buildings” for which an Architect is required. If a “building” is not on the list, such as a strip mall, then “building designers” contend they can design them in lieu of an architect regardless of a variety of health, safety and welfare questions and issues. This bill would adopt Code Use Groups as the basis for whether or not an architect is required instead of the current “generic” terms in the definition of a “building.” Additionally, the bill would provide for the licensure of Interior Designers, which architects have traditionally opposed.

At present, the bill has passed the Senate with the “title stricken”, and is awaiting House Committee action. But, the bill is a long way from being a “done deal.” The architects, building designers, and interior designers still have a variety of issues to resolve, but the bill is moving to allow time for continued negotiation.

That's the report for now. If you have any questions regarding the bills discussed above or any other bill of interest to you, please do not hesitate to contact ACEC OKLAHOMA.

"Lunch & Learn" April 19th

"Building Your 'Smart' Equity" is the next in ACEC OKLAHOMA's "Lunch & Learn" series.

Professional services firms rely on case studies, bios, photographs, service listings, and such to sell themselves. Differentiating your firm's equity is key in positioning to make a sale and building a strong brand. In this session, discover how to present your evidence so that it tells a clear and compelling story.

Member Update Forms Due Back by April 14th

It's that time of year again! Each spring, ACEC OKLAHOMA provides firms with the Membership Update Form, which is your chance to update your firm's information which appears in the ACEC OKLAHOMA and ACEC national directories. Also, through the form, your firm provides us with your current employee count on which your 2006-07 dues will be based.

Forms were sent a couple of weeks ago and we ask that you complete and return the forms as soon as possible.

Also, within the last couple of days you received an e-mail from ACEC national with instructions on updating your information on-line.

ACEC OKLAHOMA strongly suggests that you complete the form which we provided rather than updating your information through the national database.

All of the information you provide ACEC OKLAHOMA via the form will be provided to ACEC so that your national records can be updated accordingly.

Thanks for your help. If you have misplaced your form or if you have any questions, please give us a call.

Great Response To Email Survey On "Paid Time Off"

Member representatives received the results of the recent member email survey regarding PTO. If you have not, please contact the ACEC OKLAHOMA office.

As a result of the positive response, we will be asking key contacts to respond to other short member surveys regarding the topics of Insurance Benefits, Personal Use of Company Equipment, and one yet to be determined, one each month through May. We will share those results, as they are obtained.

ACEC Arkansas, Kansas, and Missouri are also surveying their members on the same topics. Results for each state and for the combined region will be the subject of discussions planned for the ACEC Joint Convention in Branson. Please mark your calendars to attend and to benchmark your company with the consulting engineering industry in Oklahoma and the combined four state region.

We appreciate your time in responding to the forthcoming short email surveys and your continued interest in business practice issues.

ODOT/ACEC OKLAHOMA Partnering Conference Set For May 10th

Over 200 ODOT Staff and Consulting Engineers will gather for the 5th Annual ODOT/ACEC OKLAHOMA Partnering Conference on Wednesday, May 10th. The Conference will be held at the Clarion Meridian Convention Center, I-40 & Meridian in Oklahoma City.

Another outstanding program has been planned by the ODOT/ACEC OKLAHOMA Partnering Steering Committee. The program will begin at 9:00am with remarks by ODOT Director Gary Ridley.

In keeping with our normal format, the balance of the morning will be dedicated to a specialized program targeted at enhancing the working relationships between ODOT Staff and Consultants.

"The Stealth Project Killer: 12 Steps to Get Scope Creep Back on Your Radar Screen" will be presented by Mike Ingardia, Systems Management Consultants, Kansas City.

During his program, Mr. Ingardia will present 12 steps that assist project managers to more quickly identify "*scope creep*" and how to make better use of technology to more quickly identify, quantify, invoice and control for scope creep.

During the seminar he will use dozens of ping pong balls as an in-classroom exercise to demonstrate how technology can help project managers better manage design projects and guard against scope creep. The exercise helps project managers to visualize several of the 12 steps outlined during the seminar.

Lunch will feature Tom Love (invited), co-chairman of TRUST, who will address TRUST's efforts to secure a permanent increase in funding derived from dedicated revenue sources.

That afternoon, three Breakout Sessions will be held. The concurrent sessions, which will each be repeated three times to allow all attendees to participate, will address:

1. ODOT GRIP Demonstration
2. Changes to and overview of the Brooks Act, Audits, and Federal Acquisition Rules (FAR)
3. Use of Emerging Technologies by ODOT and FHWA

Registration information will be sent soon to all members, and we look forward to seeing everyone on May 10th!!!!