

THE FIRST WORD

April, 2011

ODOT / ACEC OKLAHOMA Partnering Conference Set for April 28th in Tulsa

The 10th Annual ODOT/ACEC OKLAHOMA Partnering Conference will be held on Thursday, April 28th at the Renaissance Hotel in Tulsa.

As always, a great program has been developed by the Partnering Steering Committee, and is a great opportunity for consultants to network with not only the senior Central Office ODOT staff, but with ODOT staffers from all corners of the state.

This year's program will kick-off with a program by Scott Hunter on, **Creating an Outrageously Successful Engineering Organizations**

People work to live. Work is the place where they spend the majority of their time. And for many, it is an environment which is dysfunctional at best, emotionally debilitating at worst. Only 6% of American workers say that they love their jobs. Job burnout experienced by up to 40% of U.S. workers is the leading occupational disease and responsible for more days lost from work than any other single factor. This is all very unfortunate because personality conflicts, power struggles, unspoken hidden agendas, misunderstandings, people not feeling appreciated or understood, and turnover all negatively impact a firm's bottom line, as well as robbing people of the aliveness they want at work.

In part one of this program, you'll learn the fine art of creating and maintaining rich, meaningful, quality relationships within your work environment and with everyone else in your life and how to create a working environment that nurtures and supports people to be creative, productive and profitable.

In part two you'll learn what it takes, year in and year out, no matter what is happening in your business world, to be outrageously successful and to create a successful workplace. You will discover that success has very little to do with what you do, what you know and how hard you work.

Secretary of Transportation and ODOT Director Gary Ridley will be the featured Luncheon Speaker, and will provide insight into ODOT's construction work plan and the impacts of the current federal budget crisis and state funding issues will have on ODOT's operation and construction plans.

In the afternoon, three breakout sessions will be held covering:

- The FHWA "Everyday Counts" Initiative
- Contract Requirements
- Project Development Deliverables

Each of these breakouts will be led by ACEC OKLAHOMA Representatives and ODOT Staff, and each breakout will be repeated so that everyone has the opportunity to attend all three breakout sessions.

Registration for this year's conference is \$70.00 per person, and all attendees will receive seven (7) professional development hours (PDHs) for attending.

Registration information has been sent to all ACEC OKLAHOMA members. We look forward to seeing everyone on Thursday April 28th in Tulsa !!!!!

April ACEC OKLAHOMA Board and General Membership Meeting

Thursday, April 21st

2:00pm - Board

5:00pm General Membership Meeting

Doubletree Hotel, Downtown Tulsa

REGISTRATION INFO COMING SOON!!!!

Watch your E-Mail and Register ASAP.

ACEC OKLAHOMA Leadership Visit Oklahoma Congressional Delegation on Capitol Hill

As part of ACEC's Annual Convention, ACEC OKLAHOMA participated in the annual Consulting Congress Day activities, taking the consulting engineering professional message from the state and national perspective to the Oklahoma Congressional Delegation.

Pictured to the right in front of our nation's Capitol are (l-r) ACEC OKLAHOMA Vice Chairman Chuck Mitchell, Chairman-Elect Stacy Loeffler, Chairman of the Board Jim Benson, and Vice Chairman Alan Soltani. National Director Jim Stewart (not pictured) also participated along with ACEC OKLAHOMA President Jim Sullins.

The ACEC OKLAHOMA delegation met personally with Congressman Dan Boren and Congressman Tom Cole. Due to a heavy floor and committee schedule, we were not able to meet personally with Congressmen Sullivan, Lankford, or Lucas, or with Senators Coburn or Inhofe. However, we did have beneficial conversations with senior staff members from each of their offices, and our message was well received. (See ACEC President's Report on Page 4 for more details.)

To give you a couple of examples of how a Congressman or



Senator's schedule is ever changing, Congressman Sullivan was preparing to meet with actor Martin Sheen, father of actor Charlie Sheen, regarding drug and alcohol rehabilitation issues, and Senator Inhofe was in a meeting with a Navy Admiral regarding military issues which took precedence over our meeting with the Senator. Staff for both apologized for the sudden conflicts, which were unfortunate but understandable.

Also, while we didn't meet with Congressman Lankford in Washington, ACEC OKLAHOMA had met with the Congressman for an extended period of time following the Congressional Field Hearing held by the Committee on Transportation and Infrastructure in Oklahoma City in early March. Additionally, by sheer chance when going to the ACEC Annual Meeting, President Sullins was seated next to Congressman Lankford on the flight from Oklahoma City, and had a nice conversation with the Congressman at that time.

The Consulting Congress Day activities are always very informative, and provide great insight into the day-to-day operations of Congress. We urge all members to strongly consider participating in next year's program.

Governor Fallin Appoints Five New Members to Oklahoma Transportation Commission Three Current Commissioners Reappointed

Governor Mary Fallin announced her nominees for the eight members of the Oklahoma Transportation Commission. They are:

- **District 1:** John Fidler of Okmulgee, executive vice president at Citizens Security Bank; replaces Carlisle Mabrey III.
- **District 2:** J. David Burrage of Atoka, current president and CEO of FirstBank; replaces James H. Dunegan.
- **District 3:** Danny Overland of Shawnee, senior vice president of the Pottawatomie Telephone Corp.; re-appointed.
- **District 4:** Greg M. Love of Oklahoma City, president of the Loves Development Company; replaces Jackie R. Cooper.
- **District 5:** C. Todd Huckabay of Snyder, president and CEO of Bank of the Wichitas; replaces Loyd Benson.
- **District 6:** Bobby J. Alexander of Woodward, owner and operator of Power Rig; replaces Bruce Benbrook.
- **District 7:** Bradley Warren Burgess of Lawton, managing partner at the Burgess and Hightower law firm; re-appointed.
- **District 8:** Peter J. Regan of Tulsa, currently an attorney at Devonshire Investments; re-appointed.

ACEC OKLAHOMA extends our congratulations to the new appointees, and our thanks to outgoing Commissioners Mabrey, Dunegan, Cooper, Benson, and Benbrook for their leadership and service.

Oklahoma Legislative Session Plows Through Major Deadline Heading for May Adjournment

Budget Issues Taking Center Stage

Mid March saw the first of the "major" deadlines at the Capitol with bills having to be out of their "House of Origin"....i.e., House bills to the Senate and vice versa.

This past week, the Senate faced wrapping up Committee work on House bills, while the House faces the same deadline this coming Thursday. After that, floor work in the House and Senate will be the main focus of the two bodies on everything with the exception of appropriations bills.

To provide a little insight, at the beginning of the session, some 2,500 bills were introduced for consideration. At the end of last week, that number had been reduced to just under 900 bills which are still alive.

Much of the next two weeks will be spent on "policy" type legislation, while at the same time the Appropriation committees, Legislative leaders, and the Governor's office will begin focusing on the nuts-and-bolts of next year's budget. The Legislature and Governor still have to resolve a budget deficit for next year of some \$500 million. But, current state revenues have turned the corner and are moving upward, which should help soften some of the final budgetary decisions. Additionally, the Office of State Finance will release new revenue numbers in early May, which again should continue to trend upward, and those figures are the ones on which the Legislature and Governor will make their final decisions.

ACEC OKLAHOMA is keeping close track of activities at the Capitol, and the number of issues we are watching keep getting smaller on almost a daily basis. There have been a couple of big things happen in recent days which should make ACEC OKLAHOMA members very happy, and a couple of issues pending which may cause some "heartburn" before the session concludes. Here's the latest:

JOINT & SEVERAL LIABILITY REPEAL and HARD CAP ON NON-ECONOMIC DAMAGES -- Major victory for Governor Fallin and the general business community as two of the Governor's major initiatives to make the state more "business friendly" were passed and will go into effect in November.

Joint & Several Liability was REPEALED!!!! This means that if fault is found in a tort claims case in which there are two or more parties, each party will only be responsible for the amount of the award equal to percentage of fault assigned.

No more 1% at fault but responsible for 100% of the monetary damages!!!!

This is a major victory in the long-running, hard fought battle with the trial lawyers. While the impact of Joint & Several Liability was lessened a few years ago, this full REPEAL is a big step forward for Oklahoma.

The second issue signed by the Governor deals with a "hard cap" on non-economic damages (pain & suffering) of \$350,000. Under the bill, all medical bills, lost wages, etc., will still be paid in full, but the mega-awards by juries will be capped. Additionally, in cases of gross negligence, willful intent, or malice, the \$350,000 hard-cap will be eliminated to give juries full control of the final judgment.

It is fully expected that there will be legal challenges to the "hard-cap" and that the Oklahoma Supreme Court will eventually have to decide the Constitutionality question. But, until then, the new law is in place.

AGENCY CONSOLIDATION--ACEC OKLAHOMA is watching this very carefully as one bill is still alive which would place the State Board of Licensure for PE/LS and the Board of Governor's for Architects under the control and authority of the Department of Commerce, and could strip away the State Board's ability to oversee and regulate the engineering and land surveying professions.

Discussions are ongoing and there's some hope that both the State Board and Board of Governor's will not be included in the final versions of the bills. The bill is awaiting action in the House Committee, which must come by the end of this week. We will continue to monitor this issue, and keep you updated as necessary.

BUDGET ISSUES - TAX EXEMPTIONS -- While we don't yet want to be "Chicken Little" and claim that the "sky is falling," with the budgetary issues facing the Legislature, various sales tax exemptions and tax credits are always likely candidates for removal to increase revenues. While there has not yet been any action or "public" discussions, we have heard on several occasions that sales tax exemptions, including PROFESSIONAL SERVICES, could be considered to generate revenue to balance the budget.

Again, nothing firm.....just a heads-up!

That's it for now. If you have any questions on these or other activities at the State Capitol, please don't hesitate to drop ACEC OKLAHOMA a note or give us a call.

PRESIDENT'S MONTHLY UPDATE

April, 2011

David Raymond, ACEC President & CEO

We had record-breaking attendance of over 1,200. ACEC's "citizen lobbyists" promoted repeal of the expanded 1099 mandate, among other key issues, and in an immediate payoff the Senate this week approved repeal and forwarded it to the President for his signature. We added many new cosponsors for our effort to repeal the 3% withholding, and outgoing chair Jerry Stump testified before the House T&I committee on outsourcing. The new large firm/small firm "teaming fair" was a big hit, so we'll look forward to doing that again next year. And the Engineering Excellence Awards was a great evening as always (See today's Last Word for a complete rundown).

General

- In a big win for the industry, after direct lobbying efforts at the Spring Convention, Congress approved legislation to repeal the 1099 filing mandate, with the President's signature expected imminently.
- Secured 22 new cosponsors for 3% repeal legislation during last week's Convention lobbying campaign.
- The large firm/small firm "teaming fair" at the convention opened the door for many firms to new contracting opportunities for federal work.
- Raised a record-breaking \$140,000 for ACEC/PAC at the Annual Convention, contributing to a record-breaking first quarter PAC fundraising of \$200,000; with ACEC/Wisconsin becoming the first MO to reach its 2011 fundraising goal.
- The new ACEC/APWA/ASCE-sponsored Institute for Sustainable Infrastructure (ISI) launched its website at www.sustainableinfrastructure.org; the new non-profit is developing a sustainable infrastructure rating tool called "envision"TM, to be ready for trial use and comment in early summer.
- The annual EEA Gala was sold out; FHWA Administrator Victor Mendez participated in honoring the Grand Conceptor Award Winner – HDR/TYLin/Jacobs for the new Hoover Dam Bypass which included the longest arched concrete bridge in the Western Hemisphere (Complete EEA coverage will be in the May-June issue of Engineering Inc.)

Government Affairs

- Outgoing Chair Jerry Stump testified before the House Transportation & Infrastructure Committee on contracting-out and project delivery streamlining; many other ACEC members participated in committee field hearings throughout the country.
- Obtained extension of federal highway and transit programs through end of September with no reduction to current funding levels.
- Secured language in the House-passed FAA reauthorization bill encouraging use of QBS on airport projects financed with Passenger Facility Charges.
- Submitted comments to the IRS on the adverse impact of 3% withholding on payment card purchases.
- Urged House and Senate leaders to protect and maintain funding for federal water programs during ongoing budget negotiations.
- Hosted an industry fundraiser for Congressman Darrell Issa (CA), Chairman of the House Oversight and Government Reform Committee, which has jurisdiction of federal procurement policy.
- Co-hosted congressional "meet and greet" events for five freshman Members of Congress, including Steve Womack (AR), Nan Hayworth (NY), and Transportation and Infrastructure members Rick Crawford (AR), Randy Hultgren (IL), and Blake Farenthold (TX).
- The International Committee met with delegations from FIDIC, Canada, Korea, Nigeria, and FEPAC (Latin American engineering organization) on business opportunities and relations.
- Provided U.S. Commercial Service information on member firms interested in Japanese rebuilding efforts in aftermath of earthquake and tsunami; met with Australian Trade Commission to learn how U.S. firms can be involved with rebuilding activities resulting from the Queensland flooding.