

THE FIRST WORD

March, 2019

Legislative Session in Full Swing; ACEC OKLAHOMA Working Hard on Your Behalf

The 57th Regular Session of the Oklahoma Legislature cruised past the 4-week mark on Thursday, February 28th. The first four weeks featured mostly Committee work.

With over 2,800 bills on the docket at the beginning of the session, Committee action was hot and heavy leading up to the February 28th Committee deadline. With the passing of that deadline, just over 1,000 bills are still active, with the other 1,700+ failing to receive Committee approval.

Action has now turned to the House and Senate floor, where each body is taking up some 75 (+/-) bills per day as the next deadline looms on Thursday, March 14th.

Here's a rundown of some of the bills ACEC OKLAHOMA is following:

SB 535—Indemnification/Duty to Defend. Senator Bice presented the bill before the Senate Judiciary Committee on February 26th. There were many questions from Committee members, and Senator Bice asked ACEC OKLAHOMA President/CEO Jim Sullins to address the Committee and answer questions. Eventually, the bill barely passed the Committee on a very close 7-5 vote, with most of the opposition coming from the attorneys on the Committee.

Following the hearing, in discussions with Senator Bice and the ACEC OKLAHOMA Lobbying Team, we have asked Senator Bice NOT to move the bill forward for consideration by the full Senate this session.

ACEC OKLAHOMA is committed to this legislation, but we believe there was little chance of Senate passage, and that the best course of action was to hold off for now.

The plan is to, between now and the 2020 session, work with Senator Bice, attorneys on the Committee, and others, to better explain the issues the bills addresses as well as refine the bill language to address questions which came up in the hearing.

SB 457—Governor Appoint Agency Directors. On March 6th, Governor Stitt, Speaker McCall, and Pro Tem Treat announced an agreement which will give the Governor full authority to appoint the Director of ODOT and 4 other state agencies. This was a major campaign issue for Governor Stitt. SB 457 is specific to ODOT, with four other bills addressing each of the other state agencies.

In the case of ODOT, the agreement also calls for the Governor to also appoint a majority of the Transportation Commission members along with an at-large member, with the Speaker and Pro Tem also appointing 2 members each. All appointee will serve at the "pleasure" of the individual who appointed them and can/could be replaced at any time. The "staggered" terms under which current Commissioners serve will be eliminated.

Also, as we understand it, the Commission will retain authority to approve contract, bids, etc., as well as make policy decisions. Early bills versions would have placed ALL decision making authority with the Director, with the Commission being "advisory" only.

While the bill(s) are expected to pass due to the Republican super-majority in both houses, there is already some opposition, mostly from the Democratic minorities, but probably not enough to derail the proposal.

Lastly, the ODOT bill will become effective immediately upon the Governor's signature, so within the next few weeks we will see a new Transportation Commission.

HB 1950—Motor Fuel Tax Fees Electric/Hybrid Vehicles. This bill calls for a "fee" paid annually at the time of registration on Electric (\$125), Electric/Hybrid (\$60), and Gas/Hybrid (\$30) vehicles, with the funds generated going directly to the State Highway Fund. The fee is to assure that these non-or-partially gas powered vehicles are still contributing to maintaining of the highway system on which they are used.

HB 2666—Public Facilities Act & Construction Management at Risk. ACEC OKLAHOMA has been quite active in the development of this bill due to language conflicts between the State Consultants Act (QBS) and the State Facilities Act.

In working with the Associated General Contractors Builders Chapter, we have developed and agreed to language which should fully separate the current confusion between construction administration/inspection services which engineers provide clients, and the construction-management-at-risk "delivery" system which is used and promoted by contractors.

Legislative Report (Cont.)

SB 110—Pre-Engineered Buildings. You will remember this bill from the past two years, exempting any pre-engineered building (i.e., metal building) from any further engineering or architecture.

ACEC OKLAHOMA, AIA, and others have opposed this bill due to major safety, health, and welfare issues.

The bill sponsor, Senator Bergstrom, as the groups to meet with him early in the session to see if there was any compromise which could be reached. Following the meeting, the State Board of Licensure PE/LS and the Board of Architects developed language which, while retaining the exemption of the actual “metal building” system, clarifies that any foundation, electrical, mechanical, etc., work necessary to comply with state or local building codes must be performed by appropriately licensed engineers or architects.

SB 689—Moratorium on ODOT hiring Consultants for Two-Year Period. This bill by Senator Allen would have prohibited ODOT from contracting with consulting engineering for a two-year period beginning July 1, 2019.

The bill was not heard in Committee, thereby failing the deadline for consideration, and is dead for the session.

Professional/Occupational Licensing. There are a variety of bills which we are tracking which address licensing of all professions and occupations.

The issue at hand is whether or not licensing, in general, is a roadblock to individuals entering a given profession/occupation, and if it is really necessary for the State to require a license for certain professions/occupations. Questions have also arisen regarding how a person whose license has been revoked can or should be able to re-acquire that license.

Many of the licensing laws also contain language prohibiting someone with a felony conviction from being licensed, or, have language requiring the individual to be of “good moral character.”

These are just a couple of the issue which the Legislature is trying to sort through and come up with language which creates “pathways” to licensure or reacquiring a license which are not overly restrictive but still protect the public safety and welfare.

While ACEC OKLAHOMA certainly understand the overall issue, we are and would oppose any effort to weaken licensing requirements for engineers, architects, and land surveyors, which could take Oklahoma out of compliance with NCEES and NCARB model laws.

We will continue to monitor the progress of this issue, and take appropriate action if or when necessary.

That’s a wrap for now! As always, ACEC OKLAHOMA will be watching out for your best interest while the Legislature is in session. And, if you have any questions or comments, don’t hesitate to contact us.

TRUST Transportation Day at Capitol Next Week

The annual Transportation Day at the Capitol, hosted by TRUST, will be Wednesday, March 13th.

Registration and the annual legislative luncheon begin at 11:45am in the second floor rotunda.

Governor Kevin Stitt is confirmed to address attendees between 1:30-2:00pm during our legislative program which will be held immediately after lunch in the Blue Room.

TRUST members and transportation advocates are encouraged to RSVP today at restoreTRUST.org/events or by contacting TRUST membership director Helra Han at helrahan@gmail.com or (405) 802-8184.

ACEC OKLAHOMA Begins New Social Media Campaign



In the past couple of weeks, in addition to the existing Twitter account, ACEC OKLAHOMA has unveiled new pages on both Facebook and LinkedIn.

If you haven’t already, please FOLLOW, LIKE and SHARE all three of our social media pages. And, if your firm has a page on any of these three platforms, please have the firm follow/like our page and we will do the same in return. To find our pages on these three, simply search:

@ACECOKLAHOMA

We excited about these platforms as a way to quickly stay in touch with our members. Plus, feel free to SHARE our page with your friend and colleagues, which will help us reach out to a broader community about how ACEC OKLAHOMA members are [#EngineeringOklahomasFuture](#)

OTA Executive Director Tim Gatz to Succeed Retiring ODOT Executive Director Mike Patterson; Governor Stitt Names Gatz Secretary of Transportation

As the old saying goes, “The more things change, the more they stay the same.” Nothing could be more true in the Oklahoma transportation community over the past few weeks, and that’s a GREAT thing for the transportation community and all of Oklahoma!

Shortly after his inauguration, Governor Kevin Stitt announced the selection of Oklahoma Turnpike Authority Executive Director to serve as the Governor’s Secretary of Transportation.

ACEC OKLAHOMA was truly excited to learn of Gatz’ appointment, who, like many of his colleagues and predecessors, grew up at ODOT.

Gatz began his career at ODOT in 1990 as a draftsman, and served in several capacities before becoming ODOT Deputy Director in 2013. We at ACEC OKLAHOMA first became acquainted with Tim in the late 1990s when he was named to head up the brand new Project Management Division. His leadership, vision, and foresight in that role led to the original Partnering Agreement between ODOT and ACEC OKLAHOMA and the creation of the annual ODOT/ACEC OKLAHOMA Partnering Conference, which has grown from 140 attendees in 2002, to almost 500 the past three years.

Then, the balloon of excitement regarding Gatz appointment was burst when we learned that ODOT Executive Director and past Secretary of Transportation Mike Patterson had announced his retirement effective the end of March.

Mike joined ODOT in 1980 when he joined the agency as Deputy Comptroller. He subsequently served as Comptroller, Director of Finance and Administration, Deputy Director and eventually Executive Director in 2013. Then, in 2017, Gov. Mary Fallin appointed him Secretary of Transportation.



Tim Gatz



Mike Patterson

ACEC OKLAHOMA worked very closely with Mike over the years, especially during the time he served as the Department’s Deputy Director and Legislative Liaison to the Oklahoma Legislature. We spent many an hour together at the Capitol working on a variety of issues.

On a personal note, I actually met Mike when we first moved to Oklahoma as we attended the same church and played on the church league softball team together for several years. All I’ll say about that is that we both had much longer hair, and that between the two of us, he was the much better athlete. And, he still has his hair; me, not so much.

With Mike’s announced retirement, the big question became, who would be the new ODOT Executive Director.

Well, air came rushing back into that balloon when the Transportation Commission named Gatz to serve as Mike’s replacement!

Gatz certainly will have a full plate, serving concurrently as Secretary and Executive Director of both ODOT and OTA. He’s had great mentors in Neal McCaleb, Gary Ridley, and Mike Patterson, so we know he’s trained under the best. And, we have full confidence in his abilities, and know that he has a clear, concise vision for the future of transportation in Oklahoma. We look forward to working with him, and to helping in any way possible.

As for Mike, THANK YOU simply doesn’t say enough. It’s been great working and knowing you the past 31+ years, and we wish nothing but the best to you and your wife, Joy, in the coming years.

We know you’ll be spending a lot of time with your granddaughters, and are sure that we will see them on a softball fields sometime in the near future. Best Wishes and Happy Retirement!!!!

Registration Open for the ACEC Annual Convention & Legislative Summit!

Outstanding Speakers and Programs; a Huge Trade Show; and, Capitol Hill visits with the Oklahoma Congressional Delegation! Plan on attending this great Convention. For more details, visit the ACEC website at www.acec.org.

