

# 2023 STATE LEGISLATIVE PRIORITIES

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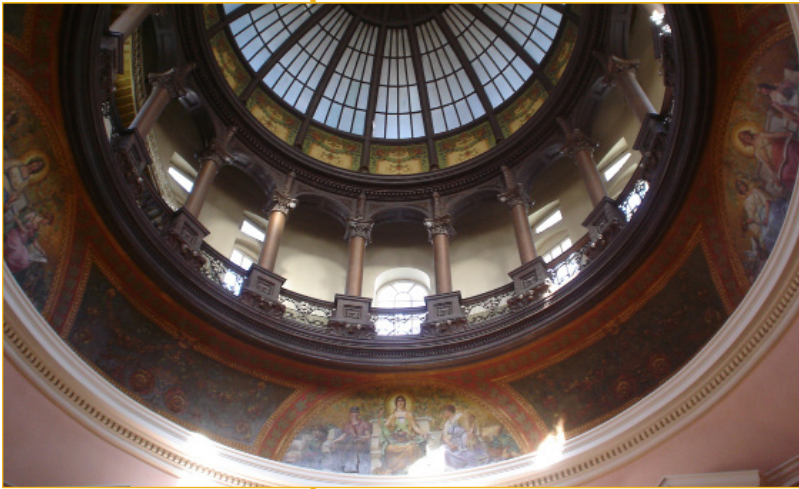
The American Council of Engineering Companies of Kansas (ACEC Kansas) is focused on promoting and protecting the business interests of Kansas engineering companies and their ability to serve their clients. With 65 member firms and more than 7,500 Kansas employees, ACEC Kansas represents small, medium, and large engineering firms, who serve clients in Kansas, the United States, and throughout the world. The following outlines ACEC Kansas's priorities for the 2023 legislative session.

## 2023 TOP PRIORITIES:

- Procurement
- Infrastructure Funding

## STANDING POSITIONS:

- Private Sector Engagement
- Contracting
- Licensure
- Labor and Workers' Compensation/ Unemployment Insurance
- Workforce Development and Education
- Tax Policy
- State Building Codes
- Maintain Awareness of the Need to Sustain the University Engineering Initiatives Act
- Fighting Professional Service Tax
- Alternative Project Delivery



## TOP PRIORITIES

### 1.0 PROCUREMENT

From planning, through design / construction, and operation / maintenance, the method used to select professional engineering services has a profound effect on project quality and total cost. Any selection method other than selecting professional engineering consultants based on qualifications can prove costly to the client, the taxpayer, and all stakeholders.

#### ACEC Kansas Position

**ACEC Kansas supports legislation that protects and promotes the use of qualification-based selection (QBS) by state agencies. ACEC Kansas also supports state laws requiring local governments to use QBS for selecting professional services provided by engineering consultants.**

### 2.0 INFRASTRUCTURE FUNDING

Infrastructure and energy is the backbone of the state and local economies. Investment in transportation, building systems (heating, air-conditioning, electrical, data, communication and fire protection), fiber, telecommunications, power transmission, water and wastewater facilities is a top priority to support job and economic growth.

A strong and efficient transportation system is critical for protecting public health and safety, promoting commerce, and keeping Kansas and America competitive. Without it, emergency workers can't respond, manufacturers and farmers can't get their products to market, students can't get to school, and workers can't get to jobs. Consistent and continued support of the Eisenhower Legacy Transportation Program (IKE) preserves our existing system and provides flexibility to address current and future opportunities and challenges. Extraordinary Transfers that shift dollars away from infrastructure projects impact our ability to provide and maintain a quality transportation system that promotes commerce and keeps us competitive.

Across the state, the need to grow and maintain an aging water and utility infrastructure system is critical to the public and businesses that rely on this precious commodity. Areas of the state are facing critical shortages and many urban areas are dealing with deteriorating water infrastructure.

The infrastructure of the physical facilities at Kansas' higher education institutions must be maintained and upgraded to provide teaching and learning environments to attract and educate the best young minds. This can only happen with adequate facilities, and if the students come to Kansas for their education, they may be more likely to stay and contribute to the Kansas economy after they graduate.

The focus on improving infrastructure should include a willingness for creativity and innovation to ensure needed infrastructure projects are accomplished. New funding methods should be considered to find the best methods to fund infrastructure needs and to protect those funding sources.

#### ACEC Kansas Position

**ACEC Kansas supports robust funding for infrastructure across the state. We support funding infrastructure to provide and maintain systems enabling Kansans to go about their daily lives safely and efficiently. This commitment will add jobs, save lives, and grow the Kansas economy.**

**ACEC Kansas supports the elimination of all Extraordinary Transfers of funds previously dedicated to infrastructure.**

**ACEC Kansas supports a fully funded water infrastructure program.**

## STANDING POSITIONS:

### 1.0 PRIVATE SECTOR ENGAGEMENT

ACEC firmly believes private industry is in the best position to provide innovative, timely, and cost-effective services that best serve the public interest.

#### ACEC Kansas Position

**ACEC Kansas supports policies and legislation that encourages state and local agencies to contract out professional design services to private consultants.**

### 2.0 CONTRACTING

Engineering firms routinely enter into written contracts - agreements that are enforceable by law - to provide services to both public and private sector clients. In addition to the offer of services for an agreed upon compensation, contracts typically include a wide range of terms that influence the risk each party undertakes in fulfilling the contract. Engineering firms seek to create terms that fairly and reasonably distribute risk between the parties and are consistent with insurance coverage available in the normal course of business. While the legal tenets of contracting are expressed through current statutes and case law, changes to state statutes can influence the fairness and reasonableness of contract terms.

Contract language that limits free market business practices such as mandating where services are performed or where a firm's employees live can negatively affect quality of service, innovation, period of performance, and resource allocation.

#### ACEC Kansas Position

**ACEC Kansas supports statutes and policies that result in contracts that are fair and reasonable for all parties involved. No statute or policy should shift the customary risks and responsibilities of one party to another nor allow terms that unduly risk the very solvency of either party.**

**ACEC Kansas opposes local preference or protectionist legislation, which mandates where employees live or where services are performed.**

### 3.0 LICENSURE

ACEC Kansas supports the health, safety and welfare of the public through the application of sound technical principles applied by licensed professionals. ACEC Kansas supports specific technical licensure for qualified professionals in the disciplines of engineering, architecture, landscape architecture, land surveying, and geology as outlined by state statutes as well as the rules and regulations of the Kansas State Board of Technical Professions (KSBTP). In addition, ACEC Kansas supports proper and adequate funding for the operation of the KSBTP.

#### ACEC Kansas Position

**ACEC Kansas supports policies and legislation resulting in the requirement for licensed technical professionals to perform, or oversee the performance of, activities most notably associated with engineering, architecture, landscape architecture, land surveying and geology.**

### 4.0 LABOR AND WORKERS' COMPENSATION/UNEMPLOYMENT INSURANCE

ACEC Kansas promotes the continuation of Kansas as a right-to-work state, and opposes any mandates that state contracts require a prevailing wage or the use of organized labor. ACEC Kansas supports a fair and balanced system for workers' compensation and unemployment compensation, including continued use of the 6th edition of the American Medical Association (AMA) Guides, the prevailing factor standard, and employer choice of physician as state law for workers' compensation.

#### ACEC Kansas Position

**ACEC Kansas supports statutes and policies recognizing Kansas as a right-to-work state and opposes prevailing wages or required use of labor unions.**

### 5.0 WORKFORCE DEVELOPMENT AND EDUCATION

A crucial element of ACEC Kansas member firms' continued success is the ability to hire career-ready engineers and professionals. ACEC Kansas supports policies, programs, and adequate funding that will improve science, technology, engineering, and mathematics (STEM) education at every level. In addition, we support continued funding of the University Engineering Initiative Act (UEIA) to increase the number of undergraduate engineering degrees from the three Kansas research universities.

#### ACEC Kansas Position

**ACEC Kansas supports policies and legislation enhancing development of, and access to skilled professionals required to support the health, safety and welfare of the public.**

### 6.0 TAX POLICY

Recognizing the state's responsibility to provide essential and efficient government services, ACEC Kansas believes adequate state funds are necessary to continue infrastructure investment and workforce development through STEM initiatives. Therefore, ACEC Kansas supports a balanced, reasonable approach to tax policy that provides a positive business climate for our member firms.

Many of our member firms' success comes from state and local investment in capital infrastructure programs funded with taxpayer dollars. ACEC Kansas opposes tax, revenue, and spending bills such as Taxpayer Bill of Rights (TABOR) legislation, that restrict legislative authority of state and local governments to make decisions regarding taxing and spending.

Currently a portion of the revenue from sales tax on food supports infrastructure in Kansas. As modifications or elimination of the food tax is considered, ACEC Kansas would encourage lawmakers to identify mechanisms that are sustainable to hold infrastructure funding harmless.

### ACEC Kansas Position

**ACEC Kansas supports statutes and policies providing adequate funding for infrastructure investment.**

## 7.0 STATE BUILDING CODES

ACEC Kansas supports the consistency and certainty afforded by adoption of codes from the International Code Council and the National Electric Code (NFPA 70) without local or state amendments.

### ACEC Kansas Position

**ACEC Kansas supports policies and legislation that provide for the uniform adoption and application of building codes.**

## 8.0 MAINTAIN AWARENESS OF THE NEED TO SUSTAIN THE UNIVERSITY ENGINEERING INITIATIVES ACT

Recognizing the need for an increase in the number of engineering graduates in Kansas, beginning in 2012 and continuing for 10 years, the Legislature provided an annual appropriation of \$10.5M to Kansas State University, the University of Kansas, and Wichita State University to ensure engineering industry partners find the new talent, designs, and techniques needed to fuel economic growth and business success in Kansas. These funds are matched by the universities.

The 2021 Legislature extended annual appropriations for an additional 10 years.

## 9.0 FIGHTING PROFESSIONAL SERVICE TAX

ACEC Kansas is opposed to the concept of levying a sales tax on businesses providing professional design services. Such taxation is regressive, inhibits competition, and is inherently difficult and burdensome to administer. Because over 50 percent of engineering business comes from tax-exempt clients, taxes on professional services have historically failed to generate the amount of forecasted revenue. Taxing professional services would put Kansas firms at a competitive disadvantage across the country and globally.

### ACEC Kansas Position

**ACEC Kansas opposes any legislation that would impose a sales tax on professional services.**

## 10.0 ALTERNATIVE PROJECT DELIVERY

The traditional project delivery approach to design and construct infrastructure projects is often referred to as design-bid-build. In this approach, the client separately hires an engineering firm to design the infrastructure improvement and a construction firm to build it. Alternative project delivery methods such as progressive design build, construction-management-at-risk (CMAR), design-build, and public-private partnerships (P3s) have proven successful when used for the right project and in the appropriate circumstance. Often, alternative methods are used to accelerate a project schedule, to take advantage of private financing, and/or to reduce total project cost. Both the traditional form of project delivery as well as newer mechanisms can be very effective depending on the specifics of each project and the needs of the agency client.

### ACEC Kansas Position

**ACEC Kansas supports legislation that preserves the use of QBS in procuring professional design services under alternative project delivery methods.**

### ACEC Kansas Mission:

The American Council of Engineering Companies of Kansas (ACEC Kansas) is the trade association representing private consulting engineering firms doing work in the State of Kansas. ACEC Kansas serves the needs of those firms and is dedicated to the promotion and development of the highest standards of professional competence and ethics.

