ACEC/Michigan is working with Senator Brandenburg and members of the Senate Judiciary Committee to pass SB 309. The bill would require a plaintiff, in an action alleging malpractice or negligence, to file an affidavit of merit (upon request) for claims brought against design professionals (professional engineers, architects or professional surveyors). The affidavit would have to be signed by a licensed professional in the same discipline who would need to verify that the standard of practice or care was breached by the defendant. The bill seeks to reduce the number of frivolous claims brought against design professionals that are clogging up our judicial system and costing design firms substantial dollars in legal fees and lost production.

Certificate of Merit (Senate Bill 309) introduced by Senator Jack Brandenburg

On April 18, Representative Rob VerHeulen introduced House Bill 4585 on behalf of the design professionals. The bill amends Article 20 (Architects, Professional Engineers, and Land Surveyors) of the Occupational Code to allow a licensed architect’s, engineer’s, or surveyor’s seal and signature to be affixed to documents electronically. “Electronic seal” would mean a seal created by electronic or optical means and affixed electronically to a document or electronic document. “Electronic signature” would mean a signature created by electronic or optical means and affixed electronically to a document or electronic document with intent to sign the document. The bill will save time and reduce the need for hard copy documents. It becomes effective on February 25, 2014.

Governor Snyder released his Executive Budget Proposal in early February and it included a recommendation to spend $254 million from the General Fund for Transportation for FY 2015. $139.1 million is needed just to match Federal Aid and an additional $115 million is proposed for state trunkline road and bridge projects.

This would be a one time influx and would not address the long-term issue that is continuing to grow. The Governor is well aware of the problem and has publicly stated that “more than $1 billion more per year is needed on an ongoing basis” to address the state’s long-term road funding problem.

The legislature is currently wrestling with a supplemental appropriations bill (passed by the Senate) that would include an additional $100 million for increased road maintenance. The House has proposed more than twice as much for roads, $215 million. Potholes are showing up early this year and MDOT Director Kirk Steudle is predicting that it will be the worst pothole season the state has ever experienced.

Other states have recently found a way to work in a bi-partisan manner to pass major long-term funding increases for their transportation systems. The most recent being Pennsylvania. Legislation, supported by both Democrats and Republicans, was signed into law by the Governor that will generate an additional $2.3 billion dollars. PennDOT was closing bridges and roads due to safety concerns. They converted their gas tax to a percentage tax and will collect it at the wholesale level, very similar to proposals that have been offered in Michigan.

ACEC will be pressing legislators to make this a priority before the end of the legislative session during the annual Architects/Engineers/Surveyors “Lobby Day” set for Wednesday, March 5, 2014.
Legislative Priorities for 2014

Senate Bill 309 (Certificate of Merit) will remain a high priority for ACEC this year. We have been successful the past few years in fixing the statute of limitations and passing an indemnification bill that greatly reduced liability for engineering firms. A certificate of merit bill would really be the final step in creating a great business environment for those practicing engineering in Michigan.

Senate Bill 472 (Remonumentation) will also be on our list for 2014. This bill is a priority for Michigan surveyors and will restore the Remonumentation Commission that was provided for in the original 1990 Act. The Remonumentation program helps to locate, restore and preserve original survey corners.

Qualifications-Based Selection will be a priority as well as we prepare to introduce legislation that will require all public agencies to procure design professional services using a qualifications-based selection process - versus low bid. ACEC helps to lead a coalition of QBS supporters who are very concerned with the number of local agencies and owners who fail to understand that engineering services are different than buying a box of paper.

Infrastructure funding will remain a top priority going forward. ACEC will support those candidates who support properly & adequately funding our infrastructure.

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* met or exceeded 2013 firm goal

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