2011 State Legislative Wrap up

Statute of Limitations for claims against Engineers/Surveyors
(Engineers Supported)
(Senate Bill 77) Sen. Schuitemaker - Enacted into law as PA 162 of 2011.
PA 162 takes effect on January 1, 2012 and restores the statute of limitations
as they existed prior to the Ostroth decision in 2006. For more info, please
see article below by Gary D. Quesada.

Funding for SRF S-2 Grants
(Engineers Supported)
(HB 4407) Sen. Moss - Enacted into law as PA 50 of 2011.
The supplemental appropriations bill provides $40 million in S-2 grants to
assist municipalities in completing loan application requirements for financing
water quality improvement projects and $30 million for non-point source
projects.

New International Trade Crossing-Detroit Bridge
(Engineers Supported)
These bills would have authorized the building of a new bridge between
Detroit and Windsor using a public-private partnership.

Community Revitalization Program
(Engineers Supported)
(SB 566-568, 644) Senators Pappageorge, Kowall, Geoff - Enacted into law
as PA 251 of 2011.
PA 251 creates a new Community Revitalization Program to provide
incentives for certain investments in the state through grants, loans, and other economic assistance. Provides a replacement for the brownfield and historic preservation tax credits which were eliminated.

**ASCE Michigan Section and Southeast Branch receive SPAG Awards**

The ASCE Michigan Section and Southeast Branch were recently each awarded a "State Public Affairs Grant (SPAG)."

The Michigan Section received the large SPAG grant ($4,500) for the re-release of the 2009 ASCE Michigan Infrastructure Report Card which gave Michigan's infrastructure an overall grade of "D". The re-release will mean continuing to bring the need for funding to both the legislature and public's attention via various media avenues.

The Southeast Branch was awarded the small SPAG grant ($1,500) for their "Infrastructure 101" pilot outreach program. The training program would be offered to newly elected officials (in 2012) and would consist of presenting the basics of infrastructure: water, sewer, road, and drainage systems and how they are maintained and funded. The intent is to develop a Power Point program that ASCE members can present at meetings and conferences.

Congratulations to the Section and Branch.

*The State Public Affairs Grants program was created in 1997 as a resource to help ASCE Sections undertake public relations (PR) and government relations (GR) projects at the grassroots level. The goal of the program is to enhance the image of civil engineers as leaders and experts on America's vital infrastructure systems and to encourage advocacy on issues that are important to civil engineers.

**ACEC and MDOT to Renew Partnering Charter**

The Michigan Department of Transportation (MDOT) and the American Council of Engineering Companies (ACEC) have been working in partnership for 20+ years to successfully deliver a quality transportation program. In January 2012, a small group of leaders from the two organizations will come together to review and renew a formal Partnership Charter that has existed since 1993. The Charter reinforces the commitment to continuous improvement, teaming and measurement to consistently provide the highest quality product and services for the State of Michigan. The last time the Charter was revisited was 2004. "MDOT's recent reorganization and the fact that many of the individuals that signed the 2004 Charter have retired makes this the perfect time to renew the Partnership," stated ACEC/Michigan Executive Director Ron Brenke.

**The Political System Works...and it is Time for Us to get Working!**

*By Mike Guter, President of ASCE - Michigan Section, Grand Rapids, MI*

Engineers know the truth of that statement better...
than anyone and we better than anyone can deliver that message to lawmakers. Take a moment to write to them and let them know that infrastructure funding is critical for Michigan's economy, providing much needed jobs for engineers, constructors, material suppliers, and other supporting industries.

According to ENR, the public works market is projected to significantly decline in 2012. Likely most of us have already anticipated that. Our businesses, many of which have contracted significantly because of the declining private market, are showing low backlog in the public works market as well. This will not change unless we as a group help drive political action.

There’s no denying that increasing the revenue side of infrastructure is unpopular when the economy is crumbling. But jobs are the ultimate prize we seek, and high-paying professional, manufacturing and construction jobs command respect from just about all politicians. The bottom line for Michigan is that many infrastructure-related jobs will continue to be lost if infrastructure investment is not stabilized and increased.

Rarely do communities suffer buyer's remorse when they invest in infrastructure. Quite the contrary, communities typically enjoy exceptional economic and quality of life benefits from new infrastructure.

In the world economy, such investments have led to significant growth and quality-of-life improvements. Consider the intercontinental railroad, the great dams in the West, the Panama Canal, Tennessee Valley Authority, the World War II effort, the Mackinac Bridge, the interstate highway system, and the improvements in surface and drinking water quality within our country.

Nils Anderson, the CEO of shipping giant Moller-Maersk, notes in Fortune magazine that port infrastructure for global shipping requires adequate, dependable inland infrastructure. John Bussey of the Wall Street Journal says that the widening of the Panama Canal infrastructure (projected for 2014 completion) will rock the world of logistics, leading to more trading activity on the East Coast. Tom Fowler of the Wall Street Journal relays Exxon Mobil Corp’s respected prediction that demand for fuel by large trucks, airplanes, ships and trains will rise by 70 percent from 2010 to 2040, driven by world economic growth and the need to move more global cargo.

Michigan must compete in this global marketplace to succeed, and investment in infrastructure would provide the foundation for a strong competitive position. Our elected officials must understand - and we have to tell them - that the current recession is a temporary condition. Michigan must prepare for long-term economic growth by investing in infrastructure projects now.

Please write a short email to your elected officials telling them how the lack of adequate funding for infrastructure is hurting your job, business, or public agency. Let them know what stable and increased infrastructure investment would mean for you.

Both Republican Gov. Rick Snyder and Democratic President Barack Obama have encouraged adequate infrastructure investment. If enough of us speak up, politicians will have no way of hiding from the reality that infrastructure investment is critical for growing jobs, both now and in the future.

The time is now for engineers to let their elected officials in Lansing and Washington know that Michigan's economic turnaround cannot happen without significant investment in infrastructure.
What are the Limitations Periods for MI Design/Construction Claims after SB77 and Miller-Davis v. Ahrens?

By Gary D. Quesada, Esq. (December 20, 2011)

Introduction

Two significant developments occurred in 2011 related to the periods of limitation and repose applicable to Michigan architects, engineers, surveyors and contractors. First, the Michigan Supreme Court issued its ruling in *Miller-Davis v. Ahrens*, 489 Mich 355, 802 NW2d 33 (2011). *Miller-Davis* re-interpreted Michigan's special construction industry statute of repose. Second, SB 77 was signed into law by Governor Snyder on October 4, 2011, and will take effect on January 1, 2012 as Public Act 162 of 2011. The new law amends MCL 600.5805 and 600.5839. PA 162 restores the statutes of limitation for the design and construction industry in Michigan to the law as it existed previous to February 2006, when the Michigan Supreme Court's released its ruling in *Ostroth v. Warren Regency*, 474 Mich 36; 709 NW 2d 589 (2006).

This article provides background on the new law and identifies the periods of limitations and repose that can be expected to apply in light of the new statute and *Miller-Davis*. (click [here](#) for complete article)

2012 SAVE THE DATES!

February 2, 2012 MDOT ACEC Partnering Workshop, Lansing
Annual event bringing MDOT and consulting engineers together for a one day workshop focusing on technical and relevant issues to both parties (offering PDH's)

February 25, 2012 Engineering & Surveying Excellence Awards, Kalamazoo
Annual awards gala showcasing innovative engineering and surveying projects; also a fundraising silent auction held in conjunction with the gala to support engineering scholarships

March 14, 2012 Legislative Day, Lansing
Annual Architects, Engineers, Surveyors event to allow face to face meetings with legislators in Lansing

May 10-11, 2012 Michigan Engineering Conference, Ypsilanti
Joint (ASCE, MSPE & ACEC) Annual Conference offering concurrent educational sessions applicable to attendees from all 3 groups (offering PDH's)

September 14, 2012 ACEC Scholarship Golf Outing, Lansing
One of only 2 fundraising events held to bolster scholarship funding

On behalf of *ACEC*, *ASCE*, and *MSPE*, we wish you and yours a healthy, happy and prosperous New Year!
Forward email

This email was sent to rbrenke@acecmi.org by cschmitz@acecmi.org | Instant removal with SafeUnsubscribe™ | Privacy Policy.

Michigan Engineering Center | 215 N. Walnut Street | Lansing | MI | 48933