

THE FIRST WORD

June/July, 2009

Tom Hendrick Installed as 2009-10 ACEC OKLAHOMA Chairman of the Board

Tom Hendrick, Wallace Engineering, Tulsa, was installed as the new Chairman of the Board at the Midwest States Annual Convention at the Buccaneer Resort in St. Croix. Tom succeeds Steve Ford, Zahl-Ford, Inc., Oklahoma City.

Tom received his Bachelor and Master of Science in Civil Engineering degrees from the University of Oklahoma. He began his career in Oklahoma City working first for Sturm Engineering, then Nixon Associates before moving to Tulsa to join Wallace Engineering.

Tom has been with Wallace since 1988 and currently serves as the Chief Operating Officer and Managing Principal of the firm where he is responsible for staffing and day-to-day operations of the firm.

Prior to becoming Managing Principal, Tom was responsible for the design and management of education, entertainment, and retail buildings throughout the United States, Puerto Rico, and Mexico.

He is a registered professional engineer in thirteen states as well as in the province of British Columbia, Canada.

Some 120 engineers and family members from Oklahoma, Arkansas, Missouri, and Kansas attended the convention in St. Croix. The resort was simply outstanding, and the weather cooperated.....well, with the exception of the "Sunset Cruise" which was partially like a "Rainstorm Cruise."

Joining Hendrick on the 2009-10 ACEC OKLAHOMA Board of Directors are:

Chairman-Elect: Jim Benson, Poe & Associates, Oklahoma City

Vice Chairman Membership: Stacy Loeffler, BKL, Inc., Tulsa

Treasurer: Alan Soltani, The Benham Companies, Oklahoma City

Vice Chairman Business Practice: Chuck Mitchell, Crafton Tull Sparks, Tulsa

Vice Chairman Education/P.R.: Joe Davis, Triad Design Group, Oklahoma City

ACEC National Director: Jim Stewart, PSA Consulting Engineers, Oklahoma City

Immediate Past Chairman: Steve Ford, Zahl-Ford, Inc., Oklahoma City.



(l-r) Chairman-Elect Jim Benson, Chairman Tom Hendrick, Immediate Past Chairman Steve Ford



Hendrick present Ford Past Chairman's Plaque

We also want to take this opportunity to extend our thanks to two retiring Board members. **Darold Davis** has completed his service to ACEC OKLAHOMA finishing his term as Immediate Past Chairman, while Mike Homan completed his three-year term as National Director. We thank both Darold and Mike for their many years of service to ACEC OKLAHOMA and

Oklahoma's consulting engineering community!!!!



Terri, Chase, Anissa & Keith Angier enjoy a beautiful Caribbean sunset



Mary & Tom Hendrick



(l-r) Alan & Roya Soltani, Sue & Jim Benson, Steve & Jane Ford, and, Erin, Jim & Nancy Sullins



Keith Angier (upper left) looks on as his daughter Anissa takes the wheel from the Captain (seated close by).



Cruzen Rum produces 40,000 gallons day and had four warehouses with over 10,000 barrels EACH. Of course, that was before the Midwest States group arrived!



Steve Ford, Sue & Jim Benson, Jane Ford



As the convention closed, we had to say "Farewell" to Ann Hamilton, Executive Director of ACEC/Arkansas. After 28 years, Ann retired at the conclusion of the convention. We extend our Congratulations to Ann for her years of service, and our Thanks for her friendship and kindness!

2009 Legislative Session Wrap-Up

Governor Signs "Comprehensive" Tort Reform ; Transportation Funding Maintained

The 2009 Legislative Session wrapped up in late May, with the session being rather uneventful for ACEC OKLAHOMA.

One of ACEC OKLAHOMA's major efforts this session, through and in association with the TRUST organization, was to maintain the funding agreements regarding Transportation Funding which had been enacted during the past couple of legislative sessions.

When the session wrapped up, transportation was "held harmless" with regards to funding, and the prior funding agreements held fast without any changes.

There were, however, a couple of late-session issues which will have long-lasting, positive impact on ACEC OKLAHOMA members and Oklahoma's engineering community.

TORT REFORM -- Certificate of Merit, Cap on Damages, and Joint & Several Liability.

After several unfruitful attempts, proponents of comprehensive tort reform won success during the 2009 legislative session, gaining legislative and governor approval of a bill. On May 14, both the House and Senate passed the Comprehensive Lawsuit Reform Act of 2009, and on May 21, it received Gov. Brad Henry's signature.

HB 1603, by Rep. Daniel Sullivan, R-Tulsa, and Senate President Pro Tempore Glenn Coffee, R-Oklahoma City, goes into effect on Nov. 1. Some of the key points of the legislation of interest to ACEC OKLAHOMA include:

- A non-economic damages cap of \$400,000, with provisions to lift the cap if certain conditions are met;
- A requirement for certificates of merit in professional negligence claims, with a provision for a plaintiff to request an indigency exemption;
- A limitation on joint and several liability stating that liability is limited to instances in which a tortfeasor is more than 50 percent at fault;

This was ACEC OKLAHOMA's lone "Legislative Alert" this session, and we thank all of our members who responded to our "call for action" to members of the Legislature as well as Governor Henry. Your efforts paid off and were very much appreciated!!!!

Non-Economic Damages --- In addition to its touted benefit to the medical community, the \$400,000 noneconomic damages cap is also seen as a benefit for the business and design community.

Certificate of Merit --- HB1603 states that in any civil action for professional negligence, the plaintiff must attach to the petition an affidavit that includes a written opinion from a qualified expert that the claim has merit. If such an affidavit is not filed, a court may dismiss the petition without prejudice. It also sets forth procedures for a plaintiff to request an indigency exemption from providing an affidavit of merit.

Joint & Several Liability --- The measure modifies language related to joint and several liability. It makes inapplicable a requirement that a defendant be joint and severally liable for damages if the percentage of responsibility attributed to the defendant is greater than 50 percent. It removes language that previously exempted political subdivisions of the state and actions in which no comparative negligence was found to be attributable to the plaintiff.

Oklahoma Uniform Building Code Commission

A new state agency has been created, at the behest of a large construction industry coalition, which will be charged with the development/adoption of a "minimum standard" residential and commercial building code for Oklahoma.

Members of the coalition include both ACEC OKLAHOMA and AIA, along with the AFL-CIO, most contractor trade groups (ABC, NECA, PHCC, etc.), the state Homebuilders Association, Oklahoma Municipal League, city Fire Marshal groups, and many city code enforcement officials along with representatives of the State Fire Marshal's office.

Senate Bill 1182 passed late in the session and was signed by the Governor. The bill provides the framework for creating the Commission, including appointment of Board members and hiring of staff.

There will be a 2-3 year "ramp-up" for the Commission to get started and before the first code will be adopted. But, enactment ONE statewide code is just a few short years away.

That's the wrap-up for this year. As always, if you have any questions about these or other issues, please don't hesitate to call ACEC OKLAHOMA.

And, Thanks for your support throughout the session!!!!

PRESIDENT'S MONTHLY UPDATE

July 1, 2009

David Raymond, ACEC President & CEO

Happy 4th of July! The economy is showing glimmers of rebound. Infrastructure bills are wending their way through Congress. However, we're facing considerable challenges in climate change, health care, union initiatives that would curtail contracting out, and a major threatened delay in passage of a new six-year transportation bill. Therefore, there has never been a more important time for us to stay engaged legislatively and continue to stay focused on building our political program. ACEC/PAC is more important than ever in protecting our interests in a highly visible form. We're half-way through the calendar year, so please do what you can to make meeting your state's ACEC/PAC goal an early priority. Have a great 4th.

General

- Strongly opposing the Administration's proposed 18-month delay in the transportation reauthorization bill, and working with AASHTO and other stakeholder groups to build momentum for an early six year bill.
- Working with Senator Barbara Boxer to clear the way for Senate passage of her bi-partisan \$38.5 billion water infrastructure bill in July.
- Supported President Obama's nomination for Federal Highway Administrator, Victor Mendez, a civil engineer and former director of the Arizona Department of Transportation.

Government Affairs

- Lobbied Members of Congress on the impending shortfall in the Highway Trust Fund and support for Rep. Jim Oberstar (D-MN) and Rep. John Mica's (R-FL) \$500 billion, 6-year transportation reauthorization bill.
- ACEC/PAC hosted engineering industry fundraising events for Congressman Dave Camp (R-MI), Congresswoman Allyson Schwartz (D-PA) and Congressman John Salazar (D-CO); and ACEC/Indiana became the third state organization to achieve its 2009 ACEC/PAC fundraising goal following Hawaii and Wisconsin.
- Asked the Department of Education to promulgate regulations for the student loan forgiveness program, and urged key House and Senate appropriators to fund the new program in 2010.
- Submitted comments to the Office of Management and Budget regarding OMB's interpretation of the "Buy American" provisions in the American Recovery & Reinvestment Act of 2009 (ARRA).
- Submitted comments to the House Energy and Commerce Committee outlining ACEC's views on the committee's climate change bill.

- Opposed the Senate Environment and Public Works Committee bill that would significantly expand federal authority over wetlands and remote bodies of water.
- Urged key federal procurement officials to use all available contracting options and not arbitrarily restrict their use.

Institute for Business Management

- Held two popular online seminars: *If You Haven't Planned It—You Can't Control It* with Gary Bates, and *How Can You Exceed My Expectations if You Don't Know What They Are?: Looking for Real (and Useful) Client Feedback* with David Stone.
- Held another in a series of "government insider" seminars—*Navigating Wetlands Work: Engineering During a Time of Transition*, with Department of Army official who discussed regulatory and permitting issues governing wetlands and related property and waterways.
- Presented ACEC's flagship management course, *The Business of Design Consulting: Managing to Succeed in a Challenging Economic Environment*.
- Delivered the first encore presentation of *Applying Expertise as an Engineering Expert Witness*, June 18-19, Philadelphia, PA, which explored courtroom process and procedure for the engineer as expert witness.
- ACEC Bookstore Best-Sellers: *Advanced Project Management, 2nd Edition*; *EJCDC C-990: Construction-Related Documents, Full Set*; *Becoming Part of the Solution: The Engineer's Guide to Sustainable Development*; *Construction Project Management, 5th Edition*; and *Wired! How to Crawl Inside Your Client's Mind for Success in Business Development*.
- Secured Engineers Joint Contracts Documents Committee (EJCDC) approval for strengthening the marketing of EJCDC documents; and a 10% discount on contract documents in June and July.