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PRESIDENT'S MESSAGE

by Michael W. Myers, P.E.

The ACEC/MD fiscal year is quickly coming to an end and I want to take this opportunity to update the general membership on several ACEC/MD and ACEC National events and issues.

ACEC Conference in Washington D.C.

- Over 1,000 people attended ACEC's Spring Convention & Legislative Summit in D.C at the end of April. Board action included the passage of a new three-year budget that does not include a dues increase in the first year, consolidating non-regular members under one category, and conforming the bylaws to the current open/appointed committee structure. Regarding the budget, after several amendments were offered on the floor, the Board agreed to make up the lost revenue for the sustainability and energy initiatives by withdrawing funds from the reserve account.
- ACEC/PAC raised over \$125,000 during the conference. For the first time an ACEC/MD representative did not win any prize in the raffle. However, ACEC/MD was recognized for once again achieving its ACEC/PAC fundraising goal in 2009.
- To date, ACEC/MD firm representatives have contributed 54% of Maryland's 2010



ACEC/PAC goal compared to the national average of 25%.

- ACEC/MD will once again hold a local raffle to benefit ACEC/PAC that will be drawn in October. Tickets are only \$100 to be eligible for the \$2,000 grand prize. Member firms are encouraged to sponsor the raffle for \$200.
- Also, to support ACEC's advocacy efforts, an ACEC/PAC national raffle will once again be offered. The grand prize is

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PRESIDENT'S MESSAGE

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\$10,000 and tickets only cost \$200.

ACEC/MD member firm purchases go towards ACEC/MD's ACEC/PAC goal, which is approximately \$18,000. 125 of the 500 tickets have already been sold for the drawing that will be held in the fall.

- A contingent of ACEC/MD members participated in visitations to the Maryland Delegation on April 28th to spread the word regarding the transportation and infrastructure crisis and the need for swift action.

ACEC/MD Governmental Golf Outing

The ACEC/MD Governmental Golf Outing at Greystone Golf Course took place on May 3rd and over 100 members and guests including Delegate Rick Impallaria; Delegate Charles Jenkins; Delegate Warren Miller; Delegate Susan McComas and individuals from SHA, MdTA, City of Baltimore, Baltimore County, Charles County, Harford County, Howard County, Montgomery County, Prince Georges County, and Washington County enjoyed great weather despite the not-so-encouraging forecast. \$775 was raised for the ACEC/MD scholarship program through Mulligans and the Silent Auction generated \$2,300 for CEPAC. Prime Engineering's Steve Carl was the overall tournament winner with a Gross Score of 71; 2nd Gross Mark Flack; 1st Net Richard Dorsey; 2nd Net Tim Burgess; 3rd Net Anthony Brudis; (2) Closest to the Pin Sean McCone & Bob Anderson; (2) Longest Drive Hank Pokigo & Phil Humbertson; Least Putts Charlie Adams; and Most Putts Rick Impallaria.

ACEC/MD Environmental Business Opportunities Forum

After a decade of success, this year's program focused on a variety of presentations regarding water-related business opportunities in the environmental arena. Over 60 attendees were on hand to hear from representatives of the USEPA Chesapeake Bay Program Office, the US Army Corps of Engineers, Baltimore District Division of Planning, the Maryland State Highway Administration Office of Environmental

Design, the Montgomery County Department of Environmental Protection Division of Watershed Management, the Center for Watershed Protection and the law firm Gordon Feinblatt. Topics included new initiatives to protect and restore the Chesapeake Bay; Maryland's new stormwater management regulations; and rebuilding our cities to meet the Clean Water Act mandates among others. Information regarding the presentations is available at www.acecmd.org.

ACEC/MD and ACEC/Metropolitan Washington MDOT Modal Presentation

On May 27th, 108 members from 51 firms turned out to listen to the Secretary of Transportation Swaim-Staley and her Administrators and other representatives of the various modes including State Highway Administration, Maryland Aviation Administration, Maryland Transit Administration, Maryland Port Administration, Maryland Transportation Authority and the Motor Vehicle Administration speak about their upcoming programs and potential opportunities for our members. In addition, Matt Rieffer, ACEC's Director of Transportation Programs, was on hand to provide an update on current initiatives in Washington relative to surface transportation, energy/climate change and aviation legislation.

ACEC/MD MDOT Matchmaker Program

On June 16th, ACEC/MD sponsored the annual "Matchmaker" program at MDOT Headquarters with the theme being "Designs for Your Future". The program was designed to enhance the ability of MBE/WBE firms to pursue teaming arrangements with prime consulting firms on transportation projects. Approximately 60 MBE/WBE firms and 24 prime firms participated in this very successful event.

Transportation Funding Initiatives

Based on feedback from ACEC/MD's visits to Capitol Hill and Annapolis, we need to continue to spread the word about the transportation funding crisis to both our legislators, as well as people "outside of our indus-

try". Our ad-hoc Transportation Funding Committee continues to assist in this regard and members are reminded to use the professionally-narrated video "Transportation and You" that is available at www.acecmd.org. Please encourage your staff to spread the word about the importance of an adequately funded transportation system, and its positive impact on sustainable jobs.

ACEC Chairman-Elect

Our own Terry Neimeyer is the 2010-2011 ACEC Chairman-Elect. Terry is Chairman of the Board and CEO of KCI Technologies, Inc. in Sparks, Maryland. He is an ACEC Fellow, and a former Treasurer and Senior Vice Chairman of ACEC. He served as National Director from Maryland and President of ACEC/Maryland. He is also a former ACEC/PAC Trustee. Let's congratulate and support Terry as he prepares to serve as next year's Chairman.



SIGN UP FOR COMMITTEE SERVICE – DEADLINE JUNE 30TH

Newly elected ACEC/MD President Joe Makar (Whitman, Requardt & Associates) is in the process of staffing committees for the fiscal year beginning June 30, 2010. If you or an employee of your firm is interested in serving on one of the many committees helping to shape the business environment in which your firm operates in, please contact the ACEC/MD office at acecmd@aol.com.

Even if you served on a committee during this fiscal year, you must advise ACEC/MD of your continued interest in serving on that committee.

For a complete list of committees, check the ACEC/MD website – www.acecmd.org.



ACEC/MD GAINS PASSAGE OF IMPORTANT INDEMNIFICATION BILL TRANSPORTATION FUNDING BILLS FAIL TO GAIN TRACTION

The focus of the 2010 General Assembly session was squarely on addressing the projected \$2-billion budget deficit. As was to be expected prior to an election year, ACEC/MD's efforts to garner support for a transportation revenue increase fell on deaf ears. ACEC/MD representatives testified in support of bills to both increase the gas tax and to index the tax. We also lent support to legislators that would have provided for a fire wall between the Transportation Trust Fund and the General Fund.

Looking forward, the General Assembly did overwhelmingly approve legislation that will establish a Blue Ribbon Task Force to address Maryland's transportation funding. ACEC/MD representatives testified in support of this legislation and requested an amendment to expedite the date of the Commission's final report. While the approved legislation did not reduce the time frame as much as desired, the final report will be issued by November 1, 2011 instead of the end of 2011. ACEC/MD representatives also made a presentation before the House Appropriations Committee's Transportation Subcommittee on the importance of high speed rail, and the need to ensure that Maryland takes full advantage of available federal funding.

Another major success for ACEC/MD was passage of legislation that prohibits a design professional, inspector, or surveyor from being required to indemnify a promisee against liability for damages caused by the sole negligence of the promisee. The new law will be very beneficial for firms doing work on railroad property that currently incur substantial expense and exposure when working for these clients. Thanks to everyone that contacted their elected officials in the eleventh hour to break the log jam in the Senate, which was threatening to allow the bill to die without a vote.

The General Assembly also approved legislation that requires Professional Engineers to demonstrate professional competency. While somewhat controver-

sial, ACEC/MD testified in support of this legislation and successfully argued that the initiation of the law should be delayed for one year. Reportedly, there is also agreement that there will be reciprocity with Pennsylvania and Virginia.

Also at the end of the session, support for a bill to modify the Stormwater Management Act of 2007 resulted in compromise regulations being approved. Under the new regulations developers will be allowed to proceed with projects that have won preliminary local government approval.

Of the nearly 2,800 pieces of legislation that were introduced in the 2010 Maryland General Assembly, your Legislative Committee, chaired by Greenman Pedersen's Jim Blake, reviewed in detail 225 pieces of legislation impacting the profession, including:

TRANSPORTATION:

SB 19 - Vehicle Laws - Use of Wireless Telephone While Driving - Prohibitions

ACEC/MD Position – Monitor

Status – Unfavorable Report

SB 63 - Transit-Oriented Development - Pledge and Use of Tax Increment Revenues - Operations and Maintenance Funding

ACEC/MD Position – Monitor

Status – Died in Committee

SB 124 (Cross Filed = HB 143) - Vehicle Laws - Use of Work Zone Speed Control Systems - Presence of Workers Required

ACEC/MD Position – Oppose

Status – Withdrawn

SB 229 - Blue Ribbon Commission on Maryland Transportation Funding

ACEC/MD Position – Support

Status – Passed Enrolled

SB 281 (Cross Filed = HB 469) - Motor Vehicle Excise Tax - Tax Credit for Electric Vehicles

ACEC/MD Position – Support

Status – Died in Conference Committee

SB 321 - The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

ACEC/MD Position – Monitor

Status – Returned Passed

SB 350 - Maryland Transit Administration - Transit-Oriented Development - Expansion of Geographic Area

ACEC/MD Position – Monitor

Status – Died in Committee

SB 368 - Department of Transportation - Repeal of Secretary's Authority to Abolish Employee Positions

ACEC/MD Position – Hold

Status – Returned Passed

SB 457 - State Highway Administration - Speed Limits - Small Cities and Towns

ACEC/MD Position – Monitor

Status – Unfavorable Committee Report

SB 464 (Cross Filed = HB 169) - Marilyn J. Praisner Safe and Earth-Friendly Roadway Act

ACEC/MD Position – Monitor

Status – Unfavorable Committee Report

SB 466 (Cross Filed = HB 445) - Vehicle Laws - Off-Highway Recreational Vehicles – Titling

ACEC/MD Position – Support

Status – Returned Passed

SB 648 - Transportation - Chesapeake Bay Bridge Crossing - Environmental Impact Study for a Third Span

ACEC/MD Position – Monitor

Status – Unfavorable Committee Report

SB 649 - Chesapeake Bay Bridge - Inspection by Independent Entity Required

ACEC/MD Position – Oppose

Status – Unfavorable Committee Report

SB 650 - Maryland Transportation Authority - Proposed Toll or Fee Charges - Public Comments

ACEC/MD Position – Monitor

Status – Died in House Committee

SB 651 (Cross Filed = HB 1347) - Maryland Transportation Authority - Toll Increase - Public Meeting Requirement

ACEC/MD Position – Oppose

Status – Died in Committee

SB 725 (Cross Filed = HB 732) - State Government - Priority Funding for Transportation Projects for BRAC

ACEC/MD Position – Oppose

Status – Withdrawn

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2010 MARYLAND GENERAL ASSEMBLY WRAP UP

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SB 760 (Cross Filed = HB 1155) -

**Transportation - Consolidated
Transportation Program - Evaluation and
Selection of Proposed Capital Projects**

ACEC/MD Position – Monitor
Status – Died on Senate Floor

SB 775 (Cross Filed = HB 903) - Environment - Road Salt Management Programs

ACEC/MD Position – Monitor
Status – Returned Passed

SB 827 - Motor Fuel Tax - Index

ACEC/MD Position – Support
Status – Died in Committee

SB 828 - Special Taxing Districts - Transportation Improvements - Exemption from County Tax Limitations

ACEC/MD Position – Monitor
Status – Returned Passed

SB 832 - Maryland Community Enhancement Transit-Oriented Development Fund

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

SB 840 (Cross Filed = HB 1159) - Budget Reduction Act

ACEC/MD Position – Oppose
Status – Died in Committee

SB 991 - Maryland Transportation Authority - Chesapeake Bay Bridge - Tolls

ACEC/MD Position – Monitor
Status – Died in Committee

SB 979 (Cross Filed = HB 1370) - Public- Private Partnerships - Oversight

ACEC/MD Position – Hold
Status – Returned Passed

SB 1046 (Cross Filed = HB 1446) - Bonds Supported by the American Recovery and Reinvestment Act

ACEC/MD Position – Monitor
Status – Died in Committee

HB 143 (Cross Filed = SB 124) - Vehicle Laws - Use of Work Zone Speed Control Systems - Presence of Workers Required

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

HB 169 - Marilyn J. Praisner Safe and Earth-Friendly Roadway Act

ACEC/MD Position – Hold
Status – Unfavorable Committee Report

HB 192 - Motor Vehicles - Reading Text Message While Driving - Prohibition

ACEC/MD Position – Monitor
Status – Died in Conference Committee

HB 271 - Transportation - Public-Private Partnerships - Notice to the General Assembly

ACEC/MD Position – Hold
Status – Died in Committee

HB 282 - Transportation Projects - Bicycle and Pedestrian Access - Funding and Reporting

ACEC/MD Position – Hold
Status – Became Law – Chapter 145

HB 367 - Transportation Trust Fund - Dedicated Highway Funds

ACEC/MD Position – Hold
Status – Died in Committee

HB 383 - Transportation Trust Fund Protection Act

ACEC/MD Position - Support
Status – Died in Committee

HB 445 (Cross Filed = SB 466) - Vehicle Laws - Off-Highway Recreational Vehicles - Titling

ACEC/MD Position – Support
Status – Died in Senate Committee

HB 479 - Motor Fuel Tax - Increase

ACEC/MD Position – Support
Status – Died in Committee

HB 575 - Prince George's County - Maryland Department of Transportation - Study of Rail Transit System for Southern Prince George's County PG 401-10

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 710 (Cross Filed = SB 229) - Blue Ribbon Commission on Maryland Transportation Funding

ACEC/MD Position – Support
Status – Returned Passed

HB 719 - Baltimore County - Four-Way Intersections - Stop Signs

ACEC/MD Position – Monitor
Status – Withdrawn

HB 732 (Cross Filed = SB 725) - State Government - Priority Funding for Transportation Projects for BRAC

ACEC/MD Position – Oppose
Status – Withdrawn

HB 786 - State Highway Administration - Sidewalk Construction in Priority Funding Areas

ACEC/MD Position – Monitor
Status – Returned Passed

HB 969 - Motor Fuel Tax – Adjustments

ACEC/MD Position – Support
Status – Died in Committee

HB 975 - Vehicle Laws - Maryland Transportation Authority - Highways

ACEC/MD Position – Monitor
Status – Passed Enrolled

HB 1147 - Vehicle Laws - Renewal of Registration - Unemployed Individuals

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 1155 (Cross Filed = SB 760) - Transportation - Consolidated Transportation Program - Evaluation and Selection of Proposed Capital Projects

ACEC/MD Position – Monitor
Status – Passed Enrolled

HB 1159 (Cross Filed = SB 840) - Budget Reduction Act

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

HB 1256 - Maryland Transportation Authority – EZPass Account Maintenance Charge - Prohibition

ACEC/MD Position – Oppose
Status – Died in Committee

HB 1347 (Cross Filed = SB 651) - Maryland Transportation Authority - Toll Increase - Public Meeting Requirement

ACEC/MD Position – Oppose
Status – Died in Committee

HB 1370 (Cross Filed = SB 979) - Public- Private Partnerships – Oversight

ACEC/MD Position – Hold
Status – Passed Enrolled

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HB 1377 - Department of Transportation - Local Development Reviews - Comments

ACEC/MD Position – Hold
Status – Unfavorable Committee Report

HB 1404 - Maryland Department of Transportation - Transit Review and Evaluation

ACEC/MD Position – Monitor
Status – Unfavorable Senate Committee Report

HB 1533 - Deficit Reduction Financing Act of 2010

ACEC/MD Position – Monitor
Status – Died in Committee

HB 1552 - Construction and Development Projects - Expedited Approval of State Permits

ACEC/MD Position – Monitor
Status – Died in Committee

ENVIRONMENTAL

SB 8 (Cross Filed = HB 36) - Environment - Bay Restoration Fund - Payments to Contractors

ACEC/MD Position – Support
Status – Withdrawn

SB 20 - Environment - Bay Restoration Fund - Authorized Uses

ACEC/MD Position – Monitor
Status - Died in Committee

SB 60 - Commission on Environmental Justice and Sustainable Communities – Membership

ACEC/MD Position – Monitor
Status – Returned Passed

SB 96 - Washington Suburban Sanitary Commission

ACEC/MD Position – Hold
Status – Became Law – Chapter 37

SB 218 - State Government - Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area - Membership

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

SB 228 - Environment - Incinerator Permits - Conditions for Issuance

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

SB 277 (Cross Filed = HB 471) - Renewable Energy Portfolio Standard - Solar Energy

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 278 (Cross Filed = HB 474) - Smart, Green, and Growing - Maryland Sustainable Growth Commission

ACEC/MD Position – Monitor
Status - Returned Passed

SB 282 (Cross Filed = HB 468) - Off-Shore Wind Generation - Qualified Submerged Renewable Energy Lines

ACEC/MD Position – Monitor
Status – Died in Committee

SB 326 (Cross Filed = HB 487) - Environment - State Board of Waterworks and Waste Systems Operators - Sunset Extension and Revisions

ACEC/MD Position – Support
Status – Returned Passed

SB 333 - Environment - Permits to Construct Incinerators - Limitation on Issuance near National Parks

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

SB 420 (Cross Filed = HB 964) - Environment - Stormwater Management - New Development and Redevelopment Projects

ACEC/MD Position – Hold
Status – Withdrawn

SB 448 (Cross Filed = HB 398) - Environment - Oil and Gas Drilling – Wells

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

SB 515 (Cross Filed = HB 922) - The Renewables First Act

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

SB 653 - Environment - Coal Combustion By-Products Minimum Standards - Beneficial Uses

ACEC/MD Position – Monitor
Status – Died in Committee

SB 686 (Cross Filed = HB 999) - Watershed Protection and Restoration Act

ACEC/MD Position – Support
Status – Died in Committee

SB 720 (Cross Filed = HB 1014) - Clean Energy Loan Programs

ACEC/MD Position – Monitor
Status – Died in Committee

SB 881 (Cross Filed = HB 687) - Frederick County - Municipalities - Water and Sewer Classifications

ACEC/MD Position – Monitor
Status – Died in Committee

SB 910 - Comprehensive Energy Plan

ACEC/MD Position – Monitor
Status – Died in Committee

SB 1082 - Stormwater Management - Development Projects - Redevelopment and Preliminary Plan Approval

ACEC/MD Position – Monitor
Status – Died in Committee

SB 1117 - Environment - Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund

ACEC/MD Position – Monitor
Status – Returned Passed

SB 1122 (Cross Filed = HB 62) - Environment - Payment of Cost Differential - Nitrogen Removal Technology

ACEC/MD Position – Monitor
Status – Died in Committee

HB 36 (Cross Filed = SB 8) - Environment - Bay Restoration Fund - Payments to Contractors

ACEC/MD Position – Support
Status – Withdrawn

HB 53 - Environment - Sewage Sludge Utilization Permit - Septage

ACEC/MD Position – Monitor
Status – Withdrawn

HB 68 - Department of the Environment - Grants - Small Businesses and Certified Minority Business Enterprises

ACEC/MD Position – Support
Status – Returned Passed

HB 70 - Bay Restoration Fund - Expanded Use of Funds

ACEC/MD Position – Support
Status – Withdrawn

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2010 MARYLAND GENERAL ASSEMBLY WRAP UP

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**HB 73 - Environment - Water Quality
Revolving Loan Fund - Use of Funds**

ACEC/MD Position – Monitor
Status – Returned Passed

HB 224 - Plumbing - Greywater Recycling

ACEC/MD Position – Monitor
Status – Became Law – Chapter 137

**HB 474 (Cross Filed = SB 278) - Smart,
Green, and Growing - Maryland
Sustainable Growth Commission**

ACEC/MD Position – Monitor
Status – Returned Passed

**HB 580 - Task Force on the Reassignment of
Functions of the Washington Suburban
Sanitary Commission to Montgomery County
and Prince George's County PG/MC 113-10**

ACEC/MD Position – Monitor
Status – Withdrawn

**HB 617 - Washington Suburban Sanitary
Commission - Local Small Business Enterprise
Program - Eligibility Criteria PG/MC 114-10**

ACEC/MD Position – Monitor
Status – Died in Committee

**HB 637 - Washington Suburban Sanitary
Commission - Minority Business
Utilization Program PG/MC 116-10**

ACEC/MD Position – Monitor
Status – Withdrawn

**HB 638 - Washington Suburban Sanitary
Commission - Procurement and Minority
Business Enterprises - WSSC Procurement
Oversight Committee PG/MC 109-10**

ACEC/MD Position – Monitor
Status – Died in Senate Committee

**HB 687 (Cross Filed = SB 881) - Frederick
County - Municipalities - Water and Sewer
Classifications**

ACEC/MD Position – Monitor
Status – Died in Committee

**HB 964 (Cross Filed = SB 420) - Environment -
Stormwater Management - New
Development and Redevelopment Projects**

ACEC/MD Position – Monitor
Status – Died in Committee

**HB 999 (Cross Filed = SB 686) - Watershed
Protection and Restoration Act**

ACEC/MD Position – Support
Status – Died in Committee

**HB 1125 - Stormwater Management -
Development Projects - Redevelopment
and Preliminary Plan Approval**

ACEC/MD Position – Hold
Status – Died in Senate Committee

**HB 1408 - Stormwater Management -
Regulations - Delay and Adoption of New
Regulations**

ACEC/MD Position – Monitor
Status – Died in Committee

**HB 1409 - Stormwater Management -
Development Projects - Special Taxing Districts**

ACEC/MD Position – Monitor
Status – Withdrawn

**HB 1425 - Department of the Environment -
Consolidation and Administration of
Environmental Funds**

ACEC/MD Position – Monitor
Status – Returned Passed

**HB 1467 (Cross Filed = SB 653) - Environment
- Coal Combustion By-Products - Minimum
Standards - Beneficial Uses**

ACEC/MD Position – Monitor
Status – Died in Senate Committee

**HB 1480 - Stormwater Management -
Construction Activities - State and Local
Governments PG 430-10**

ACEC/MD Position – Monitor
Status – Died in Committee

**HB 1508 - Environment - Coal Combustion
By-Products - Disposal Sites**

ACEC/MD Position – Monitor
Status – Returned Passed

GENERAL BUSINESS

**SB 2 (Cross Filed = HB 222) - Task Force on
the Minority Business Enterprise Program
and Equity Investment Capital**

ACEC/MD Position – Support
Status – Returned Passed

**SB 16 (Cross Filed = HB 47) - Legislative
Districting - Resident Delegates by County**

ACEC/MD Position – Monitor
Status – Died in Committee

**SB 38 - State Finance and Procurement -
Maryland Environmental Service - Small
Business Reserve Program**

ACEC/MD Position – Support
Status – Unfavorable Committee Report

**SB 54 - Business and Economic
Development - Maryland Economic
Adjustment Fund**

ACEC/MD Position – Monitor
Status – Became Law – Chapter 14

**SB 71 - Procurement - Small Business
Reserve Program - Sunset Extension**

ACEC/MD Position – Support
Status – Became Law – Chapter 22

**SB 80 - Maryland Higher Education
Commission - Office of Student Financial
Assistance**

ACEC/MD Position – Monitor
Status – Passed Enrolled

**SB 103 (Cross Filed = HB 134) - State Board
of Examiners of Landscape Architects -
Sunset Extension and Program Evaluation**

ACEC/MD Position – Support
Status – Returned Passed

**SB 106 (Cross Filed = HB 92) - Labor and
Employment - Job Creation and Recovery
Tax Credit**

ACEC/MD Position – Monitor
Status – Became Law – Chapter 1

**SB 118 - Courts - Jury Trials in Civil Actions
- Amount in Controversy**

ACEC/MD Position – Support
Status – Passed Enrolled

**SB 119 - Civil Jury Trials - Amount in
Controversy**

ACEC/MD Position – Support
Status – Passed Enrolled

**SB 130 - Procurement - Minority Business
Enterprises - Reciprocal Certification**

ACEC/MD Position – Monitor
Status – Returned Passed

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SB 131 - State Procurement - Minority Business Enterprises - Electronic Certification Process

ACEC/MD Position – Support
Status – Returned Passed

SB 133 - Commission to Study Streamlining and Increasing the Efficiency of the Procurement Process

ACEC/MD Position – Support
Status – Died in Committee

SB 140 (Cross Filed = HB 150) - Budget Bill (Fiscal Year 2011)

ACEC/MD Position – Hold
Status – Passed Enrolled

SB 141 (Cross Filed = HB 151) - Budget Reconciliation and Financing Act of 2010

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 142 (Cross Filed = HB 152) - Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2010, and the Maryland Consolidated Capital Bond Loans of 2003, 2004, 2005, 2006, 2007, 2008, and 2009

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 147 (Cross Filed = HB 130) - State Board for Professional Land Surveyors - Sunset Extension and Program Evaluation

ACEC/MD Position – Support
Status – Became Law – Chapter 41

SB 171 (Cross Filed = HB 359) - Procurement – Service-Disabled Veteran Business Enterprise Participation

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 187 - Maryland False Claims Act

ACEC/MD Position – Support
Status – Unfavorable Committee Report

SB 216 - Campaign Finance - Affiliated Business Entities - Attribution of Contributions

ACEC/MD Position – Monitor
Status – Died in Committee

SB 221 - Tax Credits for Qualifying Employees with Disabilities - Sunset Repeal

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 295 (Cross Filed = HB 364) - Creation of a State Debt - Baltimore City - Garrett-Jacobs Mansion Ballroom

ACEC/MD Position – Support
Status – Died in Committee

SB 312 - Labor and Employment - Credit Reports and Credit Histories of Applicants and Employees - Limitations on Use by Employers

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

SB 384 - Labor and Employment - Job Creation and Recovery Tax Credit

ACEC/MD Position – Monitor
Status – Withdrawn

SB 418 (Cross Filed = HB1246) - Labor and Employment - Maryland Wage and Hour Law - Damages

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

SB 419 - Labor and Employment - Maryland Wage and Hour Law – Criminal Penalties

ACEC/MD Position – Oppose
Status – Died in Committee

SB 430 (Cross Filed = HB 5) - Corporations and Associations - Low-Profit Limited Liability Companies

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

SB 454 (Cross Filed = HB 459) - State Licensing Agencies - Justification Statements Required for Fee Increases Proposed by Regulations

ACEC/MD Position – Support
Status – Returned Passed

SB 468 - Maryland Employment Opportunity Tax Credit

ACEC/MD Position – Monitor
Status – Died in Committee

SB 530 (Cross Filed = HB 965) - Real Property - Mechanics' Liens - Extent of Lien Applied to Tenant's Interest

ACEC/MD Position – Support
Status – Unfavorable Committee Report

SB 531 (Cross Filed = HB 907) - Civil Actions - Limitation of Actions - Land Surveyors

ACEC/MD Position – Support
Status – Returned Passed

SB 546 (Cross Filed = HB 923) - Procurement - Minority Business Enterprises - Review of Application for Certification and Notice to Applicant

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 601 (Cross Filed = HB 917) - Elections - Campaign Finance - Prohibition of Contributions and Expenditures by Business Entities

ACEC/MD Position – Monitor
Status – Died in Committee

SB 688 (Cross Filed = HB 972) - Maryland General Corporation Law - Miscellaneous Provisions

ACEC/MD Position – Monitor
Status – Became Law – Chapter 95

SB 773 - Corporate Income Tax - Repeal

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

SB 806 - Budget - Reductions of Appropriations

ACEC/MD Position – Monitor
Status – Died in Committee

SB 845 (Cross Filed = HB 746) - Procurement - Living Wage - Repeal

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

SB 849 - Procurement - Minority Business Enterprise Directory - List of Contracts

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 1004 - Budget Reconciliation and Balancing Act

ACEC/MD Position – Monitor
Status – Died in Committee

SB 1018 (Cross Filed = HB 1447) - Prior Authorizations of State Debt to Fund Capital Projects - Alterations

ACEC/MD Position – Monitor
Status – Passed Enrolled

SB 1024 (Cross Filed = HB 163) - Taxpayers' Bill of Rights

ACEC/MD Position – Monitor
Status – Died in Committee

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HB 47 (Cross Filed = SB 16) - Legislative Districting - Resident Delegates by County
ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 80 - State Board for Professional Engineers
ACEC/MD Position – Support
Status – Became Law – Chapter 124

HB 92 (Cross Filed = SB 106) - Labor and Employment - Job Creation and Recovery Tax Credit
ACEC/MD Position – Monitor
Status – Died in Senate Committee

HB 100 - Corporations - Directors - Factors Considered in Best Interests of Corporation
ACEC/MD Position – Oppose
Status – Withdrawn

HB 130 (Cross Filed = SB 147) - State Board for Professional Land Surveyors - Sunset Extension and Program Evaluation
ACEC/MD Position – Support
Status – Returned Passed

HB 134 (Cross Filed = SB 103) - State Board of Examiners of Landscape Architects - Sunset Extension and Program Evaluation
ACEC/MD Position – Support
Status – Became Law – Chapter 132

HB 163 - Taxpayers' Bill of Rights
ACEC/MD Position – Monitor
Status – Died in Committee

HB 168 - Architectural or Engineering Services - Construction Industry - Indemnity Agreements – Void
ACEC/MD Position – Support
Status – Returned Passed

HB 175 - Labor and Employment - Credit Reports and Credit Histories of Applicants and Employees - Limitations on Use by Employers
ACEC/MD Position – Hold
Status – Unfavorable Committee Report

HB 222 (Cross Filed = SB 2) - Task Force on the Minority Business Enterprise Program and Equity Investment Capital
ACEC/MD Position – Support
Status – Returned Passed

HB 250 (Cross Filed = SB 130) - Procurement - Minority Business Enterprises - Reciprocal Certification
ACEC/MD Position – Monitor
Status – Passed Enrolled

HB 251 (Cross Filed = SB 131) - State Procurement - Minority Business Enterprises - Electronic Certification Process
ACEC/MD Position – Support
Status – Passed Enrolled

HB 268 - Minority Business Enterprise Program and Small Business Reserve Program - Architectural and Engineering Services
ACEC/MD Position – Support w/amendment
Status – Withdrawn

HB 359 (Cross Filed = SB 171) - Procurement - Service-Disabled Veteran Business Enterprise Participation
ACEC/MD Position – Monitor
Status – Returned Passed

HB 364 (Cross Filed = SB 295) - Creation of a State Debt - Baltimore City - Garrett-Jacobs Mansion Ballroom
ACEC/MD Position – Support
Status – Unfavorable Committee Report

HB 370 - Labor and Employment - Payment of Wages
ACEC/MD Position – Hold
Status – Withdrawn

HB 373 - Campaign Finance - Affiliated Business Entities - Attributions of Contributions
ACEC/MD Position – Monitor
Status – Died in Committee

HB 381 - Workplace Religious Freedom Act
ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 404 - Labor and Employment - Wage Payment and Collection - Order to Pay Wages
ACEC/MD Position – Hold
Status – Became Law – Chapter 151

HB 434 - Civil Jury Trials - Amount in Controversy
ACEC/MD Position – Support
Status – Died in Senate Committee

HB 436 - Courts - Jury Trials in Civil Actions - Amount in Controversy
ACEC/MD Position – Support
Status – Died on Senate Floor

HB 459 (Cross Filed = SB 454) - State Licensing Agencies - Justification Statements Required for Fee Increases Proposed by Regulations
ACEC/MD Position – Support
Status – Returned Passed

HB 484 - Property Tax - Semiannual Payment Schedule Small Business Property
ACEC/MD Position – Monitor
Status – Returned Passed

HB 576 - Prince George's County and Montgomery County Delegation - Development Permits - Expedited Review for Qualifying Redevelopment Projects PG/MC 115-10
ACEC/MD Position – Monitor
Status – Returned Passed

HB 577 - Prince George's County – Task Force to Study the Maryland-National Capital Park and Planning Commission in Prince George's County PG/MC 108-10
ACEC/MD Position – Monitor
Status – Withdrawn

HB 584 - Corporate Income Tax - Combined Reporting
ACEC/MD Position – Monitor
Status – Died in Committee

HB 617 - Washington Suburban Sanitary Commission – Local Small Business Enterprise Program - Eligibility Criteria PG/MC 114-10
ACEC/MD Position – Hold
Status – Died in Committee

HB 637 - Washington Suburban Sanitary Commission - Minority Business Utilization Program PG/MC 116-10
ACEC/MD Position – Hold
Status – Withdrawn

HB 638 - Washington Suburban Sanitary Commission - Procurement and Minority Business Enterprises - WSSC Procurement Oversight Committee PG/MC 109-10
ACEC/MD Position – Hold
Status – Died in Senate Committee

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HB 647 - Department of Natural Resources - Conservation Service Opportunities - Procurement Exemption

ACEC/MD Position – Monitor
Status – Returned Passed

HB 746 (Cross Filed = SB 845) - Procurement - Living Wage - Repeal

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 837 - Washington County - Procurement of Professional or Technical Services

ACEC/MD Position – Hold
Status – Returned Passed

HB 843 (Cross Filed = SB 897) - Academic Facilities Bonding Authority

ACEC/MD Position – Monitor
Status – Died in Committee

HB 906 - Minority Business Enterprises - Signing Bids or Proposals - Submitting Subcontracts

ACEC/MD Position – Oppose unless amended
Status – Withdrawn

HB 907 (Cross Filed = SB 531) - Civil Actions - Limitation of Actions - Land Surveyors

ACEC/MD Position – Support
Status – Returned Passed

HB 917 (Cross Filed = SB 601) - Elections - Campaign Finance - Prohibition of Contributions by Business Entities

ACEC/MD Position – Hold
Status – Died in Committee

HB 920 (Cross Filed = SB 133) - Commission to Study Streamlining and Increasing the Efficiency of the Procurement Process

ACEC/MD Position – Support
Status – Withdrawn

HB 923 (Cross Filed = SB 546) - Procurement - Minority Business Enterprises - Review of Application for Certification and Notice to Applicant

ACEC/MD Position – Hold
Status – Returned Passed

HB 959 - Procurement - Single Minority Business Enterprise Certification Agency for Local Government Procurement

ACEC/MD Position – Hold
Status – Unfavorable Committee Report

HB 984 - Employment - Applications for Employment - Prohibitions

ACEC/MD Position – Monitor
Status – Withdrawn

HB 1107 - Establishment of a Minority Business Registry by the Small Business Development Center Network

ACEC/MD Position – Oppose
Status – Withdrawn

HB 1146 - Procurement - Governor's Office of Minority Affairs - Office of Minority Business Enterprise Compliance

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 1215 - Minority Business Enterprises - Graduation Program - Architectural and Engineering Services

ACEC/MD Position – Support
Status – Unfavorable Committee Report

HB 1236 - Procurement - Minority Business Enterprises - Waiver Requirements

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 1246 (Cross Filed = SB 418) - Labor and Employment - Maryland Wage and Hour Law - Damages

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

HB 1249 - Maryland Economic Stimulus Act - Expensing of Business Property and Bonus Depreciation

ACEC/MD Position – Monitor
Status – Died in Committee

HB 1272 - Maryland Family and Medical Leave Act

ACEC/MD Position – Oppose
Status – Unfavorable Committee Report

HB 1293 - State Finance and Procurement - Public Works Contracts - Required Clause

ACEC/MD Position – Oppose
Status – Withdrawn

HB 1344 - Construction and Development - Permits and Approvals - Expiration Dates

ACEC/MD Position – Monitor
Status – Died in Senate Committee

HB 1357 - Professional Boards - Transfer of Funds – Repayment

ACEC/MD Position – Support
Status – Died in Committee

HB 1363 - Procurement - Prevailing Wage - Rates

ACEC/MD Position – Monitor
Status – Unfavorable Committee Report

HB 1446 (Cross Filed = SB 1046) - Bonds Supported by the American Recovery and Reinvestment Act

ACEC/MD Position – Monitor
Status – Died in Committee

HB 1482 - Washington Suburban Sanitary Commission - Minority Business Enterprise Participation Goals PG/MC 117-10

ACEC/MD Position – Support
Status – Withdrawn

HB 1504 - Campaign Finance Entities - Contributions, Transfers, and Reports

ACEC/MD Position – Monitor
Status – Died in Committee

HB 1520 - Tax Credit for New or Expanded Business Facilities

ACEC/MD Position – Monitor
Status – Withdrawn

WORKPLACE / HEALTH

SB 53 - Workers' Compensation - Average Weekly Wage – Militia

ACEC/MD Position – Monitor
Status – Returned Passed

SB 57 - Health Insurance - Mental Health Benefits - Group Health Plans

ACEC/MD Position – Hold
Status – Became Law – Chapter 17

SB 107 (Cross Filed = HB 91) - Labor and Employment - Unemployment Insurance - Modernization and Tax Relief Act

ACEC/MD Position – Hold
Status – Became Law – Chapter 2

SB 110 - Labor and Employment - Job and Financial Privacy Protection Act

ACEC/MD Position – Monitor
Status – Died in Committee

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2010 MARYLAND GENERAL ASSEMBLY WRAP UP

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SB 300 - Unemployment Insurance -

Contributions - Installment Payment Option

ACEC/MD Position – Support

Status – Died in Committee

SB 397 (Cross Filed = HB 603) - Health Care Freedom Act of 2010

ACEC/MD Position – Monitor

Status – Died in Committee

SB 675 - Unemployment Insurance -

Exemption from Covered Employment - Small Business Directors, Officers, and Members

ACEC/MD Position – Support

Status – Died in Committee

SB 682 - Maryland Health System Act of 2010

ACEC/MD Position – Monitor

Status – Unfavorable Committee Report

SB 694 (Cross Filed = HB 214) - Labor and Employment - Wage Payment and Collection Law - Definition of Wage

ACEC/MD Position – Monitor

Status – Became Law – Chapter 99

SB 785 (Cross Filed=HB 1317) - Public Investment Protection Act

ACEC/MD Position – Oppose

Status – Died in Committee

SB 953 (Cross Filed = HB 1318) - Workers' Compensation - Death Benefits – Dependency

ACEC/MD Position - Monitor

Status – Died in Committee

SB 955 (Cross Filed = HB 1295) - Workers' Compensation - Uninsured Employers' Fund - Uninsured Employer Assessments

ACEC/MD Position – Monitor

Status – Died in House Committee

SB 1100 - Workers' Compensation - Average Weekly Wage - Compensation

ACEC/MD Position – Monitor

Status – Died in Committee

HB 32 - Health Insurance - Small Group Market - Cap on Comprehensive Standard Health Benefit Plan

ACEC/MD Position – Hold

Status – Withdrawn

HB 91 (Cross Filed = SB 107) - Labor and Employment - Unemployment Insurance - Modernization and Tax Relief Act

ACEC/MD Position – Hold

Status – Died in Committee

HB 463 - Human Relations - Employment Discrimination Based on Family Responsibilities - Prohibitions

ACEC/MD Position – Oppose

Status – Unfavorable Committee Report

HB 504 - Employment Discrimination - Unlawful Employment Practices – Motivating Factor

ACEC/MD Position – Oppose

Status – Unfavorable Committee Report

HB 591 - Unemployment Insurance - Charging and Taxation

ACEC/MD Position – Support

Status – Unfavorable Committee Report

HB 603 (Cross Filed = SB 397) - Health Care Freedom Act of 2010

ACEC/MD Position – Monitor

Status – Unfavorable Committee Report

HB 751 - Workers' Compensation - Temporary Total Disability Benefits - Credit

ACEC/MD Position – Monitor

Status – Died in Senate Committee

HB 968 - Workers' Compensation - Appeals – Evidence

ACEC/MD Position – Monitor

Status – Unfavorable Committee Report

HB 1238 - Health Insurance Requirements - Public Work Contracts

ACEC/MD Position – Oppose

Status – Withdrawn

HB 1317 (Cross Filed = SB 785) - Public Investment Protection Act

ACEC/MD Position – Oppose

Status – Died in Committee

HB 1318 (Cross Filed = SB 953) - Workers' Compensation - Death Benefits - Dependency

ACEC/MD Position – Monitor

Status – Died in Senate Committee

MECHANICAL/ELECTRICAL ISSUES

SB 551 (Cross Filed = HB 836) - Education - Public School Construction - Procurement - Preference for Local Business Entities

ACEC/MD Position – Monitor

Status – Returned Passed

SB 786 - Public Schools - State Aid for School Construction - Planning and Design Costs

ACEC/MD Position – Monitor

Status – Died in Committee

HB 209 - General Obligation Bonds for Capital Projects - Required Reports

ACEC/MD Position – Monitor

Status – Returned Passed

HB 563 - Prince George's County - Public School Construction - Planning and Design - State Funding PG 409-10

ACEC/MD Position – Monitor

Status – Died in Committee

HB 836 (Cross Filed = SB 551) - Education - Public School Construction – Procurement - Preference for Local Business Entities

ACEC/MD Position – Monitor

Status – Died on House Floor

HB 939 (Cross Filed = SB 915) - General Assembly Members - Use of Funds - Grant Writers

ACEC/MD Position – Monitor

Status – Died in Committee

HB 1040 (Cross Filed = SB 215) - High Performance Buildings Act - Applicability to Recipients of State Aid

ACEC/MD Position – Monitor

Status – Withdrawn

HB 1044 (Cross Filed = SB 234) - High Performance Buildings Act - Applicable to Community College Capital Projects

ACEC/MD Position – Monitor

Status – Returned Passed

U.S. DOT ISSUES PROPOSED RULEMAKING PERTAINING TO DBEs

Congressman Elijah Cummings has advised that the U.S. Department of Transportation (U.S. DOT) has issued a notice of proposed rulemaking pertaining to the Disadvantaged Business Enterprise (DBE) Program.

The main issues covered by the rule include the following:

- **Personal Net Worth Caps:** The proposed rule would adjust the long-standing personal net worth for inflation from \$750,000 to \$1.31 million. The adjustment would apply to the highway, transit, and aviation DBE programs.
- **Good Faith Compliance Efforts:** The proposed rule states that if a recipient of federal transportation funds fails to meet its overall DBE goal, it should analyze the reasons for the shortfall, plan corrective actions, and in some cases report to the DOT its findings. Failure to present a satisfactory plan would provide a basis for DOT action (e.g., denial of approval for contracts or withholding of DOT financial assistance).
- **Interstate Certification:** To reduce burdens on firms seeking DBE certifi-

cation in more than one state, the proposed rule indicates that a state would have to accept another state's certification for a firm unless it found good reasons not to do so. In that case, the second state would have to provide an opportunity to the firm for a hearing on the issue.

- **Oversight of Prime Contractors:** To ensure that prime contractors fulfill DBE requirements, the proposed rule states that recipients of federal funds would be required to certify that they have monitored DBE participation on each awarded contract. To prevent abuse of DBE contractors by prime contractors, a prime contractor could terminate a DBE subcontractor it had used to meet a DBE goal only for good cause, with the concurrence of the recipients.

To provide comments or for additional details go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Comments must be received by the U.S. DOT by July 9, 2010.



DOE ISSUES PROPOSED RULEMAKING FOR SUSTAINABLE DESIGN

The Department of Energy (DOE) recently issued a Notice of Proposed Rulemaking (NOPR) for Sustainable Design of Federal Buildings. In addition to establishing revised performance standards for the construction of new and major renovations of federal buildings, the proposed rule will require commissioning activities throughout the process. For a copy of the NOPR and an environmental assessment, please contact the ACEC/MD office.

The NOPR is fairly general, but does require integrated design, including maintaining an integrated project team, which is addressed under the Whole Building Design Guide. It does not specifically address the need for licensed professionals to lead design and commissioning activities, but that may be implicit. The document is also silent on any of the life-cycle persistence strategies, including training of O&M staff, hand-off of materials/manuals to O&M staff, performance monitoring, and plans for either ongoing commissioning or periodic recommissioning.

To provide any input that you would like included in an ACEC-coordinated response, by July 16th please contact ACEC's Mark Steiner at msteiner@acec.org.



IT IS WITH TREMENDOUS SADNESS THAT WE REPORT THE PASSING OF FORMER ACEC/MD PRESIDENT BOB DAVIDSON.

BOB SERVED AS ACEC/MD PRESIDENT IN 1977-78 AND WAS STILL INVOLVED IN THE FIRM HE FOUNDED IN 1971, G. R. DAVIDSON & ASSOCIATES. HE WAS ALSO AN ACTIVE PARTICIPANT ON ACEC/MD'S PAST PRESIDENTS/FELLOWS COMMITTEE.

WE WILL GREATLY MISS HIM.

AMERICAN COUNCIL OF ENGINEERING COMPANIES/MARYLAND
312 NORTH CHARLES STREET, SUITE 200
BALTIMORE, MARYLAND 21201

POSTMASTER: ADDRESS CORRECTION REQUESTED

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May-June, 2010

PROFESSIONAL DEVELOPMENT

July 13 *Green Roofing for Design Professionals*

July 14 *Advanced Thermal and Moisture*

July 15-16 *Professional Roof Consulting*

St. Louis, MO. Courses offered by RCI Educational Program. For more information call 800-828-1902 or go to www.rci-online.org.

MEMBER NEWS

- **HATCH MOTT MacDONALD** is has announced that *James Havey* is the new ACEC/MD representative for the firm. He can be reached at james.havey@hatchmott.com.
- **SABRA, WANG & ASSOCIATES'** *Ghassan Adel Sabra*, 53, of Goldsboro, NC was tragically killed on Rt. 50 while providing services for the SHA. Donations in his honor may be made to the Druze Orphanage in Abey, Lebanon, via the American Druze Society (ADS). Please make checks payable to the ADS, and designate the Druze Orphanage in the memo section.

