



**AIA MICHIGAN  
GOVERNMENT AFFAIRS COMMITTEE  
2017 DIRECTORY AND ACTION PLAN**

**CONFIDENTIAL**

January 2017

Updated 1/5/2017

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## **AIA Michigan Government Affairs Committee Overview**

### Mission Statement

The mission of the AIA Michigan Government Affairs Committee (GAC) is to establish a long-range plan to influence and update laws affecting the profession of Architecture through legislation, administrative law and legal advocacy. To achieve its goal, the GAC must develop, coordinate and expedite an annual comprehensive and pro-active plan for all government affairs initiatives, for review and approval by the Board of Directors of AIA Michigan. The GAC is not a policy-making body. The charge of the GAC is to investigate, debate, and recommend actions to the AIA Michigan Board of Directors that advance the interests of the profession, protect the health safety and welfare of the public, and are consistent with AIA National polices. Upon receipt of final direction from the AIA Michigan Board, the GAC will implement the policies, taking necessary and reasonable measures within its authority.

Because the GAC's goals are long-term in nature, a "big picture" approach is required encompassing awareness of, and interaction with, not only architects, but engineers, landscape architects, land surveyors, contractors, interior designers, state and municipal governments, building officials, the Board of Architects, and others supporting our industry and profession. Identifying potential industry allies, influencing key bureaucrats and legislators, and building and maintaining productive relationships is a continuing focus of the GAC. Consequently, in order to be successful, the GAC must also rely on the involvement or support of the entire membership of our AIA Michigan Association.

**2017 Government Affairs Committee Membership**

- 1. Stephen Smith, AIA, AIAMi GAC Chair (AESLC Rep.)**  
TMP Architecture, Inc.  
1191 W. Square Lake Rd.  
Bloomfield Hills, MI 48302  
Ph: 248.338.4561 Ex 1146  
Email: [smithste@tmp-architecture.com](mailto:smithste@tmp-architecture.com)
  
- 2. Charles Bultman, AIA (AESLC Rep.)**  
Charles Bultman Architect  
55 Underdown Rd.  
Ann Arbor, MI 48105  
Ph: 734.214.0810  
E-Mail: [cbultman@flash.net](mailto:cbultman@flash.net)
  
- 3. Jeffrey Ferweda, AIA, AIA National Strategic Council (AELSC Rep.)**  
Sedgewick & Ferweda Architects  
410 East Court Street  
Flint, MI 48503  
Ph: 810.238.9647  
E-Mail: [jeffrey@sfarch.us](mailto:jeffrey@sfarch.us)
  
- 4. Daniel La Pan, AIA, AIAMi Vice-President / President-Elect (AESLC Rep.)**  
R.C. Hendrick & Son, Inc.  
2885 S. Graham Road  
Saginaw, MI 48609  
Ph: 989.781.8116  
E-Mail: [dan@rchendrick.com](mailto:dan@rchendrick.com)
  
- 5. Dennis King, FAIA**  
DMKING Consulting LLC  
33677 Heirloom Circle  
Farmington Hills, MI 48331  
Cell: 248.310.3960  
E-Mail: [dennis@DMKINGconsulting.com](mailto:dennis@DMKINGconsulting.com)
  
- 6. Timothy Flintoff, AIA**  
Hamilton Anderson Associates  
1435 Randolph St., Suite 200

Detroit, MI 48226  
Ph: 313.887.6229  
Email: [tflintoff@hamilton-anderson.com](mailto:tflintoff@hamilton-anderson.com)

**7. Timothy Mrozowski, AIA**

Michigan State University  
School of Planning, Design and Construction  
115 Human Ecology Building  
Ph: 517.353.0781  
E-Mail: [mrozowsk@msu.edu](mailto:mrozowsk@msu.edu)

**8. Anna Van Hyfte, Assoc. AIA**

Algonquian Design Inc.  
34016 Alta Loma  
Farmington, MI 48335  
Ph: 989.213.4992  
E-Mail: [vanhyftea@comcast.net](mailto:vanhyftea@comcast.net)

**9. Ronald Campbell, AIA**

Oakland County Planning  
983 Hammond St.  
Flint, MI 48503  
Ph: 248.858.5436  
E-Mail: [campbellr@oakgov.com](mailto:campbellr@oakgov.com)

**10. William Quinlan, AIAE**

19900 Doyle Place East  
Grosse Pointe Woods, MI 48236  
Ph: 586.294.4900  
E-Mail: [wsquinlan@wowway.com](mailto:wsquinlan@wowway.com)

**11. Daniel Whisler, AIA**

Daniels and Zermack Associates, Inc.  
732 South Seventh Street  
Ann Arbor, MI 48103  
Cell: 734.223.3070  
E-Mail: [dwhisler@danielsandzermack.com](mailto:dwhisler@danielsandzermack.com)

**12. Jan Culbertson, AIA, Michigan Congressional Champion**

A3C Collaborative Architecture

210 E. Huron St.  
Ann Arbor, MI 48104  
Ph: 734.663.1910  
E-Mail: [jankc@a3c.com](mailto:jankc@a3c.com)

**13. Celeste Allen Novak, FAIA, Michigan Congressional Champion**

Celeste Allen Novak Architect  
1066 Knight Rd.  
Ann Arbor, MI 48103  
Ph: 734.846.3903  
E-Mail: [celestenov@aol.com](mailto:celestenov@aol.com)

**14. Matthew J. McGaughey, AIA**

Mayotte Group Architects  
6240 W. Mt. Hope  
Lansing, MI 48917  
Ph: 517.323.0577  
E-Mail: [mccgaughey@mayottearchitects.com](mailto:mccgaughey@mayottearchitects.com)

**15. Zach Shea, Assoc. AIA**

Champion Home Builders, Inc.  
755 W. Big Beaver Rd., Suite 1000  
Troy, MI 48084  
Ph: 248.614.8200  
E-Mail: [zsydeout00@aol.com](mailto:zsydeout00@aol.com)

**16. Christopher Ozog, AIA**

OHM Advisors  
Ph: 734.466.4475 Work  
Ph: 248.524.4907 Home  
E-Mail: [christopher.ozog@ohm-advisors.com](mailto:christopher.ozog@ohm-advisors.com)  
E-Mail: [cjozog@gmail.com](mailto:cjozog@gmail.com)

**17. Paul Haselhuhn, AIA, APAC Chair**

WTA Architects  
100 S. Jefferson Ave., Suite 601  
Saginaw, MI 48607  
Ph: 989.752.8107  
Cell: 989.573.0855  
E-Mail: [phaselhuhn@wtaarch.com](mailto:phaselhuhn@wtaarch.com)

**18. Theo Pappas, AIA**

Stantec  
2338 Coolidge, Suite 100  
Berkley, MI 48072  
Ph: 248.336.4700  
E-Mail: [theo.pappas@stantec.com](mailto:theo.pappas@stantec.com)

**19. Michael Lynch, Esq. (GAC Legal Insights)**

HED  
26913 Northwestern Hwy., Suite 200  
Southfield, MI 48034  
Ph: 248.262.1500  
E-Mail: [mlynch@hed.design](mailto:mlynch@hed.design)

**20. Frederick Klein, AIA**

Saroki Architecture  
430 N. Old Woodward  
Birmingham, MI 48009  
Ph: 313.450.5185  
E-Mail: [Frederick.klein@gmail.com](mailto:Frederick.klein@gmail.com)

**GAC Corresponding Members**

**1. Melissa McKinley (AESLC Legislative Counsel)**

Kelley-Cawthorne  
208 North Capitol, 3rd Floor  
Lansing, Michigan 48933  
Ph: 517.371.1400  
Fax: 517.371.3207  
E-Mail: [mmckinley@kelley-cawthorne.com](mailto:mmckinley@kelley-cawthorne.com)

**2. Will Wittig, AIA, AIAMi President**

University of Detroit Mercy  
School of Architecture  
4001 West McNichols Rd.  
Detroit, MI 48221  
Ph: 313.993.1532  
E-Mail: [will.wittig@udmercy.edu](mailto:will.wittig@udmercy.edu)

**3. Mike Neville, AIA, AIAMi Past-President**

Ghafari Associates  
17101 Michigan Ave.  
Dearborn, MI 48126  
Ph: 313.436.8641  
E-Mail: [mneville@ghafari.com](mailto:mneville@ghafari.com)

**4. Paul Dannels, FAIA**

SDI-Structures  
275 East Liberty  
Ann Arbor, MI 48104  
Ph: 734.213.6091  
E-Mail: [paul@sdistructures.com](mailto:paul@sdistructures.com)

**5. Greg Metz, AIA**

Lott 3 Metz Architecture, LLC  
645 Cherry SE  
Grand Rapids, MI 49503  
Ph: 616.454.5175  
Cell: 616.901.7137  
E-Mail: [greg@lott3metz.com](mailto:greg@lott3metz.com)



**6. Sandra Laux, FAIA**

Hamilton Anderson Associates  
1435 Randolph, Suite 200  
Detroit, MI 48226  
Ph: 313.964.0270  
Email: [slaux@hamilton-anderson.com](mailto:slaux@hamilton-anderson.com)

**7. Cathy Mosley, Hon. Aff. AIAMi (AIAMi Executive Director)**

AIA Michigan  
553 East Jefferson Ave.  
Detroit, MI 48226  
Ph: 313.965.4100  
Cell: 734.355.1516  
E-Mail: [cathy@aiami.com](mailto:cathy@aiami.com)

**8. Stuart Pettitt, AIA**

Straub Pettitt Yaste Architects  
850 N. Crooks Rd., Suite 200  
Clawson, MI 48017  
Ph: 248.658.7777  
E-Mail: [spettitt@straubpettityaste.com](mailto:spettitt@straubpettityaste.com)

**9. Gary D. Quesada, Esq., Hon. Aff. AIAMi (CAM Legislative Counsel)**

Cavanaugh & Quesada, PLC  
1027 S. Washington Ave.  
Royal Oak, MI 48067  
Ph: 248.543.8320  
E-Mail: [gquesada@cqlawfirm.com](mailto:gquesada@cqlawfirm.com)

**10. Misty Raatz, Assoc. AIA**

TMP Architecture, Inc.  
1191 W. Square Lake Rd.  
Bloomfield Hills, MI 48302  
Ph: 248.848.0123  
E-Mail: [mraatz@tmp-architecture.com](mailto:mraatz@tmp-architecture.com)

**11. Kevin Shultis, AIA (APAC Disbursement Committee Chair)**

SmithGroupJJR  
500 Griswold, Suite 1700  
Detroit, MI 48226

Ph: 313.442.8313

E-Mail: [kevin.shultis@smithgroupjir.com](mailto:kevin.shultis@smithgroupjir.com)

**12. John Vitale, AIA**

Stucky + Vitale Architects  
27172 Woodward Avenue  
Royal Oak, Michigan 48067  
Ph: 248.546.6700  
Email: [jvitale@stuckyvitale.com](mailto:jvitale@stuckyvitale.com)

**13. Daniel Tyrer, AIA**

Progressive|ae  
1811 4 Mile Rd., NE  
Grand Rapids, MI 49525  
Ph: 616.361.2664  
E-Mail: [dntyrer@gmail.com](mailto:dntyrer@gmail.com)

**14. Charles Klecha, Assoc. AIA**

AIA Detroit  
4219 Woodward Ave.. Suite 205  
Detroit, MI 48201  
Ph: ?  
Email: [charlie@aiaetroit.org](mailto:charlie@aiaetroit.org)

**15. David VanderKlok, AIA**

Studio [intrigue] Architects  
1114 S. Washington, Suite 100  
Lansing, MI 48910  
Ph: 517.372.8804  
E-Mail: [david@studiointrigue.com](mailto:david@studiointrigue.com)

**16. Anne Law (AIA National, Manager of Business & Practice Policy)**

American Institute of Architects  
1735 New York Ave., NW  
Washington, DC 20006  
Ph: 202.626.7480  
E-Mail: [annelaw@aia.org](mailto:annelaw@aia.org)

**17. Cynthia Witkin (AIA National, Director of State & Local Policy)**

American Institute of Architects

**AIA Michigan  
Government Affairs Committee  
2017 Directory & Action Plan**

1735 New York Ave., NW  
Washington, DC 20006  
Ph: 202.626.7543  
E-Mail: [cynthiawitkin@aia.org](mailto:cynthiawitkin@aia.org)

### **GAC Organization and Structure**

The active GAC Membership is comprised of a volunteer group of dedicated AIA Members and Associate Members, coordinated by a Chairperson, and supported by a group of interested Corresponding Members. Although the GAC has in the past been organized into task force groups focused around specific topic areas, that approach changed in 2006 to a committee-of-the whole organization and that structure continues today. The GAC currently prioritizes and organizes around specific salient issues and priorities as they emerge in our fluid political, technological and legal environment. Task force(s), with assigned “Champions,” can be formed on an as-needed basis, consistent with committee member interests and talents, and remain in place as long as the need is recognized. The active GAC representatives generally meet for two hours, approximately six times each year, scheduled in advance for the year. Special meetings may be called during the year should specific issues require prompt attention or action.

### **GAC Membership Challenge**

Like most professional and trade associations, AIA Michigan is facing the problem of declining membership trends. Every Committee, including GAC, must make membership participation and growth a priority. The GAC stands in a unique position to reach out to new members, and to engage existing members, because political action often requires broad grass-roots support. The GAC cannot be successful without many members calling, writing and visiting with Legislators when needed; or without new faces appearing before legislators; or without a network of interested persons gathering and disseminating information on behalf of the GAC. We are committed to the dual responsibilities of achieving the GAC’s specific goals, and demonstrating the value and benefits of active AIA membership.

### **Government Affairs Committee Initiatives**

Over the past several decades, architects across the country have become much more aware of the impact that our collective voice can have on legislative matters. Architects have also begun to appreciate the value that pro-active political involvement can bring to our profession and to our individual practices. Every state now has an active Government Affairs Committee looking out for the best interests of AIA members in their jurisdiction. In Michigan, just in the recent years, our GAC has been successful fending off attacks on our licensing act, modifying licensure requirements to follow NCARB recommendations, opposing interior design licensing legislation, reducing the length of the applicable statute of limitations, and pursuing licensing violators, to name just a few. We have also been very successful in building a strong collaborative coalition with engineers, surveyors, landscape architects, building officials, and contractor associations.

GAC debates and creates its own proactive agenda and manages it affirmatively once endorsed by the AIA Michigan Board. GAC also functions reactively to matters that arise which may impact the

profession. Some of these types of issues are re-current and our response strategy is tailored to bridge between periodic engagements. Other issues can require long periods of monitoring without action. Still others issues arise unexpectedly and require an urgent response. GAC's priorities are studied each year - but may be fluid - no matter what our intentions and plans might have been.

### **Architects, Engineers & Surveyors Legislative Committee (AESLC)**

Most of the selected GAC legislative initiatives are pursued in collaboration with the Architects, Engineers & Surveyors Legislative Committee (AESLC). Previously comprised of AIA Michigan, ACEC Michigan and MSPE, the Architects & Engineers Legislative Committee (AELC) became the AESLC in 2011 with the addition of the Michigan Society of Professional Surveyors (MSPS) to the group. An "AESLC Organization and Purpose" Document codifies the collaborative workings of the participating groups.

The purpose of the AESLC is to assist the participating organizations in promoting public policies and procedures that advance the common interests of architects, engineers & surveyors. AESLC is also the formal interface point between the GAC and our retained professional lobbying firm, Kelley-Cawthorne, of Lansing, MI, currently represented by Melissa McKinley. GAC relies heavily on the information, advice and guidance of its lobbying professionals to develop its strategies and to help implement them. Therefore, AESLC has long served an important central mechanism for legislative actions identified by the GAC.

In addition, it would be difficult to understate the value of GAC's strong alliance with the engineering and surveying associations through the AELSC. The engineers and surveyors provide weight of numbers and skill in advocacy that greatly enhance GAC's ability to be heard. Because both the engineers' and the surveyors' offices are located in Lansing, the engineers and surveyors have been able to develop stronger working relationships with key individuals, organizations and departments of the State which in turn benefits AIA Michigan and our GAC. The engineers and surveyors have been special allies who generously lend their stature to AIA causes. It cannot be over-emphasized that essentially all recent legislative successes have been made possible through GAC's strong participation with our partner organizations in the AELSC, and the GAC looks forward to continuing working with ACEC, MSPE and MSPS in this mutually beneficial relationship.

The primary responsibilities of the AESLC are:

- a. To review and monitor State of Michigan and local government legislative matters which currently or could potentially affect policies and procedures of the participating organizations.
- b. To determine how the committee should act on matters consistent with the best interests of the participating organizations.

- c. To have legislation introduced that benefits the design professions and the state's citizens.
- d. To establish sub-committees and task forces at its discretion to assist in the committee's efforts.
- e. To review, investigate and take appropriate action on matters assigned to a committee by the participating organizations.
- f. To periodically report to the participating organizations relative to the actions taken directly by the committees and the status of other matters for which the committee is responsible.
- g. In order to facilitate reporting and communication each member organization shall continue to have a Board of Directors member as a part of its delegation to AESLC.

As does ACEC, MSPE and MSPS, AIA Michigan holds 4 voting delegate memberships on the AESLC, one of which is traditionally held by the AIA Michigan President-Elect.

AIA Michigan Representatives to AESLC in 2017 are:

**Stephen Smith, AIA, AIAMi GAC Chair**

TMP Architecture, Inc.  
1191 W. Square Lake Rd.  
Bloomfield Hills, MI 48302  
Ph: 248.338.4561 Ex 1146  
Email: [smithste@tmp-architecture.com](mailto:smithste@tmp-architecture.com)

**Chuck Bultman, AIA**

Charles Bultman Architect  
55 Underdown Rd.  
Ann Arbor, MI 48105  
Ph: 734.214.0810  
E-Mail: [cbultman@flash.net](mailto:cbultman@flash.net)

**Jeff Ferweda, AIA, AIA National Strategic Council**

Sedgewick & Ferweda Architects  
410 East Court St.  
Flint, MI 48503  
Office: 810.238.9647  
E-Mail: [jeffrey@afarch.us](mailto:jeffrey@afarch.us)

**Daniel La Pan, AIA, AIAMi Vice-President / President-Elect (AESLC Rep.)**

R.C. Hendrick & Son, Inc.  
2885 S. Graham Road  
Saginaw, MI 48609  
Ph: 989.781.8116  
E-Mail: [dan@rchendrick.com](mailto:dan@rchendrick.com)

The AESLC representatives usually meet for two hours, approximately six times each year, scheduled in advance for the year. In addition, interested GAC members are invited to attend the AESLC meetings as guests (non-voting members).

The Chair organizational role and responsibilities for the AESLC organization rotates annually through the four member organizations as follows:

2017 MSPS  
2018 MSPE  
2019 ACEC-MI  
**2020 AIAMI**

### **Annual Legislative Day(s)**

A long-term approach to government affairs requires (among other things) relationship building, visibility, awareness and vigilance. The political environment is constantly evolving, so displaying a consistent presence by AIA Michigan is vital. Our professional lobbyist provides an important measure of stability but Legislators must be convinced that AIA members represent a significant and active constituency that is engaged in the public forum and will continue to be so engaged. Our AESLC Legislative Day events serve to establish AIA Michigan and our allied engineers and surveyors as active participants in Michigan governmental affairs. There is no substitute for regular face-to-face exposure with Legislators by the membership, and no more effective manner of exposure than to appear en masse with our engineering and surveying allies for added weight.

Therefore, Legislative Day in Lansing continues to be the signature event for the GAC and AESLC. At the event, members convene to be educated in the current issues, and meet with Michigan's Representatives and Senators to express the profession's interests and concerns. Over the last several years, there have been two Legislative Days held, the primary one in Lansing, plus one organized in the Upper Peninsula. Most importantly, our GAC cannot function effectively without significant attendance by our members at this event. The more participants we have, the louder the voice of AIA Michigan will be. Conversely, a marginal or poor turnout can potentially damage our interests. All AIA Michigan members are strongly encouraged to attend and participate.

As a dividend to the members, this event is fun and enjoyable too. Food and fun are always part of the Legislative Day events, and most new participants find themselves pleasantly surprised how enjoyable

and fulfilling it can be to speak directly with their elected officials, and to contribute to the development of public policy. Any member can partake effectively. Attendees are provided with information, instruction and industry partners for visiting with the legislators. Members meet with their Legislators throughout the morning and afternoon, and entertain Legislators during the lunch hour at the buffet lunch hosted by AIA/ACEC/MSPE/MSPS.

The GAC will be asking every member of AIA Michigan leadership to again make promotion of, and participation at, Legislative Day a priority whenever addressing the membership. ***2017 Legislative Day is scheduled for Tuesday, March 7, 2017 in Lansing, Michigan.***

### **Architects Political Action Committee (APAC)**

Obviously, there are two components to political donations relative to GAC activities: acquiring donations and then making appropriate contributions with those funds. AIA Michigan dues cannot be used for political purposes. Contributions are strictly drawn from the Architects Political Action Committee (APAC) funds, and continued donations by the membership must be sought routinely despite economic conditions.

The carefully considered distribution of APAC funds is a critical component of GAC's strategy for continued success in the legislative arena, and there is no equivalent substitute for it. As usual, planning in connection with political contributions for each coming year is ongoing, in consultation with the AESLC Lobbyist. To be successful, contribution strategy must be statewide in scope and non-partisan in nature. The strategy must both recognize the current political reality and also anticipate the future. GAC could not develop an intelligent contribution strategy without professional advice from the Lobbyist.

While at times, an APAC money contribution alone can be an effective measure in building a relationship; the importance of constituents and AIA Michigan leadership attending a fund-raiser in person and meeting with the involved legislators cannot be overstated. Connections developed in this manner have proven to be immensely valuable in the past and the same should be true in the future.

Currently, Paul Haselhuhn, AIA serves as Chair of the APAC Directors Board, and Kevin Shultis, AIA serves as Chair of the Distribution Committee.

### **Legislative Meet-and-Greets**

Term limits in Michigan has created a steady stream of new legislators being seated in our State. This creates an opportunity and a need to hold informal informational introductory "Meet-and-Greet" receptions with interested and invited legislators. Coordinated by our AESLC lobbyist, Melissa Yutsey, Esq., periodic continental breakfast receptions are held at AESLC member company offices, particularly



in the winter months following the start of new legislative sessions, to help make them aware of the AESLC Associations and the work that we do.

### **Legislator of the Year Award**

In 2003, the “Legislator of the Year” Award was instituted. This award was made part of the AIA Michigan annual awards and recognitions program to, “Recognize a state elected official who has made a contribution to the profession as a result of their actions in state government by recognizing the value of architects/architecture in the built environment or community.” The intended recipient is a sitting elected official but can be awarded to a legislator up to one year after they leave office.

Previous Legislator of the Year Award Recipients:

2004	Senator Bruce Paterson (R) District 7 - Canton
2005	Representative Christopher Ward (R) District 66 – Brighton
2006	Senator Mark Schauer (D) District 19 - Battle Creek
2007	None
2008	Senator Jason Allen (R) District 37 - Traverse City
2009	Senator Alan Sanborn (R) District 11 – Richmond
2010	Representative Barb Byrum (D) District 67 – Onondaga
2011	None
2012	Senator Tonya Schuitmaker (R) District 20 – Lawton
2013	None
2014	None
2015	None
2016	None

### **Michigan Congressional Champion(s)**

The GAC has, for a number of years, identified one or more individuals to serve as our Michigan Congressional Champion(s). Beginning in 2016, Jan Culbertson, AIA and Celeste Novak, FAIA, have taken on those responsibilities. Our Michigan Congressional Champions serve point on the pursuit of matters and/or contacts with our Federal House of Representative Members and Senators. They coordinate matters brought to our attention through AIA National and the AIA Advocacy Network. Connections are made and identified between AIA members across the State with their District’s Representative in order to help influence legislative matters at the National level.

### **Board of Architects and NCARB**

AIA’s relationship with the State of Michigan Board of Architects is an important part of the GAC scope of services. AIA Michigan members often serve as members of the Board of Architects, which provides a

reasonable connection to the interests of our members. AIA Michigan's GAC member, Dennis King, FAIA, currently serves on the Board of Architects as the Vice-Chair and is able to function in the role of an informal GAC liaison to the Board of Architects, attending each Board meeting during the year. GAC encourages attendance at the Board of Architects meetings by other interested members and recommends that the same approach of maintaining consistent engagement with the Board of Architects continue into the future.

Also, AIA Michigan member, Kenneth Van Tine, AIA, currently serves on the Michigan BOA as the Chair, and is very active with the National Council of Architectural Registration Boards (NCARB) organization – now serving as the NCARB Region 4 Director, representing 9 Midwestern States. NCARB designs and recommends model procedures for member Boards such as Michigan to apply to the regulation of the path to licensure, ranging from internship guidelines to licensing examination to certification for reciprocal licensing. NCARB maintains records for its 54 jurisdictional Boards, providing services to architects and interns as key stakeholders.

### **State Government Network**

The AIA National State Government Network (SGN) was established in 1991 to give state components the resources and materials necessary to advocate effectively within state government and to encourage communication between components. Each AIA state component is assigned one official SGN Representative and 3-4 alternates. Currently, Public Policy Director, Dennis King, FAIA, serves as AIA Michigan's SGN representative. Interested alternates can be added to the informational listing. The SGN News, a state government network newsletter published semi-annually, provides a policy forum for architects around the Country. In addition, AIA National maintains a "State & Local Government Relations" ready reference section on their website for our use under the "Issues & Advocacy" tab. The 2017 SGN meeting is scheduled for June 14-16 in St. Louis MO.

### **2017 GAC Action Plan**

Following is a brief synopsis of the subject matters and issues that the GAC has been focused on, and/or expects to engage or pursue this year, not necessarily in priority order:

#### **1. Professional Practice Licensure – High Priority**

A standing priority of the GAC is the advancement and protection of the policies behind Michigan's Architect licensing laws. The purpose of the licensing law is to protect the public's health, safety and welfare by restricting the practice of Architecture only to persons meeting statutorily prescribed minimum competency requirements. Therefore, the fair and universal enforcement of the law is a special focus of the GAC. In advancing the goals relative to professional practice, there have been two basic areas of activity for the GAC: Education and Enforcement.

### Education

The GAC endeavors to educate architects, governmental officials and the public about: the licensing requirements of the State of Michigan; who can practice architecture; and the requirements for properly sealed drawings and documents. To that end, the GAC may be represented and present at seminars or meetings to provide continuing education about licensing.

### Enforcement

Regarding enforcement, the GAC has historically been a clearinghouse for licensing violation complaints from the membership, the various chapters and even the public. The Association's historic record of news publications reveals the AIA has been active in licensing enforcement as far back as 1939, just two years after licensing was instituted in Michigan. With the increased concern of the membership regarding unlicensed practice, the GAC senses that a new era of enforcement might be dawning in Michigan. As a result of AIA Michigan board action in 2012, which budgeted funds to file appropriate complaints both in court and at the State's Bureau of Licensing and Regulatory Affairs (LARA), the GAC will be working with selected legal council to take necessary actions as appropriate. (Note - In early 2015, the GAC successfully concluded a suit in the Oakland County Circuit Court against, Junius D. Godboldo, an unlicensed individual holding himself out to be an architect in Michigan. Similarly, a second suit was filed by AIA Michigan in the fall of 2015 and is on-going against an apparently unlicensed Farmington Hills-based firm purportedly practicing architecture. Frederick F. Butters, FAIA, Esq. has provided legal services on both matters.) In general, specific identification of currently active or contemplated actions are not listed here for reasons of confidentiality.

Recent reorganization within LARA in 2016 has created the Bureau of Professional Licensing (BPL). The BPL developed a new "Cease and Desist" letter format this year that can be used in applicable complaint situations. The LARA Statement of Complaint form currently on the State's website can be used to file all complaints. It can be submitted by anyone (e.g. AIA, ACEC, MSPE or MSPS) with factual and complete information about a complaint situation.

The State License Fee Act 152 of 1979, as amended, includes three professions: Public Accountants, Real Estate Brokers and Residential Builders who currently have Dedicated Enforcement Funds within LARA created by increases in their licensing fees. As a result, the BPL and the attorney general now have a memorandum of understanding, first established in mid-2016, generally indicating that any complaints filed within those three professions will automatically be directed to, and handled by, the attorney general's office rather than by BPL, using the financial resources of the Dedicated Enforcement Funds. This might be a precedent that the architects, engineers and surveyors would want to consider pursuing through new legislation in 2017.

In June 2015, the AIA Michigan Board passed a motion regarding the handling of any alleged ethics violations involving a member of AIA. In such cases, an initial "cease and desist" letter regarding the allegation is to be sent to the member by the GAC, with notification to the AIA Michigan Board. A response is required from the member within 14 calendar days. If the member is in agreement with the

allegation, they will then have an additional 14 calendar days for compliance or correction. If satisfactory compliance does not take place, the AIA Michigan Board may choose to direct the complaint to the AIA's National Ethics Council.

## **2. Limited Liability Companies – High Priority**

During attempts to pursue several potential unlicensed activity cases, the investigations were halted because the entities believed to be practicing illegally were found to be "Limited Liability Companies." In Michigan, the "members" of an LLC are not required to be listed by name in their annual report, like standard business corporations are required to, thus limiting our ability to verify professional licensure. For example, it is not currently possible to determine if 2/3's of the LLC members are in fact Principals licensed as required per MCL 339.2010.(1). GAC and AESLC have discussed, and may wish to seek, changes to the State's LLC law in an effort to require that LLC's practicing a regulated profession must list all their members and their required licensure in their annual report. We believe the solution is to revise the Occupational Code, PA 299 of 1980, Article 20 [MCL 339.2010.(1)] or Michigan Limited Liability Company, PA Act 23 of 1993, to add language similar to, "If practicing a regulated profession all members of an LLC shall be listed in the initial filing and Annual Reports." Engage Melissa Yutzey to pursue.

## **3. Certificate (Affidavit) of Merit – High Priority**

AESLC included this issue in the 2015 Legislative Day priorities. A proposed component of tort reform, which would require that plaintiffs wishing to sue an Architect or Engineer would have to submit an affidavit or certificate from a third-party design professional declaring that, based upon his or her review of the allegations, the third party professional believes there is a reasonable basis for the commencement of the action, and that the defendant design professional has liability relative to the matter. Without such a certificate, the case could not be filed. A Certificate of Merit bill was 1<sup>st</sup> introduced during the 2007-2008 Legislative session, and while it received a hearing, it was not voted upon. Again in 2015, Senate Bill 149 was introduced proposing an Affidavit of Merit requirement. The Senate Judiciary Committee held a hearing in late April and AESLC representatives testified in support, but due to opposition testimony from BOMA, AGC and MSU, the Committee did not take a vote. Discussions on the differences of opinion between AESLC and AGC representatives needs to take place, and was in the process of being scheduled at the time of this writing.

## **4. Qualifications Based Selection – New Priority (In process by AESLC)**

AESLC included this issue in the 2015 Legislative Day priorities. In early 2015, the AESLC elected to again pursue the introduction of legislation requiring the use of Qualifications Based Selection by public agencies in Michigan when procuring professional design services. The State of Michigan now requires use of QBS and only recommends QBS to localities, leaving it to the local jurisdiction to determine its

requirements for selection of design professionals. At the National level, the Federal Brooks Act mandates selection of design professionals by competence and qualifications, at a fair and reasonable price. According to ACEC, 46 states have similar selection processes for design professionals. Within the AESLC, some disagreement regarding specific language has been resolved and AIA Michigan now supports the efforts of the other AESLC members in the pursuit of this potential Legislation. Bills were drafted and introduced in 2015. A hearing was held by the Senate Local Government Committee in December of 2016. The only opposition came from the Michigan Municipal League, positing that the bill interfered with local control. Our testimony clarified that local control is maintained by leaving the municipality to determine the process to be followed. The bill was not voted out of committee to be presented to the legislature, thus dying at the end of the session, and will need to be reintroduced in 2017.

#### **5. Lien Law Revisions – High Priority**

AESLC included this issue in the 2015 Legislative Day priorities. If a project fails to start construction and a design professional is not properly compensated for their design services, they currently have no protection under the current statute. A bill is being drafted that will take away the “first day of physical improvement” requirement in the current Lien Law, and will include a notice to be filed when the design professional begins work. Senator John Proos (R) cosponsored the bill, introduced in early-2016. The bill did not receive a hearing and will need to be re-introduced in 2017; a new sponsor needs to be determined.

#### **6. Event Barn Exemptions – Opposed – High Priority**

A new HB 5000 was introduced in late October 2015 to exempt agricultural buildings from the building code, in order to allow for their rental and use for large gatherings, without the need to ensure that they comply with the applicable building and fire codes applicable to such uses. GAC and AESLC strongly oppose such an exemption that would place occupants at great risk. We understand that the Fire Fighters community has also expressed opposition to such a bill. Currently, the bill is assigned to the Agricultural Committee, where a hearing is expected at some time. GAC recommends aggressively opposing the bill. Meetings with various House Agriculture Committee members have taken place in late-2015 to share the reasons for our opposition. The bill will likely be re-introduced in 2017; The GAC and AESLC should be prepared to make contacts and distribute information to legislators.

#### **7. Code and Regulations Summary Sheet – High Priority**

Historically, the GAC had published a bulletin-style update entitled, “Code and Regulation Summary for Properly Sealed Drawings,” to Michigan code enforcement officials, summarizing the requirements for properly sealed drawings. This has been done in cooperation with the engineering associations. The update had been published every three years in relation to the issuance of the new building code.

Unfortunately, for the last two code cycles, in 2009 and 2012, the GAC did not publish the Code and Regulation Summary due to budget limitations. Presently, the program needs to be revitalized and a positive determination was made about continuing the practice with the 2015 code edition cycle. Tim Flintoff has agreed to champion the effort within the GAC.

#### **8. Single State Fire Code - Inactive**

Since 2000 Michigan has enjoyed the benefits of having a single state family of (building) codes that is based on the International Code Commissions family of codes. Prior to 2000 municipalities in Michigan were allowed to adopt their own building codes, including editions, with modifications for their community. AIA Michigan is in support of the adoption of a Single State Fire Code without exemption or modification much like the Michigan Building Code. Members, Misty Raatz and Ben Tiseo, who sat on the State Fire Marshal's Ad Hoc Committee, had led the Single State Fire Code effort on behalf of the GAC. In July 2014 the State Fire Marshal submitted a report to the governor supporting the adoption of a Statewide Single Fire Code. Legislative action would be required, but may not be likely to happen any time soon.

#### **9. Sustainable Design Initiative - Inactive**

A GAC initiative regarding sustainable design was launched in 2009. GAC and AESLC recognized that if sustainable design principles were to be productively addressed by the State government, the design professions needed to "sit at the head of the table." The AESLC resolved to embark on a "Green Initiative" to position AIA/ACEC/MSPE/MSPS as the State's experts on sustainable design matters. The goal of the initiative was to establish the professional design community as the "resource of first resort" for Michigan's governmental policy-makers and bureaucrats. Further, due to term limits and the evolving nature of sustainable design data and strategies, the AESLC would have to expect this initiative would be a long-term commitment, possibly creating a standing obligation for the associations and our members.

An implementation strategy was designed in consultation with the AESLC lobbyist. Specifically, AESLC would seek meetings with key legislators and begin an educational process for them and their staff. AESLC also convened what became known as the "Green Team" which was tasked with developing seminar-style educational materials and to present an educational program directly to Legislators. AESLC only pursued this program through 2010, and AESLC needs to determine if the Green Team and its work will be a priority in the future. Interest has been mixed at the GAC. The recent availability of the international green construction code may be the most effective way of introducing Sustainable Design requirements within the State of Michigan.

#### **10. Prevailing Wage Laws - Inactive**

The Associated Builders and Contractors Association of Michigan is strongly opposed to Michigan's prevailing wage requirements and has been pursuing legislation and ballot proposals to accomplish that end. The Associated General Contractors – Michigan, has asked for the support of AESLC in opposition to the ABC's initiatives. This was discussed as a "tradeoff" for the AGC's possible support of the Affidavit of Merit legislation. Traditionally, the AESLC has taken a neutral position on such matters. Some GAC members feel that we should take a proactive role supporting the current prevailing wage requirements.

### **11. Right to Copies of Copyrighted Architectural Drawings through FOIA - Inactive**

An issue that GAC has discussed periodically since 2012 is that requests to some municipalities for copies of architectural drawings, under the Freedom of Information Act (FOIA), have been refused. Although the statute MCL 15.233 mandates that "a person has a right to inspect, copy, or receive copies of the requested public record of the public body," some cities have refused to make copies of architectural drawings, based on their argument that architectural drawings are copyrighted. Rather than make copies, these municipal entities typically provide only the opportunity to view design drawings, without allowing any copies or photos to be made.

Attorney General Opinion No. 6965, issued January 16, 1998, supports the view that a governmental authority must copy materials that are required by law to be filed, and are in the possession of a governmental authority. The permission of the copyright holder is not required. In 2012, Representative Barb Byrum on behalf of AIAMI, requested an AG Opinion to confirm that architectural drawings are included in documents that are to be provided when making a FOIA request. GAC finds copies of copyrighted design drawings on file with building review authorities to be an important tool during investigations of alleged licensing violations. GAC is waiting for a response from the Attorney General's Office to our request to confirm that municipalities must provide copies of drawings when requested under the FOIA.

### **12. Architecture versus Engineering Definitions - Inactive**

Over time, AIA Michigan and its engineering partners have discussed the need to refine the "architecture" versus "engineering" definitions as they are currently set out in the State's Occupational Code. The purpose of this initiative would be to better delineate the boundary between architecture and engineering practice, identify the areas of overlap, and clarify the aspects of practice restricted to each discipline. Ideally, these revised definitions would then be adopted into the administrative law, or if necessary, into the statute. GAC will continue to monitor the state of the law and practice regarding these currently overlapping definitions, and will consider proceeding on this effort when appropriate.

### **13. Residential Square Footage Exception - Inactive**

In 2002, the Michigan Occupational Code was amended at Section 339.2012, at the initiative of the Michigan Homebuilder's Association. The square footage exception for residential structures was amended and increased to 3,500 sq. ft. In 2007, Attorney General Mike Cox issued AG Opinion No. 7208, which states that all basements are always excluded from the calculation of floor area, regardless of use or intended use. GAC disagreed with Opinion No. 7208 but took no immediate action. If an appropriate "test case" became available, GAC could consider a recommendation for action. In the interim, all Building Officials must follow the AG's Opinion.

#### **14. Service Tax - Inactive**

It remains possible that future tax and budget issues could spawn a renewed effort to impose a service tax in this state, including on architectural and engineering services. GAC and AESLC will continue to monitor the situation and act swiftly if a service tax scheme is again proposed or introduced through legislation.

#### **15. Amicus Curiae Cases - Inactive**

From time to time, AIA Michigan has an opportunity to participate in appellate cases as amicus curiae (friend of the court). Amicus curiae is someone who is not a party to a case and offers information that bears on the case, but who has not been solicited by any of the parties to assist a court. No such situations or efforts occurred in 2016.

#### **Conclusion**

Some Government Affairs issues appear and recede like comets, requiring intense activity for a short time then fading away for years, if not forever. Others are like moons that continually and consistently remain in GAC's orbit, requiring on going monitoring and attention. The application of GAC's resources must continually be adapted to current circumstances with some issues dropping down the priority list at times. This does not necessarily mean GAC has terminated its interest in the matter, but rather that wisdom dictates lesser attention at that time.

In addition to the foregoing initiatives to be pursued in 2017, the GAC expects to advise the AIA Michigan Board about any issues arising that may need input, as well as any matters referred to it by the Board. GAC expects to continue its efforts to build bridges with affiliated organizations and seek opportunities to create a wider coalition. GAC will continue to seek new membership, advance the policies of AIA Michigan, serve the profession and our members, and help protect the public.



**AIA Michigan Government Affairs Historical Review**

Mid-1980's:

1. Architects and Engineers Legislative Committee (AELC) is created and a Michigan lobbyist is hired (Cawthorne, McCullough & Cavanaugh - now Kelley Cawthorne).
2. The AELC is primarily reactive to legislation.
3. Chapter practice committees are created.
4. Vocal complaints are lodged: unlicensed practice is the main issue.
5. Joint Task Force is formed to study self-regulation.
6. The State informs AIA Michigan that it will no longer enforce complaints alleging unlicensed practice.
7. Interior Design Licensing groups introduce practice legislation.

1991:

1. First AIA Michigan Government Affairs Committee is created.
2. Major inundation of legislation affecting architectural practice.

1992:

1. Membership lodged a 500 signature petition - become more pro-active.
2. Government Affairs Committee is restructured with self regulation and continuing education as primary goals.
3. Possibility of converting the Current Board of Architects to Class I status is studied.

1993:

1. Government Affairs Summit is held - decisions include seeking standing to undertake litigation to enjoin unlicensed practice and funding the necessary legislative effort with a one time assessment.
2. Legal counsel is formally retained.
3. Lobbyist's duties are expanded.
4. Architectural update video and brochure are produced to distribute to legislators.
5. House Bill 4787 is introduced modifying the licensing structure to make it more profession oriented.
6. The possibility of funding a special AG is studied.

7. Negotiations with homebuilders settle single family SF requirements for the time being resulting in the withdrawal of Senate Bill 330.
8. House Bill 5100 is introduced conferring standing to seek injunctive relief as to unlicensed practice on professional organizations and individuals.
9. Interior Design practice legislation is re-introduced. AIA Michigan negotiated with interior design groups over possible conversion of bill to title legislation.

1994:

1. Long-range plan meetings are held with individual Chapters - Public Awareness/Government Affairs are deemed priorities.
2. AIA Michigan Board passes resolution to create legal fund to take action under new standing statute if it passes.
3. House Bill 5100 passes but language is immediately misinterpreted by the Construction Code Commission.

1995:

1. AIAMI seeks an AG opinion concerning the effect of HB 5100.
2. Senate Bill 656 is introduced constituting a severe attack on architects and engineers by homebuilders, building designers, interior designers, and mechanical and electrical contractors.
3. AIAMI Board votes to begin select cases against unlicensed practice under the new standing provisions.
3. A positive AG opinion received regarding the effect of HB 5100. 4 cases are initiated against unlicensed practitioners.
4. AIAMI launches a safety survey/media campaign.

1996:

1. All 4 cases against unlicensed practitioners are successfully concluded in favor of AIAMI.
2. SB 656 continues to be an issue; meetings with the homebuilders are problematic. Through much effort, SB 656 is stalled in legislative committee.
3. Square footage limit for contractors on single family residential projects is highlighted as an issue to be addressed in 1997.

1997:

1. A series of meetings with interior designers and homebuilders are held in an effort to create a framework within which the differences could be resolved and the organizations could begin to work together.
2. The Homebuilders ultimately break off talks restating their goal to “repeal the seal.”
3. Interior designers make clear their intention to create a title licensing act through various amendments to the Architect-Engineer statutes.
4. Interior designers draft what becomes HB 4535, seeking assistance from AIAMI with language. While HB 4535 passed Committee, it died at the end of the 1996 session. It was not re-introduced in 1997.
5. Additional cases against unlicensed practitioners are studied.

1998:

1. The primary focus of the AIA Michigan Government Affairs Committee activity has become coalition building. The AIA Michigan President charges the Interior Design Task Force with rewriting the Interior Designers’ HB 4535 so that it is a title act. AIA Michigan Board approves the revised language.
2. HB 4535 passes the House and Senate with amendments that are not approved by AIA. The Governor signs the bill even though implementation of the bill is not resolved. AIA National makes its opposition known.
3. Homebuilders write several bills, but no action to introduce legislation is taken. Further Task Group activity to address the homebuilders is initiated.
4. Three cases against unlicensed practitioners are initiated and one case is settled out of court with a voluntary cease and desist order.
5. The importance of political fund-raising has become apparent.

1999:

1. A 1999 goal of the AIAMI Government Affairs Committee was to become a more pro-active legislative committee, where the committee had traditionally been primarily reactionary. Unfortunately, the homebuilders introduced SB 149 (which would repeal the 3,500 sf exemption) in January, and the Committee spent a tremendous amount of time fighting this bill and HB 4837 (the identical House version) for the entire year. Both bills were bottled in legislative committee and died at the end of the session.
2. AIA National claims that AIAMI violated National policy regarding support of interior design practice legislation. AIAMI responds to claim in January. AIA National issues letter of apology in October.

3. AIAMI GAC organizes fund-raiser for Senator McCotter. The task force prepares primer regarding how to organize a fund-raiser. This primer will be shared with other state chapters.
4. AIAMI GAC targets key legislators for fund raising activities in 2000.
5. Legal counsel sends letters to Detroit-area design/builders who are practicing in what appears to be an illegal manner.
6. AIAMI attempts to introduce School Construction Liability clause (which would remove the obligation on the part of the Architect preparing the construction documents to supervise the construction) into SB 805. The Senate rejects recommendation and study begins on the issue for future legislation.
7. AIAMI works with State Building Officials to defeat "Interior Design Threat" through code changes at the International Code Council meeting in St. Louis.
8. AIAMI supports a state-wide building code (SB 463) in principle, but opposes three elements of the Bill: energy code regression, stair geometry regression and lack of definition for recreational dwellings.
9. All building officials and inspectors throughout the state received an updated "Code and Regulations Summary for Properly Sealed Documents" laminated sheet (originally prepared by the AIA Detroit Professional Practice Committee several years earlier) for their reference.
10. AIAMI "Capitol T-Shirts" were designed and printed for distribution to all legislators, governor and key department leaders.
11. When AIAMI efforts defeat SB 149 in early November, homebuilders approach looking for a compromise.

2000:

1. Architects and Engineers introduce HB 5878 in June regarding QBS legislation. Architects and engineers conduct ongoing discussion with DMB regarding changes in their selection process.
2. Kelley Cawthorne seeks to amend SB 900, modifying the definition of "Agent." This bill will limit the recovery of non-economic damages to \$500,000 for the negligent design and construction of State of Michigan roads, bridges and buildings.
3. AIAMI attempts to amend several bills regarding School Construction Liability - unfortunately bill sponsors are not supportive.
4. Architects and engineers sponsor "Design Professions Newsletter" as prepared by Consumer & Industry Services. Scheduled to be issued late fall 2000.
5. GAC develops plan to share cost for a part time Government Affairs Assistant with ACEC. AIA Michigan Board to consider for 2001.
6. Government Affairs Committee section developed for the AIAMI web site.

7. Political fund-raisers were held for Senator Gary Peters (Bloomfield Hills) \$3,250, Senator Thaddeus McCotter (Livonia) \$2,250, and Representative Bill Byl (Grand Rapids) \$4,100. Committee targeting support for Sal Rocca for Macomb County House Rep., and Senator Leland Burton of Detroit is being targeted for January 2001.
8. A GAC Task Force continues to seek rebuilding a relationship with key members of the Michigan Association of Home Builders. Legislative opportunities that present common interests are sought.
9. Interpretations of the Occupational Code regarding construction phase services come from Department of Licensing. Legislative counsel advises the issue is not worth the potential downside that could be opened if an unfavorable AG opinion were issued which could confuse the issue even more.
10. The Lunch and Architecture program (with local legislators) is introduced at AIAMI Leadership Conference in Traverse City.

2001:

1. SB 900 died in Legislative Committee at the end of 2000. Unfortunately, no sponsor could be found and it was not re-introduced in 2001.
2. SB 113 introduced regarding Ontario Reciprocity for architects and engineers. Unfortunately, the engineers continued to oppose the bill, which bottled it up in legislative committee.
3. AIAMI supported HB 6124 regarding The Coordinated Planning Act. Unfortunately the bill had become so watered down that it constituted little more than a notification requirement at best.
4. The Home Builders introduced HB 4423, which increased the single-family square footage threshold to 5,000 sf, less the basement. AIAMI was successful in preventing this Bill from moving forward in 2001.
5. The engineers continued their pursuit of "Privatization of the Professions" with the State Attorney General's Office. AIAMI continues to support the idea; however, little resource is invested due to the immense political obstacles which make passage extremely unlikely.
6. Senator Beverly Hammerstrom allowed AIAMI to amend SB 358 and SB 670 relative to the 1937 School Construction Law. This amendment will eliminate the Architects responsibility to "Supervise Construction" of a school. SB 358 was amended to allow a school board to contract with a competent person for the supervision of the construction of a school building, and that such person is responsible for the construction where the design professional is responsible only for the design. The two Bills have are approved by the Senate and have moved to the House.
7. The first CIS Design Boards Newsletter was issued on June 26, 2001.
8. AIAMI/MSPE/ACEC sponsor hugely successful Legislative Day event in Lansing on May 8<sup>th</sup>. The day began with an exhibition of award winning projects from around the State viewed in the

Capitol rotunda. Individual meetings are then held with Senators and Representatives to speak about issues facing the professions. The day was concluded with a legislative reception held at the offices of Kelley Cawthorne.

9. AIA sponsored a fund-raiser for Senator Burton Leland in the office of Allen and Laux (Detroit) on June 5.
10. AELC representatives continued to maintain a dialogue with DMB regarding the QBS selection process. DMB assured us that they would utilize a QBS process for large projects.
11. Kelley Cawthorne evaluated an opportunity to amend the State Capitol Appropriations Bill with QBS language but constitutional Title/Object limitations prevented such an undertaking.
12. AIAMI legislative counsel strongly recommends that AIAMI firms contribute to the “Michigan Promise Fund” sponsored by Rick Johnson (then Speaker of the House). The GAC notes the need to evaluate and coordinate donation strategy for 2002.
13. The Government Affairs committee followed up on several licensing complaints over the past year.
14. In response to the Interior Design newsletter dated 10/23/00 suggesting that Interior Designers can seal permit documents, Ron Basso (CIS Deputy Director), after much lobbying from AIAMI, sends response to all state building officials clarifying who must prepare and seal documents.
15. Each AIA Michigan Chapter received a list of legislator(s) whose districts fall within the chapter boundaries. This list shall be used by firms within the chapter to host “Lunch and Architecture” meetings with their representatives.

2002:

1. SB 358 and SB 670, which amend the 1937 law to remove the obligation that the Architect preparing the documents for a School project also supervise the construction of that project are passed by the House Committee on Regulatory Reform (they passed the Senate in 2001). Governor Engler signs the bills into law.
2. SB 1215 and SB 1216 were successfully stalled in Legislative Committee. The bills, sponsored by Senator Schuette, would allow people who are recognized as “interior designer” to practice indoor architecture and professional engineering and would require building officials to accept their building documents.
3. The Governor signed HB 5883 into law. The new statute mandates that a “Competitive Quality Based Selection” system of selection for design professionals be instituted by the Department of Management and Budget (DMB). Discussions are ongoing with the DMB as to how it will interpret the words “Competitive Quality Based Selection”.
4. The Home Builders introduced HB 5819 and it was passed this year reinterpreting the definition of habitable space. They have, in the opinion the GAC, started an aggressive misinformation

campaign as to how the area threshold is interpreted. In response we have revised and will reissue the "Code Regulation Summary" to building officials state-wide to assist in clarification of the requirements.

5. There were four fund-raisers in 2002 for Michigan legislators in the Detroit Chapter's area: Senator Gary Peters - \$1200 raised for State Attorney General; Representative Bruce Patterson - \$2400 raised for 7th Senatorial District; Senator Thaddeus McCotter - \$1400 raised for 11th Congressional District; Senator Shirley Johnson - \$1600 raised for 13th Senatorial District.
6. The AIA Michigan Government Affairs Committee was represented at each of the State Government Network Meetings in 2002. The SGN serves as a tool for state components to facilitate identification of emerging and priority advocacy issues for Architects.
7. The Kelley Cawthorne contract was extended for an additional four years through 2006.
8. The Professional Practice Task force successfully pursued several licensing complaints throughout the year.

2003:

1. The GAC drafted three white papers in preparation for 2004 Legislative Day and Howling Event and were presented to the AIAMI Bard for approval. The paper topics were "Certificate of Merit," "Qualification Based Selection" and "Interior Design."
2. Legislative Day and Howling Event in Lansing in March of 2003 were successful again. The GAC will continue to refine plans for a similar function in 2004. This is an excellent opportunity to make contact with our legislators and inform them of the issues that affect our profession.
3. The Government Affairs Committee organized a fund-raiser for U.S. Senator Debbie Stabenow in September, raising \$3000.
4. SB 345, a bill strongly opposed by the committee was successfully tabled through the efforts of Ben Tiseo, Fred Butters and Jim Cavanaugh and their relationship with Senator Bruce Patterson. The bill would have permitted broad joinder of any licensee in any complaint, with penalties, if any, administered by the Board with jurisdiction over the original respondent.
5. The Professional Practice Task Force pursued numerous complaints of possible occupational code violations. Letters of concern were sent to fourteen different individuals or firms.
6. Legislator of the Year Award. The GAC has proposed this award be added to our list of annual awards in an effort to "Recognize a state elected official who has made a contribution to the profession as a result of their actions in state government by recognizing the value of architects/architecture in the built environment or community."
7. The GAC, in conjunction with Kelley Cawthorne and the Architects and Engineers Legislative Committee (AELC) began laying the groundwork for several future initiatives including:

- Increasing the penalties for the unauthorized practice of Architecture and Engineering giving local Prosecutors an incentive to take these cases;
  - Creating an Article 20 Enforcement Fund removing the economic objection the Department has to addressing complaints;
  - Reforming the State Contract by eliminating uninsurable clauses;
  - Certificate of Merit and other tort reform type initiatives to reduce frivolous lawsuits.
8. The GAC was again represented at each of the State Government Network Meetings in 2003. The SGN serves as a tool for state components to facilitate identification of emerging and priority advocacy issues for Architects.

2004:

1. A final draft of the increased penalties bill was prepared and readied for introduction in the 2004-2005 session.
2. A final draft of the Certificate of Merit bill was prepared and readied for introduction in the 2004-2005 session.
3. The first "Legislator of the Year" award was conferred on Senator Bruce Patterson.
4. A fund-raiser was held for Representative Chris Ward. Representative Ward was subsequently returned to office in the November election and was elected Majority Floor leader by his party, becoming the 3rd most powerful Republican in Lansing. As his political star seems to be on the rise, the GAC believes that his contact will be beneficial far into the future.
5. HB 5656 was introduced which prohibits the State from including an indemnification clause in design services procurement contracts which holds the design professional responsible for anything more than the damage the design professional may cause. The Governor signed the bill into law in late December 2004. Although not all inclusive, this legislation removes perhaps the most troublesome of the objectionable clauses in the contract.
6. The Professional Practice Task Force continued its pursuit of complaints of possible occupational code violations. Letters of concern were sent to fourteen different individuals or firms
7. The AIA Michigan Government Affairs Committee was again represented at each of the State Government Network Meetings in 2004.
8. In July, the Michigan Court of Appeals issued a ruling that effectively extends the Statute of Limitations for claims against Architects from 2 to 6 years. The GAC has monitored the participation of various professional organizations in the progress of that case as it winds through the system to the Michigan Supreme Court. Additional recommendations will be made as that process comes to conclusion and the GA Committee can better determine what if any additional action might be necessary.



9. Legislative Day and Howling Event in Lansing in March of 2004 were successful again, but the individual meetings with legislators were somewhat lacking in terms of attendance. The GAC will continue to refine plans for a similar function in 2005 and will investigate ways to motivate a few additional participants. This is an excellent opportunity make contact with our legislators and inform them of the issues that affect our profession and we need to take better advantage of it.
10. The interior designers made a last minute run at practice legislation in the dying days of the 2003-2004 legislative session. Although the bill was effectively bottled up, the GAC expects it will resurface - likely early in the 2006-2007 session.
11. Additional opportunities arose to begin to create broader industry alliances (for example with AGC and CAM). While those initiatives remain in the formative stages, the GAC believes that every effort should be made to collaborate with allied professions wherever possible. The Committee will continue to advise as those opportunities continue to develop.
12. Significant progress was made on the refinement of the architecture versus engineering practice definitions as they are set out in the Occupational Code.

2005:

1. A final draft of the Increased Penalties bill was placed on the back burner due to the Interior Design bills.
2. A final draft of the Certificate of Merit bill was placed on the back burner due to the Interior Design Bills.
3. The second "Legislator of the Year" award was conferred on Representative Chris Ward.
4. Fund-raisers were held for Senator Mark Schauer and Senator Allen Sanborn. PAC contributions and small group meetings were held with Senator Gilda Jacobs. These were key moves as the Interior Design bills moved to the Senate.
5. Significant progress was made with the negotiation of additional problematic terms in the State Contract with the DMB in the wake of HB 5656. Although additional progress must be made, the Committee is for the first time ever optimistic that a favorable draft can be worked out as the DMB has made several proposals and concessions that address the most problematic aspects of the current contract.
6. The Professional Practice Group continued its pursuit of complaints of possible occupational code violations. Letters of concern were again sent to several different individuals or firms
7. The Michigan Government Affairs Committee was again represented at each of the State Government Network Meetings in 2005.
8. In July of 2004, the Michigan Court of Appeals issued a ruling that effectively extends the Statute of Limitations for claims against Architects from 2 to 6 years. The Committee monitored the

participation of various professional organizations in the progress of that case as it winds through the system to the Michigan Supreme Court with the filing of an amicus brief and participation in the proceedings as a “friend of the court” party. AIA Michigan for the first time ever made its voice heard by the Michigan Supreme Court as the Court granted the application for leave and proceeded to entertain oral arguments on the case. While a decision remains pending, the consideration of the case went smoothly and the Committee is optimistic about the prospects for success.

9. Legislative Day and Howling Event in Lansing in March of 2005 were successful again, but the individual meetings with legislators were lacking in terms of attendance with only 16 Architects making legislative contacts where information gleaned through the Legislative Consultants suggests that the Interior Designers had over 150 participants at their Legislative Day a few weeks earlier. The Committee will refine plans for a similar function in 2006 and will investigate ways to motivate a few additional participants. This is an excellent opportunity make contact with our legislators and inform them of the issues that affect our profession and it is crucial that AIAMI motivate its members to take better advantage of it.
10. The Interior Designer bills resurfaced in 2005 in title form, and despite the best efforts of the Committee it was only possible to slow them in the House Commerce Committee. The Committee reported them to the floor, but the 2005 year ended and the House did not take them up. We expect that will happen in 2006, and it is crucial to motivate members to participate in legislative contacts and alerts. The alert in the fall of 2005 as the bills came up for vote in the Commerce Committee saw approximately 120 members in support, but that figure is far too low. Notably, a number of members who participated in the alert and contacted their legislators are members who have not been active in other aspects of AIAMI. The Committee views their participation in the alert as a positive indication and as an opportunity to draw those members into a more active role. The Committee will investigate ways in which that can be accomplished.
11. Additional opportunities arose to begin to create broader industry alliances (for example with AGC and CAM). While those initiatives remain in the formative stages (mostly due to the time that the unexpected Interior Design effort consumed), the Committee believes that every effort should be made to collaborate with allied professions wherever possible. The Committee will continue to advise as those opportunities continue to develop.

2006:

1. The increased penalties bill was introduced by Representative Ward. The bill would have made unlicensed practice a felony punishable by a prison term and a \$4,000.00 fine for a multiple offenses. Although the bill passed the House it stalled in the Senate Commerce Committee

- where it was sacrificed to prevent the passage of the interior design bills. It will be reintroduced in the 2007 - 2008 session, although with the House changing hands some consideration must be given to finding a Democratic sponsor.
2. The Certificate of Merit bill was introduced by Representative Pastor. Although the bill received significant press, it was introduced late in the session such that it saw no progress. A second bill was introduced by Senator Garcia which actually is a preferred bill since it applies only to design professionals. We expect the bill will be reintroduced in the 2007-2008 session. With the Senate remaining in Republican hands, Senator Garcia is the best choice for a sponsor.
  3. The second "Legislator of the Year" award was conferred on Senator Mark Schauer.
  4. A Fund-raiser was held for Representative Craig DeRoche. PAC contributions and small group meetings were held with numerous key legislators throughout the year, and members were sent to attend various events for other legislators as well as the leadership of both parties. Each contact is increasingly important as the range of legislative activity AIAMI engages in broadens
  5. Significant progress was made with the negotiation of additional problematic terms in the State Contract with the DMB in the wake of HB 5656. Although additional progress must be made, the Committee is for the first time ever optimistic that a favorable draft can be worked out as the DMB has made several proposals and concessions that address the most problematic aspects of the current contract.
  6. The Professional Practice Group continued its pursuit of complaints of possible occupational code violations. Letters of concern were again sent to several different individuals or firms. Although the Board authorized legal action against one firm in particular, a settlement was negotiated wherein that firm agreed to a cease and desist order short of actual litigation.
  7. The AIA Michigan Government Affairs Committee was again represented at the AIA National State Government Network Meetings in 2006.
  8. In February 2006, the Michigan Supreme Court issued a ruling that effectively extends the Statute of Limitations for claims against Architects from 2 to 6 years. Representative LaJoy drafted and introduced a bill that would change the law back to its prior state, but that occurred late in the session such that it saw no progress. Again, additional consideration must be given to a sponsor with the change in party control in the House, but the bill will be reintroduced in the 2007-2008 session.
  9. Legislative Day and Howling Event in Lansing in March of 2006 were successful again, but the individual meetings with legislators were lacking in terms of attendance with only some 50 plus Architects making legislative contacts where information gleaned through the Legislative Consultants suggests that the Interior Designers again had over 150 participants at their Legislative Day a few weeks earlier. While AIAMI participation represents a dramatic increase over 2005 where 16 members conducted visits, the total number still falls far short of the total that should and must be mounted if legislative successes are to continue. The Committee will

again refine plans for a similar function in 2006 and will investigate ways to motivate a few additional participants. This is an excellent opportunity make contact with our legislators and inform them of the issues that affect our profession and it remains crucial that AIAMI motivate its members to take better advantage of it.

10. The Interior Designer bills resurfaced in 2006 in title form, and despite the best efforts of the Committee it was only possible to slow them in the House Commerce Committee. The Committee reported them to the floor, where they ultimately passed the House. Ultimately the bills were stopped in the Senate Commerce Committee, but at the cost of the Increased Penalties bill. Interior Design came closer than ever to passage and it will certainly be back again in the 2007-2008 session. As difficult as it was to defeat the legislation in 2005-2006, the Committee expects it will be even more so in 2007-2008.
11. The AIA National legislative alert system was employed on a number of occasions to urge members to contact their legislators on various pieces of legislation and other issues. Notably, a number of members who participated in the alert and contacted their legislators are members who have not been active in other aspects of AIAMI. The Committee views their participation in the alert as a positive indication and as an opportunity to draw those members into a more active role. The Committee will investigate ways in which that can be accomplished. However, overall response to those initiatives remains far too low.
12. Additional opportunities arose to begin to create broader industry alliances (for example with AGC and CAM). While those initiatives remain in the formative stages (mostly due to the time that the unexpected Interior Design effort consumed), the Committee believes that every effort should be made to collaborate with allied professions wherever possible. The Committee will continue to advise as those opportunities continue to develop.
13. The change in House control saw election of a new set of House leaders. While Representative Ward may be less powerful, we have good relationships with Representatives Dillon and Tobocman, who are now effectively the new House leadership. With the advice and assistance of Legislative counsel, AIAMI has been able to project the ebb and flow of legislative power such that we have consistently cultivated relationships with various legislators who have ascended to powerful positions within the legislative leadership. The Committee expects that effort will continue and that it will move ahead again as soon as committee assignments and committee chairs have been set.

2007:

1. The Increased Penalties bill was introduced by Representative Sak and Farrah as HB 4937-4938. The bill would have made unlicensed practice a felony punishable by a prison term and a

- \$5,000.00 fine for a multiple offenses. The bill passed the House and was assigned to the Economic Development and Regulatory Reform Committee in the Senate.
2. The Certificate of Merit bill was introduced by Senator Garcia as SB 106. The Bill was assigned to the Senate Judiciary Committee and received a hearing on 9/11/07. The Committee was represented at the hearing and several members provided live testimony.
  3. No “Legislator of the Year” award was conferred.
  4. In April, Legislative Day 2007 was a major success. A record number of members attended the event and met with key Legislators throughout the afternoon. That same evening, members enjoyed a reception with Legislators at the offices of Kelley Cawthorne.
  5. Also in April, the first annual Upper Peninsula Legislative Day was held at the offices of STS in Marquette, MI. Organized by the UP Chapter, members hosted an after-work reception for several Legislators and attendance met the planned targets.
  6. A fund-raiser was held for Senator Randy Richardsville, led by ACEC, in which AIA participated. A fund-raiser was also held for Speaker of the House Andy Dillon, led by ACEC, in which AIA participated. A fund-raiser was held for Senator Jason Allen, led by AIA, in which ACEC participated.
  7. Working with ACEC, a task force was convened to establish a relationship with freshman Senator John Pappageorge. Senator Pappageorge represents the district with the highest number of architects and engineers in the State of Michigan. The purpose of the Task force was to hold a “get to know you” meeting and share views with the Senator. A 90-minute meeting between the Task Force and the Senator occurred at the offices of Victor Saroki on July 27, 2007.
  8. Based upon the information gathered during the Task Force meeting of July 27, 2007, and pursuant to advice of legislative counsel, a fund-raiser was organized for Senator Pappageorge and held on Friday, November 9, 2007. Turnout was strong and met the Committee’s goals. A follow-up meeting with the Senator was held to present the contributions associated with the event.
  9. The Professional Practice Group continued its pursuit of complaints of possible occupational code violations. Letters of concern were again sent to several different individuals or firms.
  10. The AIA Michigan Government Affairs Committee was again represented at the AIA National State Government Network Meetings in 2007.
  11. In June 2007, the Michigan Court of Appeals issued a ruling that effectively requires architect and engineering firms to organize as professional corporations or PLLC’s rather than corporations or LLC’s.
  12. Legislative Day and the Howling Event in Lansing in March of 2007 were successful, with a record number of architects participating. Originally, the Committee goal was to assemble 150 architects in Lansing to reflect the AIA 150 celebration. Although the actual number was much less, the total still represented the highest AIA turnout for Legislative Day ever, by far.

13. The Interior Designer bills resurfaced in 2007 as HB 4770-4771, and required a significant response from AIA. Committee representatives, members and even non-members appeared before the House Commerce Committee to give testimony opposing the bills. Many members from across the state provided written testimony as well. The Committee also secured written testimony from many Municipal Building Officials opposing the legislation. These documents were all provided to the members of the Commerce Committee. As the ID licensing bills moved toward a vote in the House, the Committee rallied the membership to provide calls and e-mails to oppose the bills. The response was strong enough to delay the vote, and at one point the bill sponsors were so uncertain of passage that the bills were pulled from the House agenda. Despite these efforts, the MHBA entered the contest and threw its weight behind the ID bills. The MHBA reportedly issued direct threats to withdraw funding from any legislators that did not support the bills. This apparently tipped the balance and the bills passed the House by a 2-1 margin. In 2005, the bills passed with just 3 “Nay” votes, so the increase in opposition can be attributed directly to the Committee and the membership that participated. HB 4770-4772 has been assigned to the Senate Commerce Committee.
14. Efforts were undertaken in the Senate throughout 2007 in anticipation of the ID Licensing bill’s passage in the House. The Committee met with numerous Senators to express AIA’s views and build relationships in the Senate.
15. The AIA National legislative alert system was employed on several occasions in connection with the ID Licensing bills to urge members to contact their legislators. Notably, a number of members who participated in the alert and contacted their legislators are members who have not been active in other aspects of AIAMI. The Committee views their participation in the alert as a positive indication and as an opportunity to draw those members into a more active role.
16. Additional opportunities arose to begin to create broader industry alliances (for example with AGC and CAM). Specifically, AGC sought AIA support in its response to a City of Detroit Executive Order requiring a 51% resident requirement on all construction contracts funding in part or in whole by the City.
17. On October 3, 2007, Attorney General Michael Cox issued AG Opinion No. 7208, in which he interpreted MCL 339.2012 to exempt all basements, of any kind or purpose, from the calculation of the 3.500 sq/ft rule for residential structures.
18. On October 24, 2007, Representatives Huizenga, Meisner and Clemente introduced HB 5356-5358, which is intended to reverse the impact of the Miller v. Allstate decision.
19. When the Legislature passed a poorly-conceived tax on services as part of a “midnight budget compromise” at the end of October, the Committee helped AIA and its sister organizations gain its repeal by the beginning of December, 2007.

2008:

1. The Increased Penalties bill (HB 4937-4938 passed by the House in 2007) was re-introduced in the Senate by Senator Sanborn in 2008 as SB 1515. The bill makes unlicensed practice punishable by a prison term and a \$5,000.00 fine, and makes violations that result in death or serious injury a felony. Overcoming opposition by the Michigan Homebuilders and the Interior Design Lobby, SB 1515 passed the Senate and was approved by the Governor in December of 2008. The statute becomes effective on March 31, 2009.
2. Although it received a hearing on 9/11/07, the Certificate of Merit bill introduced by Senator Garcia as SB 106 failed to move out of the Senate Judiciary Committee in 2008.
3. No “Legislator of the Year” award was conferred.
4. In April, Legislative Day 2008 was a major success. A near-record number of members attended the event, and for the second year in a row, more architects than engineers were present. The members met with key Legislators throughout the morning and afternoon, and entertained Legislators during the lunch hour at the buffet lunch hosted by AIA/ACEC/MSPE.
5. Also in April 2008, the second annual Upper Peninsula Legislative Day was held at the offices of Barry Polzin in Marquette, MI. Organized by the UP Chapter, members hosted an after-work reception for several Legislators and attendance met the planned attendance targets.
6. A fund-raiser for Senator Alan Sanborn was attended by AIA members. AIA and its legislative partners also organized and hosted a fund-raiser for Senate Majority Leader Mike Bishop, and another event for Representative Marty Knollenberg.
7. The Professional Practice Group continued its pursuit of complaints of possible occupational code violations. Letters of inquiry were again sent to several different individuals or firms.
8. On October 16, 2008, David Vanderklok of the Mid-Michigan Chapter organized and convened a lunch time roundtable discussion on unlicensed practice which included over 20 attendees including architects, building officials and guests from the state regulatory enforcement department and from Ingham county law enforcement. The meeting yielded a promise from the officials to overcome the previous policy of non-enforcement, and to investigate reports submitted by AIA and others, and to prosecute if appropriate.
9. The Michigan Government Affairs Committee was again represented at the AIA National State Government Network Meetings in 2008.
10. In April 2008, AIA and its legislative partners ACEC and MSPE filed an amicus curiae brief with the Michigan Supreme Court, urging the Court to reverse the Court of Appeals decision in Miller v. Allstate. Miller, published in June of 2007, had changed the interpretation of Michigan law and required that firms that could be organized as a Michigan professional corporation or professional limited liability company must do so. The decision had retroactive effect to March of 1963. This meant that firms with non-licensee owners or members, organized since March 1963, were in violation of Michigan law.

11. In July of 2008, the Michigan Supreme Court issued a ruling that vacated the Court of Appeals' decision in *Miller v. Allstate*.
12. Despite having passed the House in 2007, and despite a major effort by the Interior Design Lobby with assistance by the Michigan Homebuilders Association, the Interior Designer Licensing bills, HB 4770-4772, never received a hearing in the Senate and died at the end of the 2007-2008 legislative session. Much credit for the victory by AIA must be assigned to the strategy mapped out by legislative counsel in the Senate, which was executed with the assistance of the membership.
13. SB 865, designed to restore the historic Statute of Limitations for architects, engineers, surveyors and contractors passed the Senate with broad bi-partisan support. In the fall of 2008, SB 865 was voted out of the House Judiciary Committee by a 10-0 vote with a recommendation for passage. Unfortunately, SB 865 was never brought up for a vote before the full House, and the bill died at the end of the 2007-2008 legislative session. The apparent reason for the failure was the efforts of the Trial Lawyers Association (now the Michigan Association for Justice) to interfere with the bill. The TLA/MAJ successfully tied passage of SB 865 to their legislation, which did not have majority support. Therefore both interests were denied passage of their bills.
14. In connection with the push to bring SB 865 to a vote in the House, the AIA National Legislative Alert system was employed. Because circumstances called for several more alerts that asked members to submit e-mails to key Legislators Andy Dillon and Paul Condino, the national system could not be employed. Instead, AIA Michigan broadcast several alerts during the waning days of the session. Reports indicate that a significant number of members responded to these requests. On the day before the last day of the legislative session, Speaker of the House Dillon reportedly received over 200 e-mails from Michigan architects and engineers.
15. Additional opportunities arose to foster and nurture industry alliances (for example with AGC and MITA). Specifically, AGC and MITA joined the push for passage of SB 865 at the House Judiciary Committee hearing, and again during the final weeks of the session. In addition, AGC sought AIA support in its amicus curiae effort related to the case of *Oliver-Hatcher v. Shain Park*.
16. 2008 saw the first three editions of the AIA Government Affairs Newsletter, which reported to the membership regarding the activities of the GAC, including Legislative Day, *Miller v. Allstate*, Increased Penalties and SB 865.

2009:

1. AIA assumes chairmanship of the joint Architects-Engineers Legislative Committee for 2009.
2. Senator Alan Sanborn introduces the GAC's SB 0035, a bill designed to restore Michigan's statute of limitations for architects as it was before the 2006 Supreme Court decision in *Ostroth v. Warren Regency*.



3. Statute of Limitations bill strategy leads to re-drafting SB 0035 for planned re- introduction in Senate.
4. Revised Statute of limitations bill re-introduced in Senate by Senator Alan Sanborn as SB 882.
5. GAC appears before Senate Judiciary Committee to testify regarding SB 882 (Statute of Limitations). SB 882 ordered out of Committee without opposition.
6. At Senator Sanborn’s request, GAC meets with the legal team from the Michigan Association for Justice (AKA the “Trial Lawyers”) to discuss SB 882 and seek resolution of any differences between the Associations. No compromise is reached and SB 882 proceeds to the floor without amendment.
7. SB 882 passes the Senate 36-0.
8. GAC assists the ARE Timing Subcommittee in goal-setting and action planning; GAC receives and reviews the AIA National Public Policy Directory.
9. GAC’s ARE Timing Bill introduced by Representative Barb Byrum and 32 co- sponsors as HB 4793.
10. GAC and the Board of Architects meet jointly with DLEG to promote HB 4793 (ARE Timing).
11. GAC member Ben Tiseo, AIA Associates Sam Moschelli and Tim Flintoff testify before the House Regulatory Reform Committee in support of HB 4793 (ARE Timing). The bill is ordered out of Committee by a vote of 10-0.
12. HB 4793 (ARE Timing) passes the Michigan House by a vote of 107-0.
13. HB 4793 (ARE Timing) Passes Michigan Senate.
14. HB 4793 (ARE Timing) signed by Governor Granholm, and becomes Public Act 143 of 2009, and is immediately effective.
15. GAC assists with AIA MI recommendations to fill vacancies on the Board of Architects and Board of Engineers.
16. GAC (Ben Tiseo) updates advocacy tools for 2009-2010, cross-referencing full AIA MI membership roster with all legislative districts and legislators. This is a data tool which has proven invaluable and must be kept current.
17. Michigan’s GAC activities received recognition in a feature article in the February 2009 edition of The Angle, the newsletter of the AIA Government Affairs Advocacy Team.
18. Legislative Day event in Lansing a success. ARE, Statute of Limitations and Transportation Funding are discussed with dozens of Legislators
19. The third annual Upper Peninsula Legislative Day was held at U.P. Engineers & Architects’ offices in Houghton, MI.
20. GAC monitors Service Tax issue and new “Green” legislation proposed by other interests.
21. GAC appears at Senate Judiciary Hearing on SB 0035 (Statute of Limitations), bill is ordered out of Committee without opposition.

22. GAC leads coalition partners ACEC, MSPE, AGC and MITA in meeting with Speaker of the House Andy Dillon, in advance of SB 0035.
23. GAC studies four new “Green” bills introduced in Legislature, determines affirmative action required to influence legislative process for developing “Green” polices for the State of Michigan.
24. GAC presents Alan Sanborn with its Legislator of the Year Award at the AIA Michigan Design Awards at the Book Cadillac Hotel in Detroit.
25. GAC forms the “Green Team” to promote A/E involvement in the development of sustainable public policies for the State of Michigan.
26. Green Team makes two well-received presentations to House Energy & Technology Committee (Green Team includes Ron Campbell, Alan Cobb, Kim Stevens-Len).
27. Green Team makes third presentation, open to all Michigan Legislators and their staffs. The event is well-attended by both A/E’s and law-makers.
28. Governor Granholm issues Executive Order 2009-31, abolishing Michigan’s Interior Design Advisory Committee.
29. Connecticut strikes down that state’s interior designer licensing law as unconstitutional
30. GAC reviews HB 4756, which would upgrade Michigan’s energy code to comply with IIEC 2009, and recommends support for the bill.
31. Florida Court issues preliminary injunction preventing the enforcement of Florida’s Interior Designer licensing laws.
32. GAC closely monitors CIDR Capitol Day event in Lansing, and the new Interior Design licensing legislation introduced.
33. During the year, GAC monitored activities of groups advocating for and against Interior Designer licensing, in Michigan and throughout the country. Contacts were maintained with groups allied with AIA’s policy position.
34. GAC attends fund raising events for Senators Bruce Patterson, Sanborn and Allen.
35. GAC attended a fund raising event for Representative Barb Byrum.
36. GAC participates in fund raising event for Rick Jones, candidate for Senate in the 24th District.
37. Ben Tiseo represented GAC as a seminar presenter at a South East Michigan Building Officials and Inspectors Association (SEMBOIA) conference.
38. GAC reviews case of Miller-Davis v. Ahrens for possible amicus participation: GAC recommends no action.
39. GAC (along with partners ACEC/MSPE) declines to re-issue tri-annual Code & Regulation Summary for 2009, due to budget concerns. GAC suspends, but does not terminate the program.
40. GAC assists AIA MI Board with budget management issues relative to costs of GAC activities.

41. GAC reviews the case of CTE v. City of Grand Rapids, for possible amicus participation: GAC recommends no action.
42. GAC reviews HB 5479, which would provide targeted historic tax credits for specific projects. GAC recommends monitoring the bill.
43. GAC assists AIA MI Board in securing new contract with Kelley Cawthorne.
44. The Professional Practice Group continued its pursuit of complaints of possible occupational code violations. Letters of inquiry were again sent to several different individuals or firms, and GAC was able to negotiate resolution of several disputes without litigation.
45. 2009 saw three more editions of the AIA Government Affairs Newsletter, which reported to the membership regarding the activities of the GAC, including Legislative Day, GAC's Green Initiative activities, the success of the ARE Timing bill, and the progress of the Statute of Limitations bill.
46. Opportunities for forging productive relationships with other industry associations continued to be sought and addressed by GAC throughout 2009. This included the discussions of possible amicus participation, described above. In each case other organizations approached AIA for assistance. GAC respectfully reviewed each request, analyzed the issues and shared its reasoning for its recommendations.
47. GAC (Steve Smith) monitored and advised DLEG in its development of requirements and procedures for Michigan's continuing professional competency program for Architects, expected to be launched in 2010.

2010:

1. Representatives of GAC and the Michigan Board hold a lunch meeting with State Senator Jason Allen of Traverse City to discuss issues of interest to AIA.
2. GAC provides assistance to the Department (DELEG) in identifying potential candidates to fill coming vacancy on Board of Architects.
3. GAC's Ben Tiseo publishes his yearly compilation and analysis of Michigan architect and engineer active licensee totals.
4. AIA MI co-hosts four successful Legislative "Meet & Greet" events at Kelley Cawthorne offices in Lansing, MI, event at AEW offices in Shelby Township, MI, at Albert Kahn offices in Detroit, MI, at OHM in Livonia, MI.
5. GAC assesses proposal by DMB to utilize MI-Deal format for A/E professional services contracts.
6. GAC assesses SB 192, related to double taxation of sub-consultant costs in architectural contracts.
7. Sustainability Update, produced by GAC member Tim Flintoff, is published to Legislators.
8. GAC representative attends State Government Network meeting at AIA HQ in Washington, D.C.

9. Ceremonial signing of HB 4793 into law (PA 143 of 2009) - Allows architecture license candidates to begin testing before experience requirements are completed. Event attended by Sam Moscelli, Shelli Authier, Timothy Flintoff, Tracy Petrella, Dave Knapp and Derek Roberts.
10. GAC continues work on statute of limitations reform bill; draft and present proposed substitute language.
11. GAC submits proposed substitute language for SB 192 (Tax on sub-consultant costs).
12. GAC representative attends Board of Architects meeting at which the Board's rule-making limitations are addressed, relative to the establishment of a formal continuing competency system for Michigan.
13. GAC works with industry and government allies to present written positions in opposing SB 974, 975 & 976 (Interior Designer Licensing).
14. GAC begins assessing International green Construction Code (IgCC) immediately upon its publication.
15. GAC reaches out to universities, emerging professionals and associates in promoting AELC Legislative Day 2010.
16. AIA Legislative Day event in Lansing a success: Statute of Limitations reform, Interior Designer Licensing and issues related to sustainability are discussed with dozens of Legislators.
17. The third annual Upper Peninsula Legislative Day was held at U.P. Engineers & Architects' offices in Houghton, MI.
18. GAC reviews HB 4575 (to re-allow localities to adopt own building codes), GAC's Ben Tiseo testifies in opposition before the House Regulatory Reform Committee.
19. Ben Tiseo is awarded AIA Fellowship based on his extensive work with GAC.
20. GAC reviews and assesses HB 1111 –1114 (to create tax incentives for LEED-certified buildings).
21. GAC in dialogue with HB 1111-1114 sponsor; GAC drafts alternative language to conform HB 1111 – 1114 with AIA National policy.
22. GAC representatives attend Senate Commerce and Tourism Committee hearing on SB 1111-1114 (LEED tax incentives).
23. GAC presents Barb Byrum with its Legislator of the Year Award at the AIA Michigan Design Awards at the Book Cadillac Hotel in Detroit.
24. GAC co-hosts fundraiser for State Representative Pam Byrnes of Chelsea.
25. GAC assists in drafting bill to enable continuing competency system in Michigan.
26. GAC representatives attend House Judiciary Committee hearing on SB 882 (Statute of Limitations reform).
27. Campaign to pass SB 882 includes multiple GAC efforts to promote passage of the bill.
28. GAC representatives attend fundraiser for Speaker of the Michigan House, Andy Dillon.
29. GAC representatives contact key individual members of the House in lobbying push for SB 882.

30. AIA/ACEC/MSPE issue “Action Alerts” asking all members to contact their representatives and Speaker Andy Dillon to bring SB 882 up for a vote and to support the bill.
31. GAC assists in dialogue between AELC and ASHRAE relative to government affairs, identifying common goals and purposes.
32. HB 6374 is introduced to enable a formal continuing competency system for Michigan.
33. GAC representatives attend House Regulatory Reform Committee in support of HB 6374; September 21, 2010: HB 6374 passes the Michigan House, 96–11.
34. December 3, 2010, HB 6374 passes the Senate unanimously.
35. HB 6374 becomes Public Act 324 of 2010, being signed by Governor Granholm on December 21, with immediate effect.
36. GAC representatives meet with Michigan Association of Home Builders (MAHB) representative in effort to identify common ground.
37. GAC representatives attend Michigan Board of Architects meeting.
38. Dec 16 – Agreement finalized to bring MSPS into AELC, to become AESLC.
39. GAC re-drafts Statute of Limitations bill for immediate introduction at the opening of the new legislative session in 2011.
40. GAC reviews and assesses issue regarding fees charged in connection with out-sourced building inspection services.
41. During the year, GAC monitored activities of groups advocating for and against Interior Designer licensing, in Michigan and throughout the country. Contacts were maintained with groups allied with AIA’s policy position.
42. The Professional Practice Group continued its pursuit of complaints of possible occupational code violations. Letters of inquiry were again sent to several different individuals or firms, and GAC was able to negotiate resolution of several disputes without litigation.
43. Opportunities for forging productive relationships with other industry associations continued to be sought and addressed by GAC throughout 2010.
44. GAC (Steve Smith) monitored and advised DLEG in its development of requirements and procedures for Michigan’s continuing professional competency program for Architects, expected to be launched in 2011.

2011:

1. First Architects, Engineers & Surveyors Legislative Committee (“AESLC”) meeting is held.
2. GAC reviews newly-introduced SB 48, to require school building site approval by local unit of government.
3. SB 77 (Statute of Limitations reform) introduced, sponsored by Senator Tonya Schuitmaker.
4. GAC representative Gary Quesada testifies before Senate Judiciary Committee on SB 77.

5. GAC coordinates lobbying efforts in Senate to promote SB 77 and passes the Michigan Senate 35-1.
6. GAC representatives attend House Judiciary Committee Chairman John Walsh's fundraiser and lobby for SB 77.
7. GAC representatives meet individually with each member of the House Judiciary Committee to promote SB 77.
8. SB 77 brought before the House Judiciary Committee for two hearings in June. GAC and AIA members appear in support and GAC representative Gary Quesada testifies in favor of passage at both hearings.
9. GAC coordinates AIA Action Alert broadcast to membership in effort to pass SB 77 before summer break.
10. GAC coordinates final push for passage of SB 77. GAC representatives meet with Governor Snyder's attorney to discuss remaining political and legal concerns with the bill.
11. SB 77 passes the Michigan House, 87-21, sent to conference committee.
12. Governor Snyder signs SB 77 into law, in October to take effect January 1, 2012.
13. GAC participates as co-sponsor of five Legislative "Meet & Greet" at NTH Offices in Northville, MI, at Thousand Oaks Country Club in Grand Rapids, MI, at the Spicer Group in Saginaw, MI, at Rowe Engineers in Flint, MI, at Byce Engineers in Kalamazoo, MI.
14. GAC reviews proposal by Governor Snyder's office to eliminate historic preservation and brown-field tax credits.
15. Governor Snyder re-organizes DELEG, regulation of architects now conducted through Department of Licensing and Regulatory Affairs ("LARA").
16. Legislative Day event in Lansing a success, Statute of Limitations reform and sustainability are discussed with dozens of legislators. The event was attended by 158 participants (77 architects).
17. The fourth annual Upper Peninsula Legislative Day was held in Marquette, MI.
18. GAC reviews possible amicus curiae participation in Cedroni v. THA case.
19. GAC reviews new HB 4561, to extend building code cycle from 3 years to 6 years.
20. GAC representatives meet with representatives of Construction Association of Michigan (CAM) to discuss new CAM legislative affairs committee.
21. GAC reviews new bills HB 4694 & 4695, to prohibit sole source specifications in government projects.
22. Fred Butters, FAIA, Esq. files a motion with the Michigan Supreme Court to participate in Cedroni v. THA as amicus curiae.
23. GAC reviews Michigan Supreme Court decision in Miller Davis v. Ahrens.
24. GAC, Ben Tiseo lobbies key Legislators for AIA participation in developing alternative to historic preservation and brownfield tax credits.
25. GAC representatives attend fundraiser for State Representative Kurt Heise.

26. GAC representatives attend hearing on SB 566-568, historic preservation & brownfield tax credit replacement bill and dialogues with key legislator regarding AIA views.
27. GAC nominates State Senator Tonya Schuitmaker for AIAMI Legislator of the Year.
28. The Professional Practice Group continued its pursuit of complaints of possible occupational code violations. Letters of inquiry were again sent to several different individuals or firms, and GAC was able to negotiate resolution of several disputes without litigation. New PPG member Ben Hammond engaged subjects in relation to numerous potential violations.
29. GAC (Steve Smith) continued to monitor LARA in its development of requirements and procedures for Michigan's continuing professional competency program for Architects, expected to be launched in 2012.

2012:

1. Ben Tiseo publishes his yearly compilation and analysis of Michigan architect and engineer active licensee totals.
2. Note: any bills not signed by the governor by December 31, 2012 are dead.
3. SB 48, to require school building site approval by local unit of government did not move for a vote before year end.
4. SB 770 and SB 870, restricting school districts from seeking qualified bonds if their previous school bond debts are not paid off it also establishes a limit to funds available from the state. The bill first passed the Senate in June 2012 and then passed the House in December. This bill became PA 437 of 2012 when the governor signed it into law on December 14, 2012.
5. SB 1038 a Lien Law bill that made it clear that Design Professionals could lien properties. However this bill was blocked from moving forward by the Michigan Bankers Association and did not move in 2012.
6. SB 1325 –1327 a bill that would license Interior Designers was introduced late in the year and as a result it did not have any hearings. We expect this bill to be reintroduced in 2013.
7. HB 5461 is a bill that was introduced at the request of the Michigan Home Builders Association and would change the mandatory adoption of the Michigan Codes from a 3 year cycle to a 6 year cycle.
8. HB 5466, to prevent public agencies from requiring Design Professionals to indemnify the public agencies from its own mistakes passed the House in June. After last minute negotiations, brought on by the AGC, it passed the Senate in December and the governor signed the bill on December 22, 2012. The signed bill now PA 468 of 2012 exempts the 15 state universities.
9. Legislative Day event in Lansing was a success; Indemnification reform, Lien Law and transportation are discussed with dozens of legislators. The event was attended by 148 participants (54 architects).

10. The annual Upper Peninsula Legislative Day was held in Marquette, MI.
11. GAC representatives attend fundraisers for State Representative Kurt Heise and John Walsh.
12. The Office of Regulatory Reinvention submitted its report in which it recommended the deregulation of 18 occupations. Included in the list were Community Planners, Interior Designers and Landscape Architects. No action was taken in 2012 but is expected in 2013.
13. At the request of AIAMI Representative Barb Byrum submitted an AG Opinion addressing the cities of Livonia and Dearborn refusal to provide copies or allow photos of permitted drawings.
14. The rules outlining the Mandatory Continuing Education for licensing renewal for architects / professional engineers / professional surveys slowly is working through the administration review process before holding a public hearing.
15. AIAMI held several meetings with the state Fire Marshal and several fire fighters associations to discuss changing the state law that would require a Single State Fire Code. Progress was made and a bill may be introduced by the end of next year.
16. AESLC has had discussions to introduction a bill in 2013 that would change Article 20 (A/PE/PS licensing law) to permit the electronic submittal of drawings for permitting. Currently Article 20 only allows “original” seals and signatures. The Bureau of Construction Codes is also promoting this change to the Department and the governor as good business.

2013:

1. AIAMI had HB 4585 introduced and the Electronic Seal & Submittal bill passed both chambers unanimously and will go into effect in February 2014.
2. Ben Tiseo and Misty Raatz were both appointed to sit on the State’s Fire Marshal Single State Fire Code Ad Hoc Committee in early 2013. That committee work is quickly coming to an end. It is expected that the State Fire Marshal will make a recommendation to the Governor in January 2014 to support legislation to implement a Statewide Fire Code.
3. The Certificate of Merit bill SB 309 was delayed by testimony by representatives of BOMA and is being revised to continue work on its passage in 2014.
4. The Architects Engineers Surveyors Legislative Day on March 15th was another big grassroots success with a total of 132 A/E/S visiting 106 of our 148 Legislators and discussing issues important to our professions.
5. In October Fred Butters, FAIA, Esq., the AIAMI Government Affairs legal council, filed a lawsuit against an individual for advertising and practicing architecture without proper licensing. The Professional Practice Task force is also pursuing two other cases of Unlicensed Practice; one includes an individual that had a “licensed architect” seal made up without being licensed.
6. Little movement was noticed in the Sustainable Design arena.



7. A new bill was introduced regarding Historic Tax Credit. AIAMI GAC is evaluating this bill to form a position.
8. AIAMI is actively engaged with the request of the AG in the FOIA clarification to require communities to provide copies of submitted drawings even if they contain a copyright notice.
9. Progress was slow on the governor's initiative of the deregulation of 18 occupations (ID HB 4378 & SB 479) but movement is expected in 2014.
10. The new Mandatory Continuing Education Rules went into effect on the November 1, 2013 licensing cycle for architects/engineers/surveyors.

2014:

1. 136 people (41 architects) attended Legislative Day, and distributed complimentary copies (thanks to the Michigan Architectural Foundation and AIA Michigan) of the book "Great Architecture of Michigan" to all legislator's offices. The issues focused on included: Certificate of Merit; Remonumentation; Transportation Funding; and QBS.
2. Dennis King, FAIA, was appointed to the State Board of Architects for a four-year term, and was elected Vice Chair. Ken Van Tine, AIA, serves as Chair.
3. Fred Butters, FAIA, Esq. returned to the GAC and assumed Co-Chair role from Ben Tiseo, FAIA, along with Greg Metz, AIA.
4. AIA Michigan sued an unlicensed individual, Junius Godboldo, practicing architecture using a "fake" seal.

2015:

1. Four Legislative Meet-and-Greets were held during the winter in: Wayne, Oakland and Macomb Counties, and one in Grand Rapids. While attendance at each event by legislators was light, about two to four at each, they were still considered valuable initiatives by AESLC.
2. GAC solicited comments from AIA Michigan members regarding possible QBS legislation. Responses were very light and mostly negative. GAC voted to take a back seat as this legislation is promoted by AESLC. QBS education for AIA Michigan members was seen as something that would be valuable.
3. The 20<sup>th</sup> Annual Legislative Day was held in March at Christman University (99 attendees including 38 architects). Talking points were: Certificate of Merit; QBS; Lien Law Revisions.
4. Certificate of Merit Senate Bill 149 had a hearing in the Judiciary Committee in late April with supporting testimony by several AESLC representatives. Opposition from BOMA, AGC, MSU, and later the Bar Association. caused the Committee to hold off on any vote. Language negotiation meetings need to take place with AGC and BOMA in particular.

5. An initial QBS bill was introduced and while it received some discussion, nine substitute bills were drafted to attend to nine sections of the law requiring modification.
6. A Lien Law Revision bill was drafted in conjunction with Senator Proos' staff.
7. A bill was introduced by others exempting construction documents for residences from the FOIA requirements. No action was taken by AESLC.
8. The unlicensed practice case against Junius Godboldo ended successfully with a court order for Godboldo to pay AIA Michigan's costs and legal fees (seems unlikely to happen), surrender his fake seal, and permanently enjoining him from further practice.
9. LARA created a new Bureau of Professional Licensing, under which the architects, engineers and surveyors (amongst others) will now exist.
10. The State Board of Architects adopted a revised "Suggested Sanctions" reference document that included language regarding penalties for unlicensed practice. It was still unclear how the AG will deal with such complaints. In addition, the BOA voted to "open the rule-making process" for changes to the licensing regulations recommended by NCARB including: reduced IDP hours; Integrated Path to Licensure; Broadly Experienced Architects; etc.
11. In August, the AIA Michigan ExCom directed that Public Policy Director, Dennis King, assume Chair of the GAC in place of Co-Chairs Fred Butters and Greg Metz, beginning with the September GAC meeting. This action proved to be controversial and led to the unfortunate resignation from the GAC of both Fred Butters and Ben Tiseo, with Greg Metz becoming a Corresponding Member.
12. The AESLC was successful in passing clarifications to Public Act 59, 1978, regarding specifying that Surveyors are required to prepare and seal Condominium Subdivision Plans. The architects and engineers were supportive of the initiative.
13. The Construction Code Commission launched the new electronic document submission software in November. Irv Poke advised that the CCC would no longer offer code interpretations on matters not related to specific projects being processed.
14. Members of the GAC proactively lobbied various members of the House Agriculture Committee in opposition to HB 5000, Event Barn Exemptions, on behalf of the AESLC. Issues of Health, Safety and Welfare are at the core of the concerns.
15. APAC Chair, Ralph Moxley, retired from APAC service in late-December and new APAC Chair, Paul Haselhuhn, was elected.

2016:

1. A Suit against GAV Associates initiated by AIA Michigan in 2015, and handled by attorney Fred Butters regarding unlicensed practice, was settled successfully with the firm agreeing to correct the issues identified surrounding their unlicensed practice.

2. The GAC and AESLC joined with many interested industry groups and individuals in vocal opposition to HB 5232 and SB 720 which would weaken the establishment and enforcement of historic districts as currently covered in Michigan Public Act 169 of 1970, and ignoring the economic and cultural benefits of the current Act. The proposed legislation ultimately died in Committee.
3. 2016 AESLC Legislative Day in Lansing drew about 110 participants with some 38 representatives from AIA Michigan attending. Five topics were discussed with the legislators, including: support for a Certificate of Merit; support for Qualifications-based Selection in public contracting; support for changes to the Lien Law to protect design professionals; opposition to Event Barn Code Exemptions; and opposition to the Historic District Law changes.
4. Irvin Poke, AIA, Director of SOM Construction Code Commission, retired from his position at the end of April. AIA Michigan sent a letter to the Bureau of Professional Licensing recommending that a Michigan Licensed Architect be selected for the vacancy.
5. AIA Michigan sent a letter of support to Michigan Congressman Fred Upton regarding maintaining the provisions of Section 433 of the Energy Independence and Security Act.
6. AIA Michigan and AIA National considered participating with the engineering community in an Amicus Brief on a matter before the Michigan Court of Appeals focused on the economic loss doctrine. However, because many of the issues at hand were based upon EJCDC form contracts, AIA was reluctant to financially participate in development of the Brief.
7. GAC Members Jan Culbertson and Chuck Bultman represented AIA Michigan and attended the State Government Network Conference and the Speak-Up Conference in Washington, DC in July.
8. The GAC continued its efforts to combat unlicensed practice throughout the year by sending informal email “cease and desist” notices to identified offending individuals and companies.

Discussions regarding potential revisions to Article 20, Michigan’s Licensing Law, began to take place at the State Board of Architects supporting the NCARB Integrated Path to Licensure and other related matters. The GAC and AESLC formed Article 20 Task Forces to discuss and debate the potential issues. In addition, SB 954 introduced on behalf of the Fire Alarm Contractors to exempt their work from the practice of engineering in Article 20 allowed the State to “piggy-back” suggested changes regarding the NCARB initiatives as well as some other positive licensing clarifications in the bill. SB 954 was passed by the Senate May 31, 2016 and sent to the House for consideration. Substitute bills were exchanged and negotiated. The concurred bill was passed with immediate effect on 12/13/2016 and presented to the Governor for signing on 12/21/2016. The bill was signed and is now PA 435 of 2016.

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