

# The Voice

JULY-AUGUST 2011

# Voice



THE VOICE OF TENNESSEE'S ENGINEERING COMPANIES

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## Tort Reform Will Benefit Our State and Its Businesses

by Governor Bill Haslam

Earlier this summer I had the tremendous privilege of signing a bill that continued Tennessee's history of responsible changes to its civil liability system: the Tennessee Civil Justice Act of 2011.



Governor Haslam

My goal as governor is to make Tennessee the No. 1 location in the Southeast for high quality jobs, and my administration's first legislative package focused on improving education, one of the most important things we can do in the long term to attract, create and grow good paying jobs in Tennessee.

We tackled tenure reform, lifting the cap on charter schools while opening enrollment and allowing students to use HOPE scholarships for summer classes. Along with education, a key factor is offering an attractive business climate to businesses looking to expand in or relocate to Tennessee.

This tort reform legislation was a critical part of the first legislative package because it will help Tennessee attract and retain jobs by offering businesses more predictability and a way to quantify risk. Business recruit-

ment today is incredibly competitive, and Tennessee is not only competing against other states but against other countries as we go out and market ourselves as the best place for business.

### What the Act Does

Businesses invest capital where they have a stable and predictable environment, and where businesses invest capital, jobs are created. This legislation brought more predictability by:

- Clarifying and defining the venue where a business can be sued;
- Placing a \$750,000 cap on non-economic damages, except in the instance of intentional misconduct, destruction of records, or conduct under the influence of drugs or alcohol;
- Raising the cap to \$1 million on non-economic damages for catastrophic losses resulting in paraplegia, quadriplegia, amputation, substantial burns or the wrongful death of a parent leaving minor children;
- And placing a cap on punitive damages of two times the compensatory damages or \$500,000, whichever is greater, except

in the instance of intentional misconduct, destruction of records, or conduct under the influence of drugs or alcohol.

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*...by offering businesses more predictability and a way to quantify risk.*

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*(continued on page 2)*

# Engineers: The Time is Right to Step Up

by Mike Pohlman, PE  
President, ACEC of Tennessee

**A**CEC of Tennessee has embarked on a new and exciting fiscal time, with signs of Tennessee's economy getting a boost with several manufacturing and distribution operations being built and others being announced across the entire state. We are showing signs of getting out of a survival mode and into a more dynamic and prosperous period of economic growth leading to more jobs and opportunities throughout Tennessee.

The addition of these types of facilities puts a tremendous amount of pressure on our cities and counties to invest in our infrastructure to keep it current and in good working order; this includes our water and waste water systems, power and communication systems as well as our interstates and highways. This pressure falls on the heels of a few years of unfocused government spending intended to stimulate the economy and keep its citizens employed—a very noble cause and effort.

## Step Up, Speak Up & Shine

In times like this, organizations like ACEC

of Tennessee and its members can step into the forefront and shine by offering assistance to communities in the planning and execution of necessary infrastructure improvement. We as a group need to be more vocal and tout our accomplishments and capabilities so that government leaders have a better understanding of what the engineering community in Tennessee has to offer and what a great resource they have available to them.

The last couple of years have been spent defining what we as an organization wanted to be, explaining to current and potential member firms that ACEC adds significant value to their organizations. In the coming year, our committee chairs, co-chairs and members will be active participants in **showing** our community leaders, as well as the engineering community, the value ACEC adds.

When you are invited to participate on various committees, I encourage you to step up, agree to serve and to share your ideas and talents.

You will be amazed at how much you, as individuals, have to offer and how much you will learn through the process. This increase in your individual knowledge of the various aspects

of our profession will not only add value to you, but also your company.

Our group of committee chairs and co-chairs are committed and excited about their task at hand and look forward to working with individuals across our great state.

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*...step up, agree to serve and to share your ideas and talents.*

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## Tort Reform *(continued from page 1)*

For perspective, before this legislation, Tennessee was one of two states in the 12-state Southeast region without caps on punitive damages.

Our state already offers a very attractive business climate to companies looking to relocate or expand. It is a right-to-work state with no personal income tax, and this legislation now gives businesses a clearer picture when it comes to tort liability and litigation risk. I am pleased to write that it passed out of both houses of the General

Assembly this year with strong bipartisan support.

Our tort reform bill removes one of the few advantages surrounding states had and makes our state even more desirable to companies as we go out and sell Tennessee as the best place for them to locate and grow their businesses.

I am proud of what we accomplished working with the General Assembly this past session, and the Civil Justice Act of 2011 is a significant part of our success.

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*... this legislation now gives businesses a clearer picture when it comes to tort liability and litigation risk.*

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*Hal Balthrop, PE, Metro Water Services (left) and State Board of Architects & Engineers, and Peter Heimbach, AIA, Assistant Commissioner, Department of Finance & Administration*



*Bob Polk, PE, Wilbur Smith Associates, Franklin; Houston Daugherty, PE, Cannon and Cannon, Knoxville; and Ed Mahoney, PE, Barge Waggoner Sumner & Cannon, Nashville*

*John Kenny, PE, Facility Systems Consultants, Knoxville; Chuck Saunders, PE, Fisher & Arnold, Nashville; and Gary West, Assistant Commissioner, Department of Commerce & Insurance ▶*

## Celebration Meet & Greet

**A**CEC of Tennessee and other members of The Design & Construction Coalition hosted a reception on May 26 in Nashville to celebrate the recent appointments of **Peter L. Heimbach Jr., AIA**, Assistant Commissioner for Real Property Management, Department of Finance and Administration; **Robert E. (Bob) Oglesby, AIA**, State Architect; and **Gary West**, Assistant Commissioner for Fire Prevention, Department of Commerce & Insurance. More than 100 people from across the state turned out for the event at the Millennium Maxwell House Hotel.



*Bob Oglesby, AIA, State Architect; Jerry Harris, Alexander Metals, Nashville; and Chuck Saunders, PE, Fisher & Arnold, Nashville*



## Thank You to Our 2011 PAC Contributors

*There is still time to contribute and to join the list*

Thank you to the following individuals and firms for their contributions to the Tennessee Professional Engineers PAC. Yes, firms can now contribute to the PAC!

**Steve Bostic**, Lamar Dunn & Associates  
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## CALENDAR

**AUGUST  
24 - 26**

ACEC of TN/TSPE  
 Joint Annual Meeting  
 Franklin Marriott Cool  
 Springs, Franklin

**OCTOBER  
19 - 22**

ACEC Fall Conference  
 Caesar's Palace,  
 Las Vegas

## Member News

- **Harold Cannon, PE**, of Cannon & Cannon in Knoxville was appointed to a 6-year term on the Tennessee Wildlife Resources Commission by Governor Haslam. Harold will also be the 2012 State Chair of Ducks Unlimited.
- **Jonathan Haycraft, PE, CPESC**, has been named a senior associate at **Gresham, Smith and Partners**, Nashville.
- **Robert J. Brown, PE**, who was deputy manager of the U.S. Department of Energy's Oak Ridge Operations Office until his retirement, has joined **Barge Waggoner Sumner & Cannon, Inc. (BWSC)** as client manager in the firm's Federal Business Unit in Knoxville. **Ronald Abraham, PE, BCEE**, has joined **BWSC** as Water/Wastewater practice leader in the firm's Nashville office.



AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of Tennessee

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Nashville, TN 37203

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**JULY-AUGUST 2011**

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**Thank you,  
Annual Meeting  
Sponsors**

As of June 15, the following firms were signed up as sponsors of the Annual Meeting:

**Titanium Sponsor**  
Crow Friedman Group

**Platinum Sponsor**  
Pickering Firm, Inc.

**Bronze Sponsor**  
Lellyett & Rogers Company

Sponsorship support means ACEC and TSPE can “hit one out of the park” at their joint Annual Meeting! For information on sponsorship opportunities, contact Judy Logue at [jlogue@tnec.org](mailto:jlogue@tnec.org)

**F R O M   T H E   E X E C U T I V E   D I R E C T O R**

*All-Star Line-up in August*

by Candy Toler  
Executive Director, ACEC of Tennessee

**W**e have a great line-up of speakers and seminars for the Annual Meeting, August 25-26, in Franklin at the Franklin Marriott Cool Springs. We lead off on Thursday, August 25, with TDEC Commissioner Bob Martineau, who will give us an overview of departmental activities, followed by update sessions on Stormwater, Stream Classification, Greenhouse Gas, Solid Waste Management, and by an ACEC Environment and Energy Committee meeting.



**Candy Toler**

On Friday, TDOT Chief Engineer Paul Degges will lead discussions about TDOT issues, followed by a presentation by the Shelby County Director of Public Works and University of Memphis professors about how they used GIS to make decisions during the recent Mississippi flooding. TDOT’s External Auditor is also on the schedule to discuss the department’s audit

policy. In addition, Everett Cowan has a great panel lined up to discuss ownership transition and firm valuation.

This year, we are trying something new . . . a Tennessee Engineering Foundation Luncheon rather than a golf tournament. The August 25 event will raise money for the State MATH-COUNTS competition and engineering scholarships. TDOT Commissioner John Schroer will be the keynote speaker.

Fundraising is always fun at the annual PAC Auction. 2011 is not an election year, but we still need to raise money for the Engineers’ Political Action Committee to be able to support legislative candidates in 2012. Note: the rules changed this year . . . corporate contributions to state PACs are now legal!

Don’t miss the all-star line-up of speakers and events plus the opportunity to network with your colleagues from across the state, meet Tennessee’s required professional development hours for the year, and support ACEC.

Make your plans now to be there. The complete Annual Meeting agenda and registration information is enclosed with this newsletter for ACEC members.