

MINUTES
SOUTH CAROLINA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS
SPECIAL CALLED MEETING BY CONFERENCE CALL
2:00 P.M., MAY 9, 2013
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
110 CENTERVIEW DRIVE, ROOM 115
COLUMBIA, SC

Call to Order

Chairperson Hodge called the meeting to order at 2:06 p.m.

Statement of Public Notice

Chairperson Hodge stated that public notice of this meeting was properly posted at the South Carolina Board of Registration for Professional Engineers and Surveyors office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Introduction of Board Members and Other Persons Attending

Board members present included Theresa Hodge, PE, Chairperson; Gene L. Dinkins, PE, PLS; and John Johnson, PE, PLS.

Board members participating by conference call included Timothy W. Rickborn, PE, Vice-Chairman; Miller L. Love, Jr., PE; Dennis J. Fallon, Ph.D, PE, Secretary; and Nancy Cottingham.

Staff members present included Jan B. Simpson, Administrator; Sherri Moorer, Program Assistant; Debbie Granger, Program Assistant; Sara McCartha, Esq, Advice Counsel; and Grant Gillespie.

Others present included Jill Vickers, Creel Court Reporting; Joe Jones; Kim Long; Lewis Gossett, South Carolina Manufacturer's Alliance; Mark Elam, Boeing; and Jeff Mulliken, Michael Baker Corp.

Review of H. 4038 Industrial Exemption Bill

The Board discussed the Senate LCI sub-committee meeting held on Wednesday, May 8, 2013, regarding a proposed amendment to H. 4038. Chairperson Hodge, SCSPE Executive Director Joe Jones and others testified. Letters sent to the House and Senate by the Board, licensees, and professional societies resulted in an amendment to the language of H.4038 (the "Bill") to narrow the manufacturing entities it affects. The Bill, as amended, was voted favorably out of sub-committee. The full Senate LCI committee met today, approved the amended bill, clearing it for debate in the Senate.

Chairperson Hodge expressed concern over not having a clear understanding of what the real problem is with the current licensure procedures.

Lewis Gossett noted that manufacturing and engineering are very closely related entities and the premise of this Bill is to broaden the scope of services an employee in a manufacturing environment can provide in-house without an engineering license. Mr. Gossett noted the rapid growth of manufacturing in South Carolina and stated his Alliance's belief that services provided in-house, rather than to the public, should not require licensure in South Carolina. He stated that Temporary licenses do not work in a manufacturing environment.

Mr. Dinkins emphasized the Board's duty to protect the health, safety and welfare of the public through licensure. H. 4038 was introduced late in the legislative session, allowing very little time for the Board to react. He asked if it would be possible to allow H4038 as currently amended to move forward as it stands and then, over the summer, the Board and the SC Manufacturer's Alliance could meet and discuss the issues involved.

MOTION: To move into Executive Session.
Dinkins/Johnson/ approved.

MOTION: To return from Executive Session.
Dinkins/Johnson/ approved.

MOTION: That the Board go on record as supporting H4038 as currently amended; the Board will oppose any other amendments or bills regarding the industrial exemption this year; and third, the board will meet with the SC Manufacturer's Alliance starting with the July Meeting. Dinkins/Johnson/ approved.

Mr. Gossett agreed to request that no more amendments be made to H4038 and that the Board's enforcement activities remain status quo. He welcomed the opportunity to have discussions with the Board.

Ms. Simpson stated that the legal department is currently researching a similar licensing issue related to engineering work by military employees.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, July 10, 2013, at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 105, Columbia, SC and will begin at 9:30 a.m.

There being no further business:

MOTION: To adjourn. Dinkins/Johnson/ approved.

The meeting adjourned at 3:00 p.m.

Respectfully Submitted,


Debbie Granger, Program Assistant

INTRODUCED
April 25, 2013

H. 4038

Introduced by Reps. Sandifer and Harrell

S. Printed 4/25/13--H.
Read the first time April 25, 2013.

A BILL

TO AMEND SECTION 40-22-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, SO AS TO ADD AN EXEMPTION FOR CERTAIN ENGINEERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40-22-280(A) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“() the work of a person rendering engineering or land surveying services to a corporation engaged in textiles, metal manufacturing, chemical manufacturing, automobile manufacturing, tire manufacturing, or commercial airline manufacturing, as an employee of the corporation, or as an employee of one of the corporation’s affiliates, when the services are rendered in carrying on the general business of the corporation and the general business does not consist, either wholly or in part, of the rendering of engineering services to the general public, provided that the corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter.”

SECTION 2. This act takes effect upon approval by the Governor.

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**THE COMMITTEE ON
LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 655) to amend Section 40-22-280 of the 1976 Code, relating to exemptions from the application of the chapter concerning engineers and surveyors, to add an exemption for certain, etc., respectfully

REPORT:

Has polled the Bill out majority favorable.

A BILL

TO AMEND SECTION 40-22-280 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, TO ADD AN EXEMPTION FOR CERTAIN ENGINEERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40-22-280(A) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“() the work of a person rendering engineering or land surveying services to a corporation engaged in textiles, metal manufacturing, chemical manufacturing, automobile manufacturing, tire manufacturing, or commercial airline manufacturing, as an employee of the corporation, or as an employee of one of the corporation’s affiliates, when the services are rendered in carrying on the general business of the corporation and the general business does not consist, either wholly or in part, of the rendering of engineering services to the general public, provided that the corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter.”

SECTION 2. This act takes effect upon approval by the Governor.

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**THE COMMITTEE ON
LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 4038) to amend Section 40-22-280, Code of Laws of South Carolina, 1976, relating to exemptions from the application of the chapter concerning engineers and surveyors, etc., respectfully

REPORT:

That they have duly and carefully considered the same and recommend that the same do pass:

THOMAS C. ALEXANDER for Committee.

A BILL

TO AMEND SECTION 40-22-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, SO AS TO ADD AN EXEMPTION FOR CERTAIN ENGINEERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40-22-280(A) of the 1976 Code is amended by adding an appropriately numbered new item to read:

"() the work or practice of a person rendering engineering services to a corporation that operates in South Carolina under a production certificate issued by the Federal Aviation Authority, provided that the general business of the corporation does not consist, either wholly or in part, of the rendering of engineering services to the general public. For purposes of this section, 'Engineering services' means design, construction, and maintenance of airplanes and airplane manufacturing equipment."

SECTION 2. This act takes effect upon approval by the Governor.

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