

MINUTES
South Carolina Board of Registration for Foresters
Regulation Committee Meeting
July 2, 2020 at 2:30 p.m. by Telephone Conference Call

Meeting Called to Order

Vice-Chairman Baldwin called the meeting of the South Carolina Board of Registration for Foresters Regulation Committee meeting to order at 2:33 p.m. Other members and staff participating in the meeting included: Christian Hendrix; Hardwick Stuart, Office of Advice Counsel; Johnnie Rose, Program Coordinator; and Sherri Moorer, Program Assistant.

Statement of Public Notice

Mr. Baldwin announced that public notice of this meeting was properly posted at the S.C. Board of Registration for Foresters Office, Synergy Business Park, Kingstree Building, and on the board website 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.

Advice Attorney Remarks – Hardwick Stuart

Mr. Stuart proposed using the draft of the 2014 regulations and the 2017 Regulatory Review as a template for reviewing proposed changes (see attached). The committee agreed that this approach best suits their needs.

Committee’s Recommendation

The committee proposed the following changes to the SC Code of Regulations, Chapter 53:

- Section 53-2 (Officers) – strike some duties of Chairman and Vice-Chairman, and eliminate the Secretary position.
- Section 53-3 (Meetings) – clarify that notice of meetings will be given in accordance with the SC Code of Laws, Section 30-4-280.
- Section 53-6 (Committees) – strike this section, as it is redundant.
- Section 53-7 (Application for Registration) – add that payment of the application fee will also be accepted by electronic payment.
- Section 53-8 (Requirements for Registration) – rewrite this section to include three parts to cover the education, examination, and experience requirement.
- Section 53-9 (Expiration and Renewal) – rename this section “Renewal of License, Lapse License, and Reinstatement.”
- Section 53-11 (Reciprocity) – change the word “person” to “applicant” to read consistently.
- Section 53-20 (Continuing Education Requirements) – change “annual” to “biennium” or “biennial,” adjust hours required for biennial renewal cycle, add sections under “Exemptions” to include hardship exemptions and a waiver of CE for individuals who are over sixty years old, and have thirty years of licensed practice.

Notice of Next Meeting

The Board of Registration for Foresters Regulation Committee will reconvene by telephone conference call on Thursday, July 16, 2020, at 2:30 p.m. The purpose of this meeting is to review a draft of proposed regulations to present to the Board at their next regularly scheduled meeting.

The next meeting of the SC Board of Registration for Foresters is Thursday, July 23, 2020. The meeting will be held by webinar, and will begin at 10 a.m.

There being no further business:

MOTION: To adjourn. Baldwin/Hendricks/approved.

The meeting adjourned at 3:35 p.m.

Document No.
STATE BOARD OF REGISTRATION FOR FORESTERS
CHAPTER 53
Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

Preamble:

The South Carolina Board of Registration for Foresters is amending its regulations to the current administrative procedures of the South Carolina Board of Registration for Foresters.

Section-by-Section Discussion:

53-1. Headquarters.

No changes.

53-2. Officers.

- a. Delete (5) regarding notifying other state forestry boards of reciprocity provision; renumbers for clarity.
- b. Deletes (2) regarding publicizing for the Board.
- c. Deletes in its entirety.

53-3. Meetings.

Adds that regular meetings will be held a minimum of twice each year with notice as required by S.C. Code Ann. § 30-4-80 and that special meetings may be called by notice as required by the aforementioned reference or a majority of Board members.

53-4. Quorum.

No changes.

53-5. Seals.

No changes.

53-6. Committees.

No changes.

53-7. Application for Registration.

Adds that application fees may be paid electronically via credit card.

53-8. Requirements for Registration.

Adds numerals for clarity; deletes "Beginning June 1, 1991," and adds that applicants must also pass the examination for registration.

53-9. Renewal of license; lapsed license; reinstatement.

Renames section title to include lapsed license and reinstatement; rewords for clarity; gives timeline for renewal and reinstatement of lapsed licenses.

53-10. Registration Determination.

No changes.

53-11. Reciprocity.

Corrects a typographical error.

53-12. Address Requirement.

No changes.

53-13. Statement of Guiding Definitions.

No changes.

53-14. Exceptions.

No changes.

53-15. Code of Ethics.

No changes.

53-16. Licensure Fees.

Renames section title to include “Licensure” and delete “Registration and Renewal”; changes annual to biennial; and updates fees to reflect currently charged fees.

53-20. Continuing Education Requirements.

Changes annual references to biennial; adjusts continuing education hours and credits; clarifies continuing education requirements; deletes categories; renumbers for clarity; and corrects typographical error.

The Notice of Drafting was published in the *State Register* on June 28, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at _____, 2013 at 10:00 a.m. Written comments may be directed to Theresa Garner, Interim Administrator, South Carolina Board for Registration for Foresters, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., _____, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Need and Reasonableness:

These regulations are amended in accordance with S.C. Code Ann. §§40-1-70 and 48-27-80 regarding the promulgation of regulations. Reg. 53-2 and Reg. 53-3 provide the duties of Board officers and the holding of meetings in compliance with S.C. Code Ann. §48-27-60. Reg. 53-7 describes the application for registration in compliance with S.C. Code Ann. §48-27-140. Reg. 53-8 provides forester registration requirements in accordance with S.C. Code Ann. §48-27-130. Reg. 53-9 promulgates biennial licensure renewal in regulation in compliance with S.C. Code Ann. §48-27-190. Reg. 53-11 provides for licensure by reciprocity in compliance with S.C. Code Ann. §48-27-180. Reg. 53-16 lists fees in regulation in accordance with S.C. Code Ann. §§48-27-140, 48-27-190, 48-27-210. Reg. 53-20 provides continuing education requirements in regulation in compliance with S.C. Code Ann. §48-27-190.

DESCRIPTION OF REGULATION:

Purpose: The Board is updating the regulations to conform to the current administrative procedures of the Board.

Legal Authority: 1976 Code Sections 40-1-70 and 48-27-80.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The Board is updating the regulations to conform to the current administrative procedures of the Board.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Board's function of protecting public welfare in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current administrative procedures of the Board.

~~Indicates Matter Stricken~~
Indicates New Matter

Text:

53-1. Headquarters.

Headquarters of the Board shall be located at Columbia, South Carolina.

53-2. Officers.

The Board will elect officers each year at the regular spring meeting to serve for one year commencing at the following regular fall meeting. The following officers ~~will~~shall be elected:

- a. Chairman--whose duties shall be to:
 - (1) Preside at meetings of the Board.
 - (2) Appoint all committees.
 - (3) Sign all certificates and other official documents.
 - (4) Call special meetings as required.
 - (5) ~~Notify all other State Boards of Registration for Foresters of the reciprocity provision of the~~

Act.

- (6) Perform all duties pertaining to the office of the Chairman.
- b. Vice Chairman--Whose duties shall be:
 - (1) Perform duties of the Chairman during his absence.
 - (2) ~~Publicize action, policy purpose and principles of the Board.~~
- c. ~~Secretary--Whose duties shall be:~~
 - (1) ~~Keep a record of the proceedings of the Board.~~
 - (2) ~~Attest all Certificates of Registration.~~
 - (3) ~~Notify members of meetings.~~
 - (4) ~~Perform other duties required by law or that may be assigned by the Board.~~

53-3. Meetings.

Regular meetings of the Board for examining applicants or reviewing applications, and for other business will be held ~~in Columbia~~ a minimum of twice each year on dates designated by the Board with notice as required by S.C. Code Ann. § 30-4-80.

Special meetings of the Board ~~will~~may be called by the Chairman by giving ~~ten (10) days'~~ notice of the meeting to members and as required by S.C. Code Ann. § 30-4-80, or by the call of a majority of board members when polled.

53-4. Quorum.

Four (4) members of the Board shall constitute a quorum but no action may be taken without a majority vote in accord.

53-5. Seals.

The Seal of the Board was adopted at the meeting on October 13, 1961. It shall be used on all official papers, registration certificates and other formal documents of the Board.

Each registered forester may use an impression seal or stamp on his plans, maps, specifications and reports. The seal shall be circular, 1 and 5/8 inches in diameter and the stamp shall be 1 and 3/4 inches in diameter both of which are standard size. Both designs shall be similar to the following:

SOUTH CAROLINA
Registered Forester No. 3
W. J. BARKER

SOUTH CAROLINA
Registered Forester No. 3
W. J. BARKER

53-6. Committees.

The Chairman shall appoint committees as needed by the Board.

53-7. Application for Registration.

Requests for registration will be made to the Department of Labor, Licensing and Regulation, State Board of Registration for Foresters. Application forms will be supplied upon request.

Applicants shall supply all information requested on the forms or otherwise required. In each case, the applicant must provide proof, satisfactory to the Board, that the applicant ~~he~~ meets requirements for registration. Failure to follow the instructions will necessitate rejection of the application or its return for completion.

Applications will be accompanied by check or money order in an amount as set by the Board, or paid electronically via credit card. The application fee will be non-refundable.

53-8. Requirements for Registration.

(A) The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a registered forester:

(1) Graduation from a curriculum in forestry of four years or more in a department, school or college approved by the Board and a specific record of an additional two years or more experience in forestry of a character satisfactory to the Board and indicating that the applicant is competent to practice forestry; or

(2) Successfully passing a written examination designed to show knowledge and skill approximating that obtained through graduation from an approved four-year curriculum in forestry, and a specific record of six years or more of practice in forestry of a character satisfactory to the Board and indicating that the applicant is competent to practice forestry; and

(3) ~~Beginning June 1, 1991, a~~ All applicants shall take and pass the examination for registration.

(B) The Board shall issue licenses only to those applicants who meet the requirements of this section; provided, that no person shall be eligible for registration as a registered forester who is not of good character and reputation.

(C) The completion of the junior year of a curriculum in forestry in a school or college approved by the Board shall be considered as equivalent to two years of practice; the completion of the senior year of a curriculum in forestry, without graduation, in a school or college approved by the Board shall be considered as equivalent to three years of practice.

53-9. ~~Expiration and Renewal~~ Renewal of license; lapsed license; reinstatement.

Licenses shall expire on June 30th, every two years on the odd numbered year, and shall become ~~invalid-lapsed~~ on that date unless renewed. At least one month prior to expiration date of any license, the ~~Department-Board~~ will notify each registrant of the date of expiration of his license and the fee required for its renewal for two years. Renewal payment must be made during the month of June every two years. From June 30 through September 30, a license may be renewed ~~or within the ensuing 3 months, by~~

payment of an additional fee set by the Board in regulation. ~~for each month or fraction thereof beyond the month of June. The Board will make an exception to the foregoing renewal provisions in the case of a person who is serving in the Armed Services of the United States. After September 30, registrants must apply for reinstatement by submitting an application, required forms and fees as approved by the Board and proof of continuing forestry education as referenced in 53-20.~~

53-10. Registration Determination.

Registration will be determined on a basis of individual, personal qualifications and no firm, company, partnership, or corporations shall be licensed. That is, only natural persons shall be licensed to practice forestry in this state.

53-11. Reciprocity.

Any person licensed to practice forestry by any other state or country whose requirements are determined by the Board to be commensurate with the requirements of this state and upon satisfactory review of the applicant's record in the state or country of licensure may upon payment of a fee set by the Board be registered to practice forestry in this state.

Any applicant, a resident of another state who wishes to be registered in South Carolina, must first be registered in the state of residence provided there is a State Board of Registration for Foresters in that state except in unusual cases as determined by unanimous consent of the Board.

53-12. Address Requirement.

Each registrant shall notify the Board of his current mailing address. The registrant shall notify the Board of any change of address within 10 days of such change. Service or notice by mail shall be sufficient notice for purposes of this act and regulation.

53-13. Statement of Guiding Definitions.

For other forestry definitions the board will be guided by the most current version of the Dictionary of Forestry, published by the Society of American Foresters.

53-14. Exceptions.

Exceptions to the prohibited acts stated in Section 48-27-120 of the 1976 Code shall be:

(a) Marking timber as a member of a crew, under the supervision of a registered forester, without responsibility for determination of objectives, volumes, values or other purposes for which the timber is being marked.

(b) Scaling of severed forest products.

(c) Management of woodyards, and the duties incident thereto.

(d) Cutting, hauling, loading, storing and processing forest products.

(e) Forest workers or forest fire fighters, including tractor plow operators, fire or crew bosses, dispatchers, lookouts, scouts, crew foremen, forest pest control workers, and the similar workers as determined by the Board.

(f) Silvicultural practices such as reforestation and timber stand improvements unless the individual has responsibility for any technical determinations and not just physical labor involved in applying the practices.

(g) The buying and selling of timber or woodlands unless engaged in the practice of forestry in connection with the transaction.

(h) Compassmen and tallymen in timber cruising parties supervised by a registered forester.

(i) Regular employees of persons owning lands on which forestry practices are being conducted by the landowner.

53-15. Code of Ethics.

The most current version of the Code of Ethics as recommended by the Society of American Foresters is hereby adopted as the standards of professional conduct for all foresters in this state.

53-16. Licensure Fees for Registration and Renewal.

~~Beginning July 1, 1986, the fee for application and initial registration shall be \$30.00 and shall be submitted with the application upon a check payable to the State Board of Registration for Foresters. Annual renewal fees shall be \$20.00 if paid before July 1 of each year. If made during the ensuing 3 months, a penalty of \$5.00 will be charged for each month or fraction thereof, beyond the month of June.~~

~~Registration and renewal fee schedules shall be revised by the Board periodically, as conditions warrant in order to meet the revenue obligations of the Board, including the one hundred and fifteen percent of the Board budget as now required by the General Assembly. The present \$5.00 per month, or fraction thereof, will continue to be assessed if the renewal payment is made after June 30 of each year. Renewal can be achieved by payment of the renewal fee and late fee assessment through September 30 of each year.~~

~~Information on any change shall be made available to the public at the Board office and through publication in the State Register.~~

The Board's fees are as follows:

<u>(1) Application</u>	<u>\$50.00</u>
<u>(2) Registration (biennial)</u>	<u>\$130.00</u>
<u>(3) Initial License (including application and registration fee)</u>	<u>\$180.00</u>
<u>(4) Biennial renewal</u>	<u>\$130.00</u>
<u>(5) Late fee (after June 30 through September 30)</u>	<u>\$50.00</u>
<u>(6) Reinstatement</u>	<u>\$100.00 + past renewal fees and late fees</u>
<u>(7) Examination fee</u>	
<u>(payable to Society of American Foresters)</u>	<u>\$325.00</u>
<u>(8) Licensee list (Diskette/CD)</u>	<u>\$10.00</u>
<u>(9) Duplicate license/wallet card</u>	<u>\$3.00</u>
<u>(10) License verification</u>	<u>\$5.00</u>
<u>(11) Name or address change with new license card issued</u>	<u>\$3.00</u>

There is no charge for address or name changes made to the Board's record only.

Initial registration fees are prorated for applications received after April 1st of the year prior to renewal (even years, 2012, 2014, etc.) and approved by the Board. The prorated fee is \$65.00.

53-20. Continuing Education Requirements.

(1) Continuing Forestry Education (CFE): Each registered forester is required to meet the Continuing Education Requirements of the Board of Registration prior to biennial registration renewal ~~each year~~.

(2) ~~Annual~~ Biennial Requirements: A total of ~~10-20~~ Continuing Forestry Education credits is required ~~annually biennially~~, of which a minimum of ~~5-10~~ must be in Society of American Foresters Category 1. Remaining Continuing Forestry Education shall be obtained from other categories approved by the Society of American Foresters or by the Board.

(3) ~~CFE Credit Categories:~~

~~— Category 1 Organized course work or activities in forestry or forestry related subject matter. Each hour of actual lecture or program will qualify for one CFE credit with three hours of tour or field session equal to one CFE credit.~~

~~— Category 2 Other organized course work or activities not specifically forestry or forestry related, but which are beneficial to the individual in carrying out the practice of forestry. Credit is allowed at the same rate as for Category 1.~~

~~— Category 3 The development preparation and presentation of course work described in Category 1 or 2 which is beyond the scope of an individual's normal job requirements. Two hours credit is allowed for each hour of presentation.~~

~~— Category 4 The preparation, writing and publication of forestry or forestry related subject matter, which is beyond the scope of the individual's normal job requirements, two credit hours will be allowed for material of substantial nature in magazines, newspapers or similar publications. Five hours will be allowed by the Board of Registration for Foresters for any book or technical article requiring technical review.~~

~~— Category 5 Self improvement in forestry or related subjects includes self improvement through publications, audio visual presentations, or participation in meetings of forestry related committees (i.e., Foresters Council, State Board of Registration for Foresters, etc.). One credit hour allowed for each hour of activity.~~

~~— Category 6 Holding elected or appointed office or position in forestry or forestry related organization. One credit allowed per year for each position.~~

~~(4)-(3) Reports and Records: Each registrant shall report on a form provided by the Board, the activities undertaken to meet the requirements for Continuing Forestry Education.~~

The registrant shall maintain a file of documentation for activities for a period of 5 years after the date of the program. Such documentation shall be provided to the Board of Registration upon request.

~~(5)-(4) Approval of Activities:~~

(a) Any activity approved for CFE credit by the Society of American Foresters Continuing Forestry Education Program.

(b) An activity documentation may be submitted to the Board of Registration for Foresters for approval. The Board may rely on a committee of registered foresters chosen by the Board for determination or may rely on credit granted by other organizations. In any case the decision by the Board will be final.

~~(6)-(5) Non Compliance: An individual who does not meet the CFE requirements shall be placed on a probationary status for 6 months. Failure to complete the requirements during that period will result in cancellation of registration and prohibition from practicing forestry in South Carolina.~~

~~(7)-(6) Reinstatement to Active Registration: An individual wishing to have registration restored registrant seeking reinstatement must complete the following requirements for eContinuing Forestry Registration Education in addition to other requirements required by the Board.~~

(a) Registration lapse of ~~1-3 years of up to 10 years~~: Complete the 20 CFE hours requirements for a minimum of one year prior to application for registration.

(b) Registration lapse of ~~4-10 years~~: Complete the current CFE requirements for a minimum of two years credits during the 18 months preceding the application for reinstatement.

(c) ~~(b)~~ Registration lapse of 11 or more years: Completion of the examination required for initial licensing.

~~(8)-(7) Waivers: Any individual may request in writing a waiver of the requirements by the Board. If, in the judgement of the Board, the waiver is justified, it may be granted on a yearly biennial basis.~~

~~(9)-(8) New Registrants: An individual registered during a year will be required to meet CFE requirements for renewal following the first renewal after initial registration.~~

~~(10)-(9) Carry-over Credits: A maximum of 5-10 hours credits in categories 2-6 may be carried over for one year renewal period, except that award of a CFE certificate by the Society of American Foresters may qualify for the individual's CFE requirement for two following years.~~

~~(11)-(10) Exemptions:~~

(a) Individuals registered to practice forestry in another state and who meet Continuing Forestry Education requirements for that state equal to or greater than those in South Carolina.

~~(b) Periods of time the individual is serving on active duty in the Armed Forces of the United States for periods longer than 180 consecutive days.~~

~~This regulation became effective March 23, 1990.~~

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF REGISTRATION FOR FORESTERS**

2017 Regulatory Review Report

In furtherance of the directives stated in Governor Henry D. McMaster's Executive Order 2017-09, the South Carolina State Board of Registration for Foresters ("Board") met on August 3, 2017 to discuss the necessity of promulgating additional regulations and to review its existing regulations. Throughout this process, the Board heeded Governor McMaster's call to scrutinize all proposed new regulations in accordance with the well-known Rotarian four-point test and to identify existing regulations the Board intends to repeal, regulations the Board intends to amend, and regulations that appropriately protect the public's interest as currently written. The Board is mindful of its mission to promote the health, safety, and economic well-being of the public through regulation, licensing, enforcement, training, and education. The Board's mission goes hand-in-hand with the Governor's effort to foster a competitive business climate and positive regulatory culture by eliminating overly burdensome regulations.

Proposed New Regulations

The Board anticipates and recommends the promulgation of additional regulations to promote the health, safety, and economic well-being of the public, as follows:

None

Review of Existing Regulations

- Regulations the Board Intends to Repeal or Withdraw

The Board has reviewed its existing regulations for the purpose of identifying any regulations that unnecessarily burden the pursuit of professional and occupational practice in our state or no longer serve the purpose of promoting the health, safety, and economic well-being of the public. The Board proposes to repeal or withdraw the following regulations:

53-6 Committees - Redundant

- Regulations the Board Intends to Amend

The Board has reviewed its existing regulations to identify opportunities for amendment to better promote the health, safety, and economic well-being of the public. The Board proposes to amend the following regulations:

53-2 Officers-Delete position of secretary, and delete certain duties of Chairman and Vice-Chairman

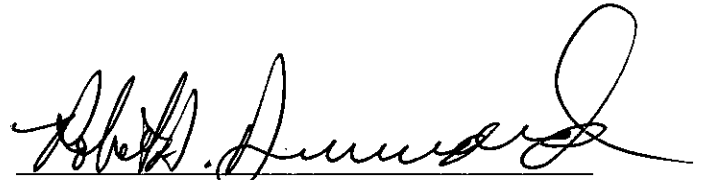
53-3 Meetings-Add regular meetings will be held a minimum of twice per year and special meeting may be called by majority of Board members; add notice as required by §30-4-80.

- 53-7 Applications-Add application fees may be paid electronically
- 53-8 Registration- delete "Beginning June 1, 1991."; add applicants must pass examination and add reference to state examination. Rewrite requirements.
- 53-9 Licenses- Amends section title to include lapsed license and reinstatement; reword for clarity; give timeline for renewal and reinstatement
- 53-11 Reciprocity - Correct typographical error
- 53-20 Continuing Education - Change annual references to biennial; adjust continuing education hours and credits: clarify requirements; delete categories; renumber for clarity; correct for typographical error; age and/or experience waiver for Continuing Education

- Regulations that Appropriately Protect the Public's Interest as Currently Written

The Board has reviewed its existing regulations to identify those that do not require either repeal or amendment. The Board is confident the following regulations continue to promote the health, safety, and economic well-being of the public in the least restrictive manner:

- 53-1
- 53-4
- 53-5
- 53-10
- 53-12
- 53-13
- 53-14
- 53-15



Robert A. Drummond
Chairman

August 3, 2017