~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 19, 2011

**H. 3744**

Introduced by Reps. Erickson and Sandifer

S. Printed 5/19/11--S.

Read the first time April 28, 2011.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3744) to amend Section 40‑65‑40, as amended, Code of Laws of South Carolina, 1976, relating to exemptions from provisions concerning soil classifiers, so as to revise, etc., respectfully

**REPORT:**

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

W. GREG RYBERG for Committee.

**A** **BILL**

TO AMEND SECTION 40‑65‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROVISIONS CONCERNING SOIL CLASSIFIERS, SO AS TO REVISE THE EXEMPTIONS.

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

SECTION 1. Section 40‑65‑40 of the 1976 Code, as last amended by Act 249 of 2010, is further amended to read:

“Section 40‑65‑40. This chapter ~~shall~~ must not be construed to prevent or affect:

(1) ~~the work of an employee or subordinate of a person licensed pursuant to this chapter or an employee of a person practicing lawfully pursuant to this chapter, if the work does not include final soil classifying decisions and is done under the direct supervision of and verified by a person licensed pursuant to this chapter or a person practicing lawfully pursuant to this chapter;~~

~~(2)~~ ~~the practice of any other legally recognized profession or trade;~~

~~(3)~~ ~~the practice of soil classifying by a person who is regularly employed to perform soil classifying services solely for his employer or for a subsidiary or affiliated corporation of his employer, if the soil classifying is performed on the real property of his employer.~~ Persons engaged solely in teaching soil science or engaged solely in soil science research.

(2) Officers and employees of the United States, the State, and units of local government who practice soil science solely in the capacity of their office or employment.

(3) Officers and employees of companies engaged in the practice of soil science, when the officers and employees practice soil science solely in the capacity of their employment and who do not offer their services to the public for hire.

(4) The work of an employee or subordinate of a person holding a Professional Soil Classifier license under this chapter provided this work does not include final soil classifying decisions and is done under the supervision of and verified by a person holding a Professional Soil Classifier license.

(5) A professional wetlands specialist who applies soil science to make wetland delineations or determinations.

(6) A person who conducts soil sampling solely for the purpose of determining plant nutrient and lime application rates for gardening and for agricultural, horticultural, silvicultural, or related purposes.

(7) A person who practices another licensed trade or profession within the scope of that license.”

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

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