



2015
Design Construction
Partnership Legislative Issues



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of South Carolina



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The engineering, architectural and contracting communities are interested in numerous issues relating to business as well as the health, safety and welfare of our citizens. The following bills and issues are important during this legislative session.

FAVORED LEGISLATION

Engineers' and Surveyors' Practice Act. Title 40 Chapter 22. This legislation is the most important legislation to engineers and surveyors.

House and Senate bills updating the practice act are being introduced this month and are expected to make their way through the legislative process this year. Sen. Hugh Leatherman (R-Florence) has agreed to sponsor the Practice Act. Chapter 22 of the State Law prescribes how engineering and surveying are practiced in South Carolina. Many of the changes in this bill update the current law and bring South Carolina's Practice Act into more conformity with the model law proposed by NCEES, the National Council of Examiners of Engineering and Surveying. Also, this bill further defines registration board members, clarifies language qualifying graduate engineering for registration, includes new areas in the practice of engineering, specifies engineering college curricula required for registration and prohibits licensees from entering into contracts on public work by means other than direct negotiations.

Transportation - There is considerable interest in additional funding for highways and bridges. Legislators know the public is interested in funding transportation projects. Governor Haley said the state should raise the state gas tax 10 cents per gallon over the next three years contingent upon a cut to income taxes from 7% to 5% over the next 10 years. Let your legislators know you are interested in the health, safety and welfare of the commuting public and without funds to improve the state's roads and bridges, our citizens are at risk. It is imperative we have a comprehensive funding plan to fix the roads and bridges in our state. #FixSCRoads

Increase Fines for Speeding in Work Zones: In addition to passing a comprehensive road funding plan, we need to pass S. 199 which would increase fines for speeding in construction work zones. If passed, a separate fund would be set up to use the additional fine money to hire and place more officers and more blue lights in the construction work zones. SC has the highest fatalities on our roads, so this would go a long way in addressing that issue.

Bond Bill for Vertical Construction Projects – The design and construction industry accounts for one in nine dollars of our gross domestic product and has disproportionately suffered during the economic decline with 35% to 50% loss of jobs since 2008. In this recovering economy, there is no better investment than building. AIASC supports legislation to issue and sell

direct general obligation interest-bearing bonds to be used for the purposes of capital outlay and maintenance.

Design-Build and Public-Private Partnership (P3) Construction Contracts – Recognizing that the design-build integrated approach to project delivery, based upon qualifications and experience, can yield improved collaboration among design professionals, builders, and owners, and result in quality, cost-effective buildings, and that partnerships with private developers may offer an effective financial mechanism for governmental entities to secure public buildings to satisfy critical public needs that cannot otherwise be met - AIA supports legislation that allows for the utilization of the design-build method or P3 construction contracts on certain state construction projects.

Address the Lack of Skilled Laborers: CAGC will be exploring all options and working with legislators, other state agencies and the technical school system throughout the state to address the ever growing issue of the lack of skilled labor in the construction industry.

Address Environmental Processes at DHEC: S.228 removes the DHEC Board from the administrative appeals process. The current process can take up to 155 days from time a permit is issued until it reaches the Administrative Law Court. The business community is requesting this bill because decision-making is susceptible to political influence rather than science and applicable regulations. Additional time, money, and resources are spent on legal fees and internal costs; the resulting decision by the DHEC Board is not given deference by the Administrative Law Court in a subsequent contested case hearing; so, ultimately the Board decision has no significant impact on the results.

S. 229, also known as the Pollution Control Fix Legislation reaffirms the legislative compromise agreed upon in 2012 (H.4654) by the business community and the environmental community that no private cause of action exists under the Pollution Control Act and that a company cannot be sued under the PCA for not having a permit when no regulatory permitting program exists. This bill closes a loophole found in the savings clause of the legislation which left companies that may have had emissions into the environment prior to June 6, 2012 still subject to a private cause of action under the PCA even if a regulatory permitting program was not available.

Tort Reform and Workers' Compensation – The SC Civil Justice Coalition is working two comprehensive tort reform bills. The Senate bills 281, the Court Transparency Act and 282 the Liability Reform Act, if passed, will go a long way in improving the legal climate in SC. Included in these bills are refining the certificate of merit law, seatbelt admissibility, non-economic damages limited to \$350,000, stopping punitive damages, trespasser responsibilities and other issues important to all business people. Engineers, Architects and Contractors have supported this coalition's efforts in tort reform and strengthening the Worker's Compensation policies, procedures and findings.

OPPOSED LEGISLATION

False Claims Act – Every year a state Senator introduces the False Claims Act which is harmful to businesses because it creates an incentive for lawsuits to target companies that do business with the government. Engineers, architects, and contractors do not support this legislation.

Standard Public School Plans– The engineering community joins its architectural brethren opposing any requirements for standard architectural plans for public schools to which all construction must comply. These standard plans would be the property of the State Department of Education. Legislation calling for these standard school plans has been introduced in past sessions, and may be introduced this year.

Licensure of Interior Designers – As in previous years, legislation requiring the licensure of interior designers was introduced and may be introduced this session. Other states have determined the work interior designers perform does not impact the public's health, safety and welfare; therefore, architects and engineers oppose licensing these individuals. The engineering community joins the architects opposing this legislation.

Read the Bills:

Bills reported here are available at your organization's website:

www.acecsc.org, www.scspe.org, www.ascsc.org, www.aiasc.org, and www.cagc.org. As other legislation is introduced of interest to the Design Construction Partnership, it will be posted on these websites.

For More Information Contact

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