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POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

April 23, 2009

**S. 374**

Introduced by Senator L. Martin

S. Printed 4/23/09--S.

Read the first time February 3, 2009.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 374) to amend Section 41‑1‑10, as amended, Code of Laws of South Carolina, 1976, relating to posting notices concerning the employment of adults and children in, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**A** **BILL**

TO AMEND SECTION 41‑1‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41‑3‑10, AS AMENDED, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41‑3‑40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41‑3‑50, 41‑3‑60, 41‑3‑100, AND 41‑3‑120, ALL AS AMENDED, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41‑1‑40, 41‑1‑50, 41‑3‑80, 41‑15‑10, AND 41‑15‑50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

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

SECTION 1. Section 41‑1‑10 of the 1976 Code, as last amended by Act 181 of 1994, is further amended to read:

“Section 41‑1‑10. Every employer shall keep posted in a conspicuous place ~~in every room where five or more persons are employed~~ a printed notice stating the provisions of the law relative to the employment of adult persons and children and the regulation of hours and working conditions. The Director of the Department of Labor, Licensing~~,~~ and Regulation or his designee shall furnish the printed form of such notice upon request.”

SECTION 2. Section 41‑3‑10 of the 1976 Code, as last amended by Act 181 of 1994, is further amended to read:

“Section 41‑3‑10. ~~A Division of Labor is hereby created, established, and administered under the supervision and direction of the Department of Labor, Licensing, and Regulation.~~ A Director of the Department of Labor, Licensing~~,~~ and Regulation must be appointed by the Governor pursuant to the provisions of Section 40‑73‑15. The director means the chief administrative officer of the Department of Labor, Licensing~~,~~ and Regulation. The Division of Labor is authorized to promulgate regulations for the division, and it is the duty of the division to administer and enforce the regulations and direct all inspections and investigations except as otherwise provided.”

SECTION 3. Section 41‑3‑40 of the 1976 Code, as last amended by Act 181 of 1994, is further amended to read:

“Section 41‑3‑40. The Director of the Department of Labor, Licensing~~, &~~ and Regulation, or his designee, shall ~~make~~ promulgate regulations with reference to ~~the work of the Subdivision of the Division of Labor and of the several subdivisions thereof~~ this title as shall be necessarily properly to carry out the duties imposed upon the division.”

SECTION 4. Section 41‑3‑50 of the 1976 Code, as last amended by Act 181 of 1994, is further amended to read:

“Section 41‑3‑50. The director of the department or his designee shall visit and inspect at reasonable hours, as often as practicable, all places, sites or areas where employment comes under the jurisdiction of the division to enforce the provisions of Chapters 1 through ~~25 of this Title~~ 24.”

SECTION 5. Section 41‑3‑60 of the 1976 Code, as last amended by Act 181 of 1994, is further amended to read:

“Section 41‑3‑60. The Director of the Department of Labor, Licensing~~,~~ and Regulation or his designee shall enforce all laws of Chapters 1 through ~~25 of this Title~~ 24 in places, sites or areas, which come under his jurisdiction, and appoint such assistants and inspectors as necessary to carry out his duties. The duties of such assistants and inspectors shall be prescribed by the director which come under his jurisdiction.”

SECTION 6. Section 41‑3‑100 of the 1976 Code, as last amended by Act 181 of 1994, is further amended to read:

“All blanks and forms required by the Director of the Department of Labor, Licensing~~,~~ and Regulation or his designee under provisions of Chapters 1 through ~~25 of this Title shall~~ 24 must be furnished by the director or his designee.”

SECTION 7. Section 41‑3‑120 of the 1976 Code, as last amended by Act 181 of 1994, is further amended to read:

“Section 41‑3‑120. The Director of the Department of Labor, Licensing~~,~~ and Regulation or his designee shall enforce the provisions of Chapters 1 through ~~25 of this title~~ 24 and prosecute all violations of law relating to those chapters before any court of competent jurisdiction.”

SECTION 8. Sections 41‑1‑40, 41‑1‑50, 41‑3‑80, 41‑15‑10, and 41‑15‑50 and Article 5, Chapter 3, Title 41; Chapter 21, Title 41; and Chapter 23, Title 41 all of the 1976 Code, are repealed.

SECTION 9. This act takes effect upon approval by the Governor.

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