**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3658**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Harrell, Loftis, Herbkersman, Merrill, Corbin, Norman, D.C. Moss, Quinn, Bowen, Forrester, McCoy, Lucas, Bedingfield, Hamilton, Bingham, Hardwick, Owens, Bikas, Parker, Cooper, Erickson, Frye, V.S. Moss, Long, G.R. Smith, Atwater, Huggins, Murphy, Hearn, Whitmire, Brannon, Chumley, Tallon, Taylor, Limehouse, Patrick, Crosby, Thayer, Sottile, Crawford, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G.M. Smith, J.R. Smith, Toole, Willis, Horne, White and Viers

Document Path: l:\council\bills\agm\18467bh11.docx

Introduced in the House on February 10, 2011

Introduced in the Senate on May 25, 2011

Last Amended on May 19, 2011

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: Employer Free Speech Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2011 House Introduced and read first time ([House Journal‑page 9](file:///h:\hj%20archive\2011\02-10-11.docx))

2/10/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 9](file:///h:\hj%20archive\2011\02-10-11.docx))

3/3/2011 House Committee report: Favorable **Judiciary** ([House Journal‑page 5](file:///h:\hj%20archive\2011\03-03-11.docx))

3/4/2011 Scrivener's error corrected

3/9/2011 House Requests for debate‑Rep(s). Rutherford, Crawford, Lowe, McLeod, Atwater, Hart, Toole, Sellers, Ott, Daning, Crosby, Erickson, Brantley, Cobb‑Hunter, JH Neal, Govan, Williams, Jefferson, King, Knight, Allison, Young, McEachern, RL Brown, Anderson Hosey, Clyburn, Alexander, GR Smith, JR Smith, Bikas, Gilliard, Mack, Weeks, Hixon, and Clemmons ([House Journal‑page 22](file:///h:\hj%20archive\2011\03-09-11.docx))

3/10/2011 House Member(s) request name added as sponsor: Horne

3/10/2011 House Debate adjourned until Tuesday, March 15, 2011 ([House Journal‑page 51](file:///h:\hj%20archive\2011\03-10-11.docx))

3/30/2011 House Debate adjourned until Thursday, March 31, 2011 ([House Journal‑page 42](file:///h:\hj%20archive\2011\03-30-11.docx))

3/31/2011 House Debate adjourned ([House Journal‑page 40](file:///h:\hj%20archive\2011\03-31-11.docx))

4/7/2011 House Debate adjourned until Tuesday, April 12, 2011 ([House Journal‑page 34](file:///h:\hj%20archive\2011\04-07-11.docx))

4/13/2011 House Debate interrupted ([House Journal‑page 42](file:///h:\hj%20archive\2011\04-13-11.docx))

4/13/2011 House Debate adjourned until Thursday, April 14, 2011 ([House Journal‑page 43](file:///h:\hj%20archive\2011\04-13-11.docx))

4/27/2011 House Debate adjourned ([House Journal‑page 30](file:///h:\hj%20archive\2011\04-27-11.docx))

4/27/2011 House Debate adjourned ([House Journal‑page 79](file:///h:\hj%20archive\2011\04-27-11.docx))

4/27/2011 House Debate adjourned until Thursday, April 28, 2011 ([House Journal‑page 90](file:///h:\hj%20archive\2011\04-27-11.docx))

4/28/2011 House Debate adjourned until Tuesday, May 3, 2011 ([House Journal‑page 67](file:///h:\hj%20archive\2011\04-28-11.docx))

5/4/2011 House Debate adjourned until Thursday, May 5, 2011 ([House Journal‑page 45](file:///h:\hj%20archive\2011\05-04-11.docx))

5/5/2011 House Debate adjourned until Wednesday, May 11, 2011 ([House Journal‑page 25](file:///h:\hj%20archive\2011\05-05-11.docx))

5/12/2011 House Member(s) request name added as sponsor: White

5/12/2011 House Debate adjourned until Tuesday, May 17, 2011 ([House Journal‑page 18](file:///h:\hj%20archive\2011\05-12-11.docx))

5/17/2011 House Member(s) request name added as sponsor: Viers

5/18/2011 House Debate adjourned until Thursday, May 19, 2011 ([House Journal‑page 28](file:///h:\hj%20archive\2011\05-18-11.docx))

5/19/2011 House Amended ([House Journal‑page 40](file:///h:\hj%20archive\2011\05-19-11.docx))

5/19/2011 House Read second time ([House Journal‑page 40](file:///h:\hj%20archive\2011\05-19-11.docx))

5/19/2011 House Roll call Yeas‑76 Nays‑26 ([House Journal‑page 40](file:///h:\hj%20archive\2011\05-19-11.docx))

5/20/2011 Scrivener's error corrected

5/24/2011 House Read third time and sent to Senate ([House Journal‑page 80](file:///h:\hj%20archive\2011\05-24-11.docx))

5/25/2011 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj%20archive\2011\05-25-11.docx))

5/25/2011 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 5](file:///h:\sj%20archive\2011\05-25-11.docx))

**VERSIONS OF THIS BILL**

[2/10/2011](file:///p:\pprever\2011-12\3658_20110210.docx)

[3/3/2011](file:///p:\pprever\2011-12\3658_20110303.docx)

[3/4/2011](file:///p:\pprever\2011-12\3658_20110304.docx)

[5/19/2011](file:///p:\pprever\2011-12\3658_20110519.docx)

[5/20/2011](file:///p:\pprever\2011-12\3658_20110520.docx)

AMENDED

May 19, 2011

**H. 3658**

Introduced by Reps. Clemmons, Harrell, Loftis, Herbkersman, Merrill, Corbin, Norman, D.C. Moss, Quinn, Bowen, Forrester, McCoy, Lucas, Bedingfield, Hamilton, Bingham, Hardwick, Owens, Bikas, Parker, Cooper, Erickson, Frye, V.S. Moss, Long, G.R. Smith, Atwater, Huggins, Murphy, Hearn, Whitmire, Brannon, Chumley, Tallon, Taylor, Limehouse, Patrick, Crosby, Thayer, Sottile, Crawford, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G.M. Smith, J.R. Smith, Toole, Willis, Horne, White, Bannister, Young and Viers

S. Printed 5/19/11--H. [SEC 5/20/11 2:34 PM]

Read the first time February 10, 2011.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA EMPLOYER FREE SPEECH ACT” BY ADDING SECTION 41‑7‑110 SO AS TO PROVIDE THAT AN EMPLOYER IN THIS STATE IS NOT REQUIRED TO POST, PHYSICALLY, ELECTRONICALLY, OR OTHERWISE, NOTICES INFORMING EMPLOYEES OF THEIR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT, COURT DECISIONS IMPLEMENTING THOSE RIGHTS, OR INFORMATION PERTAINING TO THE ENFORCEMENT OF THOSE RIGHTS, AND TO PROVIDE DEFINITIONS.

Amend Title To Conform

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

SECTION 1. This act is known and may be cited as the “South Carolina Employer Free Speech Act”.

SECTION 2. Chapter 7, Title 41 of the 1976 Code is amended by adding:

“Section 41‑7‑110. (A) An employer in this State is not required to post, physically, electronically, or otherwise, notices informing employees of their rights under the National Labor Relations Act, court decisions implementing those rights, or information pertaining to the enforcement of those rights.

(B) For purposes of this section, ‘employer’ means a person, partnership, for profit or nonprofit corporation, limited liability corporation, and their agents, direct or indirect, that employ one or more employees. As used in this definition, ‘agent’ means any former supervisor or the employer’s designee. This definition includes employers who are subject to the National Labor Relations Act.”

SECTION 3. This act takes effect January 1, 2012.

‑‑‑‑XX‑‑‑‑