COMMITTEE REPORT

February 14, 2017

**H. 3652**

Introduced by Reps. Forrester, Sottile, V.S. Moss, Clemmons, Allison, Loftis, Burns, Chumley, Jefferson, Mack, Willis, Anderson, Anthony, Ballentine, Duckworth, Henderson, D.C. Moss, Norman, Pitts, S. Rivers, Rutherford, Tallon and Elliott

S. Printed 2/14/17--H.

Read the first time February 2, 2017.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3652) to amend the Code of Laws of South Carolina, 1976, by adding Section 11‑35‑3265 so as to require governmental agencies to consider all piping materials for determining, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, Section 11‑35‑3265(A), as contained in SECTION 1, by deleting the subsection in its entirety and inserting:

/ (A) A governmental body or any political subdivision, through the use of an engineer employed or retained by that agency, shall consider all piping material in determining project requirements when state funds are used for a water supply, wastewater, stormwater, or storm drainage project. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑35‑3265 SO AS TO REQUIRE GOVERNMENTAL AGENCIES TO CONSIDER ALL PIPING MATERIALS FOR DETERMINING REQUIREMENTS FOR CERTAIN PROJECTS, TO PROVIDE PIPING MATERIALS THAT MEET SUCH REQUIREMENTS AND COMPLY WITH SOUND ENGINEERING PRACTICES MUST BE ALLOWED TO BE CONSIDERED IN RELATED PROCUREMENT BIDDING PROCESSES, AND TO PROVIDE THE PROVISIONS OF THIS SECTION DO NOT LIMIT THE DISCRETION OF GOVERNMENTAL AGENCIES FROM SELECTING PIPING MATERIALS FOR PROJECTS SUBJECT TO THE PROVISIONS OF THIS SECTION.

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

SECTION 1. Subarticle 5, Article 9, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11‑35‑3265. (A) An official or an engineer of a governmental agency of this State shall consider all piping material in determining project requirements when state funds are used for a water supply, wastewater, stormwater, or storm drainage project.

(B) All piping materials that comply with sound engineering practices and meet project requirements as determined by an official or an engineer of the governmental agency must be allowed to participate in the bidding process when a governmental agency is procuring piping materials for a water supply, wastewater, stormwater, or storm drainage project for which public funds are used.

(C) Nothing in this section prohibits an official or an engineer of the governmental agency from choosing a material at its discretion for a project referred to in subsections (A) and (B).”

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

‑‑‑‑XX‑‑‑‑