COMMITTEE REPORT

March 14, 2011

**H. 3735**

Introduced by Reps. Loftis, Chumley, Neilson, Hamilton, Sandifer, J.R. Smith, Whitmire and Thayer

S. Printed 3/14/11--H.

Read the first time February 23, 2011.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3735) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 12 to Title 39 to enact the “South Carolina Incandescent Light Bulb Freedom Act” so as, etc., respectfully

**REPORT:**

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

WILLIAM E. SANDIFER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 39 TO ENACT THE “SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT” SO AS TO PROVIDE THAT INCANDESCENT LIGHT BULBS MANUFACTURED IN THIS STATE, WITHOUT SIGNIFICANT PARTS IMPORTED FROM ANOTHER STATE, AND OFFERED FOR SALE AND SOLD FOR USE ONLY IN THIS STATE ARE DEEMED ONLY TO BE IN THE STREAM OF INTRASTATE COMMERCE AND THEREFORE NOT SUBJECT TO FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE UNITED STATES CONSTITUTION.

Whereas, the tenth amendment to the United States Constitution reserves to the states and their people all powers not delegated to the federal government and not prohibited to the states; and

Whereas, the ninth amendment to the United States Constitution provides that certain rights enumerated in the Constitution shall not be construed to deny or disparage other rights retained by the people; and

Whereas, the General Assembly finds that if an item manufactured in this State without the inclusion of any significant parts imported from another state and the item is offered for sale and sold only for use within the borders of this State, the item is not in the stream of interstate commerce and not subject to federal regulation under the commerce clause of the United States Constitution pursuant to Article I, Section 8; and

Whereas, the General Assembly finds that the regulation of intrastate commerce is vested in the states under the ninth and tenth amendments to the United States Constitution. Now, therefore,

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

SECTION 1. Title 39 of the 1976 Code is amended by adding:

“Chapter 12

South Carolina Incandescent Light Bulb Freedom Act

Section 39-12-10. This chapter may be cited as the ‘South Carolina Incandescent Light Bulb Freedom Act’.

Section 39-12-20. As used in this chapter:

(1) ‘Borders of South Carolina’ means the boundaries of South Carolina described in Section 1-1-10.

(2) ‘Generic and insignificant parts’ includes, but is not limited to, steel, glass, springs, screws, nuts, pins, and ceramics.

(3) ‘Incandescent light bulb’ means a light bulb containing a filament or filaments that produce light when the filament or filaments are heated due to electrical resistance.

Section 39-12-30. An incandescent light bulb that is manufactured commercially or privately in this State from basic materials that can be manufactured without the inclusion of any significant parts imported from another state and is offered for sale and sold for use only within the borders of this State is deemed to be in the stream of intrastate commerce, rather than interstate commerce, and is not subject to federal law or federal regulation.

(B) The incorporation of generic and insignificant parts imported from another state in an incandescent light bulb that is manufactured and sold in this State pursuant to subsection (A) which have other manufacturing or consumer product applications does not bring the incandescent light bulb into interstate commerce and does not subject them to federal law or federal regulation.

(C) Basic materials, such as unmachined and unshaped steel and glass, imported from another state that are to be altered for incorporation into an incandescent light bulb are deemed to be an insignificant part of the bulb pursuant to subsection (B) prior to their alteration and after their incorporation into the bulb. If these basic materials are otherwise manufactured, offered for sale, and sold pursuant to subsection (A), they are not in interstate commerce and not subject to federal law or federal regulation pursuant to subsection (B).

Section 39-12-40. An incandescent light bulb manufactured, offered for sale, or sold in this State pursuant to this chapter must have the words ‘Made in South Carolina’ clearly stamped, engraved, or otherwise clearly indicated on a central part of the bulb.”

SECTION 2. This act takes effect upon approval by the Governor and applies to incandescent light bulbs that are manufactured, as defined in Section 39-12-20 of the 1976 Code, as added by Section 1 of this act, on or after this act’s effective date.

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