**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4176**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young

Document Path: l:\council\bills\dka\3635sd11.docx

Companion/Similar bill(s): 873

Introduced in the House on May 4, 2011

Introduced in the Senate on May 5, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Acting General Counsel of the National Labor Relations Board

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/4/2011 House Introduced, adopted, sent to Senate ([House Journal‑page 4](file:///h:\hj%20archive\2011\05-04-11.docx))

5/5/2011 Senate Introduced ([Senate Journal‑page 15](file:///h:\sj%20archive\2011\05-05-11.docx))

5/5/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 15](file:///h:\sj%20archive\2011\05-05-11.docx))

**VERSIONS OF THIS BILL**

[5/4/2011](file:///p:\pprever\2011-12\4176_20110504.docx)

**A** **CONCURRENT RESOLUTION**

TO CONDEMN THE COMPLAINT FILED BY THE ACTING GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD ASSERTING THAT THE BOEING COMPANY’S SELECTION OF NORTH CHARLESTON FOR ITS NEWEST FINAL ASSEMBLY AND DELIVERY PRODUCTION FACILITY FOR THE 787 DREAMLINER AIRPLANE VIOLATED THE NATIONAL LABOR RELATIONS ACT, AND TO URGE THAT THE COMPLAINT BE DISMISSED BY THE BOARD AS AN UNWARRANTED INTRUSION INTO A BUSINESS DECISION OF THE BOEING COMPANY AND THE ECONOMIC DEVELOPMENT ACTIVITIES OF THE STATE OF SOUTH CAROLINA, AND BECAUSE OF ITS ADVERSE IMPACT ON THE FUTURE ECONOMIC GROWTH OF THE UNITED STATES OF AMERICA.

Whereas, the Boeing Company’s 787 Dreamliner airplane is a technological marvel of the future and Boeing has received orders for almost eight hundred fifty airplanes of which more than eighty percent are for the international market; and

Whereas, in light of the overwhelming demand for the 787, Boeing anticipated the need for additional production facilities to meet those increasing demands; and

Whereas, the State of South Carolina in its continuing effort to attract businesses to the State developed an economic incentive package; and

Whereas, state and local governments agreed to an economic development incentive package to encourage the Boeing Company to locate a second assembly plant for the 787 in South Carolina; and

Whereas, Boeing decided to establish a second assembly line facility in North Charleston near its existing aerospace manufacturing facilities; and

Whereas, Boeing has invested over one billion dollars in constructing a Final Assembly and Delivery Center that currently employs three thousand five hundred people in South Carolina; and

Whereas, the State of South Carolina believes that as a result of its own significant investment, the Boeing commitment will further attract additional facilities and suppliers to the State; and

Whereas, over ninety percent of the dollars expended in the construction of the 787 Final Assembly and Delivery Center have gone to South Carolina businesses; and

Whereas, the Boeing Final Assembly and Delivery Center is scheduled to begin operations in May of 2011; and

Whereas, a complaint has been filed by the Acting General Counsel of the National Labor Relations Board asserting that Boeing’s selection of North Charleston for its newest Final Assembly and Delivery production facility violated the National Labor Relations Act; and

Whereas, the Acting General Counsel has not ruled out the unprecedented remedy of directing Boeing to make airplane production placement decisions that would have the effect of stopping assembly of 787 Dreamliner airplanes in Charleston which is a remedy that would cost Boeing billions of dollars and would jeopardize the investment made by state and local governments of South Carolina; and

Whereas, the potential for temporary or permanent closure of the Boeing facility would discourage additional businesses from investing in South Carolina; and

Whereas, employment and future investment in the State of South Carolina would be negatively affected by protracted litigation between Boeing and the NLRB; and

Whereas, the citizens of this State and in particular the employees of Boeing in South Carolina have demonstrated an enormous desire to build the 787 Dreamliner airplane as one of the finest examples of American ingenuity and quality that will demonstrate to the world the preeminence of the American aeronautical industry. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly of the State of South Carolina, by this resolution, stand united against the complaint filed against the Boeing Company by the Acting General Counsel of the National Labor Relations Board as an attack against the economic well-being of the State of South Carolina and a misinterpretation of the National Labor Relations Act and the subsequent legal interpretations of this Act.

Be it further resolved that the members of the General Assembly believe that the ensuing protracted litigation should this course of action continue will cause irreparable harm to the economy of South Carolina, and is an attempt by the federal government to dictate to an American corporation, one of the largest exporters in the United States, that it can no longer make business decisions deemed appropriate by Boeing’s management, employees, and shareholders.

Be it further resolved that the members of the General Assembly also believe that the complaint is an attempt by the federal government to choose winners and losers in the economic development arena, is a clear disincentive to American companies to locate facilities in the United States, and that this action by the NLRB Acting General Counsel is in sharp contrast with the current Administration’s efforts and concerns for American jobs.

Be it further resolved that the members of the General Assembly for the above reasons urge that the current complaint be withdrawn immediately or in the alternative that the NLRB expeditiously dismiss it as contrary to the intent of federal law.

Be it further resolved that a copy of this resolution be forwarded to the President of the United States, the Secretary of Labor, and the members of the National Labor Relations Board.

‑‑‑‑XX‑‑‑‑