COMMITTEE REPORT

February 5, 2009

**H. 3222**

Introduced by Reps. Bedingfield, Gullick, Erickson, Crawford, Duncan, Allison, Ballentine, Cato, Forrester, Hamilton, Harrell, Harrison, Horne, Kelly, Littlejohn, Millwood, Nanney, E.H. Pitts, M.A. Pitts, Rice, D.C. Smith, G.R. Smith, J.R. Smith, Stringer, Wylie, A.D. Young, T.R. Young, Daning and Owens

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Read the first time January 13, 2009.

**THE COMMITTEE ON**

**INVITATIONS AND MEMORIAL RESOLUTIONS**

To whom was referred a Concurrent Resolution (H. 3222)

memorializing the South Carolina Congressional Delegation to oppose legislation that disenfranchises South Carolina workers by removing their right to a private ballot, etc., respectfully

**REPORT:**

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

HERB KIRSH for Committee.

**A** **CONCURRENT RESOLUTION**

MEMORIALIZING THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO OPPOSE LEGISLATION THAT DISENFRANCHISES SOUTH CAROLINA WORKERS BY REMOVING THEIR RIGHT TO A PRIVATE BALLOT UNION ELECTION.

Whereas, the right to a private ballot when voting on external representation is fundamentally inherent in our representative Republic and shall not be infringed upon; and

Whereas, South Carolina taxpayers spend tremendous resources to foster and support free elections at home and abroad, and it makes no sense to roll back the clock on our own workplace elections by abolishing federally protected private ballots; and

Whereas, the first right‑to‑work laws in South Carolina were adopted in 1954; and

Whereas, South Carolina’s right‑to‑work laws give the State a distinct advantage when recruiting new industry and business; and

Whereas, passing the Employee Free Choice Act (EFCA) will replace a federally supervised private ballot election with a system that facilitates coercion and intimidation, known as “card check”, whereby employees publically sign cards to vote for unionization; and

Whereas, the Chairman of the United States House Committee on Education and Labor, Representative George Miller, a staunch supporter of the American “card check” bill, sent a letter to Mexican government officials which stated, “…we feel that the private ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may otherwise not choose.”; and

Whereas, the bill would leave South Carolina employees vulnerable to harassment, misinformation, labor union pressure, and would ultimately have a significant negative impact on the South Carolina small business community; and

Whereas, small businesses are less likely to have labor counsel and are more susceptible to the complicated legal restrictions employers face during union organizing drives; and

Whereas, this legislation departs from over six decades of precedent established by the National Labor Relations Act by imposing contract terms on private employers through a process of compulsory binding arbitration; and

Whereas, the mandatory binding arbitration provisions of the EFCA deny workers the right to participate in the collective bargaining process between employees and the union. Now, therefore,

Be it resolved that the South Carolina House of Representatives, the Senate concurring:

That the members of the General Assembly of the State of South Carolina, by this resolution, find that so‑called “card check” legislation such as the “Employee Free Choice Act” is detrimental to the rights of South Carolina workers, is an offense against democratic principles, and urge all members of the South Carolina Congressional delegation to support worker freedom by opposing the EFCA and any of its components in 2009 and in future years.

Be it further resolved that a copy of this resolution be forwarded to each member of the South Carolina Congressional Delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate.

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