

STAND. COM. REP. NO.

2281

Honolulu, Hawaii

FOB 17

, 2006

RE: S.B. No. 2537

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 2537
entitled:

"A BILL FOR AN ACT RELATING TO OATHS OF OFFICE,"

begs leave to report as follows:

The purpose of this measure is to repeal provisions within
the Hawaii Revised Statutes that require public employees to take
a loyalty oath.

Testimony in support of this measure was submitted by the
Office of the Ombudsman.

Your Committee finds that Article XVI, Section 4, of the
Hawaii State Constitution was amended in 1992 to require only the
Governor, Lieutenant Governor, members of the Legislature, members
of the Board of Education, members of the National Guard,
employees of the State and counties possessing police powers,
district court judges, and officers whose appointment requires the
consent of the State Senate to subscribe to an oath of office.
Subsequent to the 1992 constitutional amendment, part II of
chapter 85, Hawaii Revised Statutes, relating to loyalty oaths was
also repealed. However, your Committee further finds that,
although obsolete, certain provisions of the law still exist that
either require specific employees to take a loyalty oath or refer
to the repealed provisions of chapter 85, Hawaii Revised Statutes.
Your Committee determines that these provisions should be
repealed, as the affected positions are not specifically
enumerated as those subject to the constitutional mandate of a



loyalty oath and their continued presence may cause confusion as to their effect and applicability.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2537 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Labor,

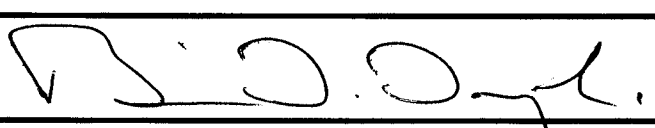


BRIAN KANNO, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Labor
(Bills and Resolutions)

Measure:* SB 2537	Committee Referral: LBR, JAW	Date: 2-13-06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (2312) <input type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)				✓
TANIGUCHI, Brian T.	✓			
SLOM, Sam			✓	
TOTAL	2		1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.