

STAND. COM. REP. NO.

2984

Honolulu, Hawaii

MAR 21 2018

RE: H.B. No. 1929
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Labor, to which was referred H.B. No. 1929, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Hawaii Labor Relations Board to adopt emergency rules if the Board finds that Hawaii's collective bargaining in public employment law, or the application thereof, is inconsistent with any federal or state law and the adoption of an emergency rule is urgently needed.

Your Committee received testimony in support of this measure from the University of Hawaii Professional Assembly; United Public Workers, AFSCME, Local 646, AFL-CIO; and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that based upon the anticipated 2018 United States Supreme Court ruling in *Janus v. American Federation of State, County and Municipal Council 31*, U.S. Supreme Court Docket No. 16-1466, the constitutional and statutory underpinnings of Hawaii public sector collective bargaining may be at risk. The *Janus* decision may require statutory changes; however, a challenge arises when the Legislature is not in session and an event or



series of circumstances arise that requires immediate action to mitigate any damage. Your Committee further finds that the current circumstances presented by the *Janus* case may present immediate, important questions regarding the application of chapter 89, Hawaii Revised Statutes, relating to collective bargaining. Accordingly, your Committee finds that it is necessary to grant the Hawaii Labor Relations Board emergency rulemaking powers.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 1929, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1929, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

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

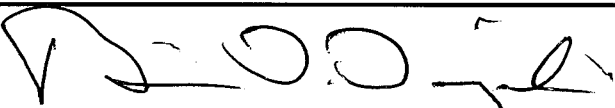


JILL N. TOKUDA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1929, HD1	LBR, WAM	3/13/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)				✓
CHANG, Stanley	✓			
IHARA, Jr., Les				✓
TANIGUCHI, Brian T.	✓			
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes