

STAND. COM. REP. NO.

2286

Honolulu, Hawaii

FEB 13 2018

RE: S.B. No. 2372
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 S.B. No. 2372
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 and United
Public Workers, AFSCME, Local 646, AFL-CIO.

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.
This court 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, and related cases which are making their way through the federal courts, 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:

- (1) Inserting an effective date of January 1, 2045, to encourage further discussion; and
- (2) 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 S.B. No. 2372, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2372, S.D. 1, and be referred to your Committee on Judiciary.

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



JILL N. TOKUDA, Chair



