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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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March 29, 2022

To: The Honorable Karl Rhoads, Chair,
The Honorable Jarrett Keohokalole, Vice Chair, and
Members of the Senate Committee on Judiciary

Date: Tuesday, March 29, 2022
Time: 9:30 a.m.
Place: Conference Room 016, State Capitol

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

**Re: S.C.R. 8 RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF
THE UNITED STATES GIVING THE CONGRESS OF THE UNITED STATES POWER
TO LIMIT, REGULATE, AND PROHIBIT THE LABOR OF PERSONS UNDER
EIGHTEEN YEARS OF AGE**

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee,

The DLIR supports this measure that would ratify a proposed constitutional amendment that would specifically authorize Congress to regulate "labor of persons under eighteen years of age." By the mid-1930s, twenty-eight states ratified the amendment. Interest in the amendment waned following the passage of the Fair Labor Standards Act of 1938, which implemented federal regulation of labor performed by those under sixteen or eighteen years of age.

Article V of the United States Constitution requires three-fourths of the states to ratify the amendment. As Congress did not set a time limit for its ratification, the amendment is still pending before the states. Ratification by an additional ten states would be necessary for this amendment to come into force.

SCR-8

Submitted on: 3/26/2022 10:49:12 PM

Testimony for JDC on 3/29/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ramon Riesgo	Individual	Support	Written Testimony Only

Comments:

Hello my name is Ramon Riesgo and I am the one that brought this legislative issue to the attention of Senator Taniguchi. In the 1920s-30s, child labor was rampant around the United States and Congress submitted this amendment to the states to be ratified. The opposition was fierce with accusations that the federal government was overstepping its power. In the end it fell 10 states short and future US Supreme Court rulings gave Congress the ability to regulate child labor which killed momentum for the amendment. Hawaii obviously wasn't a state when the amendment was originally submitted to the states but it still is on record of having taken no action putting it with the company of pro-child labor states. By ratifying the amendment now Hawaii can put the state on the right side of history and join the other states that oppose child labor.

Currently our nation is going through a time of historical reflection and the shameful past of the child labor era is often forgotten. Many lives were lost across the country in between the 1920-30s by states dragging their feet on this amendment. Hawaii prides itself on being a progressive state that strives to protect its people; however this legislative blemish still stands waiting for action. I hope the committee will advance the amendment so the state can finally go record of being anti-child labor. The amendment is already law so this would be symbolic but it would be a powerful symbol. By ratifying this amendment, we are inscribing forever in our constitution that the human rights of children are an issue of national importance and one for future generations to consider. Especially now as other states weaken their child labor laws, this amendment is needed more then ever to stop any further backsliding.

SCR-8

Submitted on: 3/24/2022 3:57:24 PM

Testimony for JDC on 3/29/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Smart	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SCR 8, ratifying a new amendment to the US Constitution.

I see no reason for this Amendment. Hawaii has no problem regulating "child labor". Furthermore, history does not have "sides" and it is impossible to be on "the right side".

LATE

SCR-8

Submitted on: 3/28/2022 11:42:34 AM

Testimony for JDC on 3/29/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elisa M Weichel	Testifying for Children's Advocacy Institute	Support	Written Testimony Only

Comments:

The University of San Diego School of Law's Children's Advocacy Institute supports the State of Hawaii's proposal to ratify the [Child Labor Amendment of 1924](#), which only needs approval by ten more states in order to become the 28th Amendment to the U.S. Constitution.

While the enactment of the child labor provision in the Fair Labor Standards Act of 1938 removed the urgency for the ratification of the Child Labor Amendment, the Amendment is still active and has no set deadline. The symbolic value of the U.S. constitutionally recognizing the need to “limit, regulate, and prohibit the labor of persons under eighteen years of age” cannot be overstated and would be a momentous step forward in elevating children’s rights — not only in this country but throughout the world.

We urge Hawaii legislators to approve this momentous measure.