

MAR 10 2023

SENATE RESOLUTION

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.

1 WHEREAS, unregulated child labor has a detrimental effect
2 on health and welfare of children; and
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4 WHEREAS, the 1900 census revealed that approximately two
5 million children were working in mills, mines, fields,
6 factories, stores, and on city streets across the United States,
7 which influenced a national movement to end child labor in the
8 United States; and
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10 WHEREAS, in 1916, the Congress of the United States
11 (Congress) passed its first child labor bill, the Keating-Owen
12 Child Labor Act of 1916, which attempted to regulate child labor
13 by prohibiting the interstate shipment of goods produced by any
14 factory, shop, or cannery that employed children under the age
15 of fourteen; any mine that employed children under the age of
16 sixteen; and any facility where children under the age of
17 sixteen worked at night or for more than eight hours during the
18 day; and
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20 WHEREAS, Congress cited to the federal government's ability
21 to regulate interstate commerce as its authority to pass the
22 Keating-Owen Child Labor Act; however, the United States Supreme
23 Court in *Hammer v. Dagenhart*, 247 U.S. 251 (1918), distinguished
24 between the Congress's power to regulate commerce and the
25 states' power to regulate production, and ruled that the law was
26 unconstitutional because it overstepped the federal government's
27 powers to regulate interstate commerce; and
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29 WHEREAS, in 1918, Congress passed a second child labor bill
30 as part of the Revenue Act of 1919, also called Child Labor Tax
31 Law, which took an indirect route to regulate to regulate child
32 labor by using the government's power to levy taxes; and
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2 WHEREAS, House Joint Resolution 184 was submitted to the
3 state legislatures for ratification; and
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5 WHEREAS, ratification of House Joint Resolution 184 stalled
6 after 1925, due to an effective campaign to discredit it,
7 including traditional states' rights arguments against increases
8 in the power of the federal government and accusations that the
9 amendment was a communist-inspired plot to subvert the
10 Constitution of the United States; and
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12 WHEREAS, by 1937, when the most recent state ratified House
13 Joint Resolution 184, only twenty-eight states had ratified it,
14 which fell short of the three-fourths threshold required for a
15 constitutional amendment; and
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17 WHEREAS, the proposal for the constitutional amendment is
18 still outstanding since Congress did not set a time limit for
19 its ratification, and ratification by ten more states is
20 required to add the amendment to the Constitution of the United
21 States; and
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23 WHEREAS, fifteen states have rejected and refused to
24 subsequently ratify House Joint Resolution 184, and Hawai'i is
25 one of the seven states that have no record of taking action on
26 the proposed constitutional amendment; and
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28 WHEREAS, federal regulation of child labor in the United
29 States is now provided under the Fair Labor Standards Act of
30 1938, as amended; however, ratification of the constitutional
31 amendment set forth in House Joint Resolution 184 would put
32 Hawai'i on the right side of history; now, therefore,
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34 BE IT RESOLVED by the Senate of the Thirty-second
35 Legislature of the State of Hawaii, Regular Session of 2023,
36 that the Article proposed as an amendment to the Constitution of
37 the United States as set forth in United States House Joint
38 Resolution 184, dated June 2, 1924, is hereby ratified by the
39 Legislature of the State of Hawaii; and
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41 BE IT FURTHER RESOLVED that certified copies of this
42 Resolution be transmitted to the Archivist of the United States,



S.R. NO. 102

1 Majority Leader of the United States Senate, Speaker of the
2 United States House of Representatives, members of Hawai'i's
3 congressional delegation, and Director of Labor and Industrial
4 Relations.

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OFFERED BY: _____

