
A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO REQUIRE AN EFFECTIVE TIME PERIOD ON EACH AGREEMENT BETWEEN THE PUBLIC EMPLOYER AND A COLLECTIVE BARGAINING UNIT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to propose
2 amendments to the Constitution of the State of Hawaii to require
3 that each collective bargaining agreement be effective for a
4 period of four years.

5 SECTION 2. Article VII, section 9, of the Constitution of
6 the State of Hawaii is amended to read as follows:

7 "Section 9. In each regular session in an odd-numbered
8 year, the legislature shall transmit to the governor an
9 appropriation bill or bills providing for the anticipated total
10 expenditures of the State for the ensuing fiscal biennium[-];
11 provided that the appropriation bill or bills may provide for
12 anticipated expenditures for any collective bargaining agreement
13 beyond the ensuing fiscal biennium, for a total collective
14 bargaining agreement time period not to exceed four years. In
15 such session, no appropriation bill, except bills recommended by
16 the governor for immediate passage, or to cover the expenses of



1 the legislature, shall be passed on final reading until the bill
2 authorizing operating expenditures for the ensuing fiscal
3 biennium, to be known as the general appropriations bill, shall
4 have been transmitted to the governor.

5 In each regular session in an even-numbered year, at such
6 time as may be provided by law, the governor may submit to the
7 legislature a bill to amend any appropriation for operating
8 expenditures of the current fiscal biennium, to be known as the
9 supplemental appropriations bill, and bills to amend any
10 appropriations for capital expenditures of the current fiscal
11 biennium, and at the same time the governor shall submit a bill
12 or bills to provide for any added revenues or borrowings that
13 such amendments may require[-]; provided that the appropriation
14 bill or bills may provide for anticipated expenditures for any
15 collective bargaining agreement beyond the current fiscal
16 biennium, for a total collective bargaining agreement time
17 period not to exceed four years. In each regular session in an
18 even-numbered year, bills may be introduced in the legislature
19 to amend any appropriation act or bond authorization act of the
20 current fiscal biennium or prior fiscal periods. In any such
21 session in which the legislature submits to the governor a



1 supplemental appropriations bill, no other appropriation bill,
2 except bills recommended by the governor for immediate passage,
3 or to cover the expenses of the legislature, shall be passed on
4 final reading until such supplemental appropriations bill shall
5 have been transmitted to the governor.

6 **GENERAL FUND EXPENDITURE CEILING**

7 Notwithstanding any other provision to the contrary, the
8 legislature shall establish a general fund expenditure ceiling
9 which shall limit the rate of growth of general fund
10 appropriations, excluding federal funds received by the general
11 fund, to the estimated rate of growth of the State's economy as
12 provided by law. No appropriations in excess of such ceiling
13 shall be authorized during any legislative session unless the
14 legislature shall, by a two-thirds vote of the members to which
15 each house of the legislature is entitled, set forth the dollar
16 amount and the rate by which the ceiling will be exceeded and
17 the reasons therefor."

18 SECTION 3. Article VII, section 11, of the Constitution of
19 the State of Hawaii is amended to read as follows:

20 "Section 11. All appropriations for which the source is
21 general obligation bond funds or general funds shall be for



1 specified periods. No such appropriation shall be made for a
2 period exceeding three years; provided that appropriations from
3 the state educational facilities improvement special fund may be
4 made for periods exceeding three years to allow for construction
5 or acquisition of public school facilities[-] and appropriations
6 for collective bargaining agreements may be made for periods not
7 to exceed four years. Any such appropriation or any portion of
8 any such appropriation that is unencumbered at the close of the
9 fiscal period for which the appropriation is made shall lapse;
10 provided that no appropriation for which the source is general
11 obligation bond funds nor any portion of any such appropriation
12 shall lapse if the legislature determines that the appropriation
13 or any portion of the appropriation is necessary to qualify for
14 federal aid financing and reimbursement. Where general
15 obligation bonds have been authorized for an appropriation, the
16 amount of the bond authorization shall be reduced in an amount
17 equal to the amount lapsed."

18 SECTION 4. Article XIII, section 2, of the Constitution of
19 the State of Hawaii is amended to read as follows:

20 "Section 2. Persons in public employment shall have the
21 right to organize for the purpose of collective bargaining as



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1 provided by law. Each agreement between the exclusive
 2 representative of a collective bargaining unit and the public
 3 employer shall be effective for a period of four years."

4 SECTION 5. The question to be printed on the ballot shall
 5 be as follows:

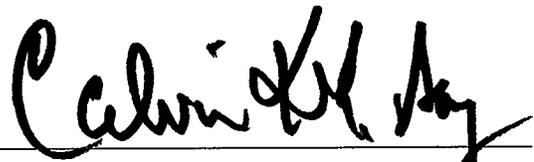
6 "Shall state and county employee collective bargaining
 7 agreements be effective for a period of four years?"

8 SECTION 6. Constitutional material to be repealed is
 9 bracketed and stricken. New constitutional material is
 10 underscored.

11 SECTION 7. This amendment shall take effect upon
 12 compliance with article XVII, section 3, of the Constitution of
 13 the State of Hawaii.

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INTRODUCED BY:




JAN 25 2017



H.B. NO. 1409

Report Title:

Constitutional Amendment; Collective Bargaining Agreements;
Public Employer; Contract Term

Description:

Proposes a constitutional amendment to allow collective bargaining unit agreements to be effective for a period of 4 years.

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