STAND. COM. REP. NO. 2357

Honolulu, Hawaii

FEB 1 5 2018

RE: S.B. No. 2360

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. 2360 entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,"

begs leave to report as follows:

The purpose and intent of this measure is to require collective bargaining public employees to provide written notification to the employee's exclusive representative to discontinue the employee's payroll assignments within a certain time period.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association; United Public Workers, AFSCME, Local 646, AFL-CIO; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that in Janus v. AFSCME, currently pending before the United States Supreme Court, the petitioners are seeking to invalidate public-sector agency shop arrangements arguing that such arrangements violate the petitioners' First Amendment rights. A ruling in favor of the petitioners in Janus may allow public sector employees to leave their unions and not pay dues, while the unions, in turn, would still be legally-bound to represent them, effectively changing collective bargaining representatives' ability to collect resources from their members and potentially diminishing public employees' ability to effectively negotiate. Your Committee finds that this measure

requires employees wishing to opt out of union membership to provide written notification within thirty days of the anniversary of their initial membership date in any given year of their desire to discontinue payroll deductions to their exclusive representative, thereby allowing unions to better manage the impact of potential member resignations in the wake of a possible Supreme Court ruling that goes against the unions.

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. 2360 and recommends that it pass Second Reading 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 Hawaiʻi

## Record of Votes Committee on Labor LBR

Bill / Resolution No.:*	Committee	Referral:	Da	ate:	
SB2360	LBR,	WAM		2/13/18	
The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)					
ENGLISH, J. Kalani (VC)		V			·
CHANG, Stanley		V			<u></u>
IHARA, Jr., Les		$\nu$			
TANIGUCHI, Brian T.					
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TOTAL		5	0	0	0
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					