STAND. COM. REP. NO. **2286**

Honolulu, Hawaii

FEB 1 3 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

The Senate Twenty-Ninth Legislature State of Hawai'i

Record of Votes Committee on Labor LBR

Bill / Resolution No.:*	Committee Referral:			Date:	
SB2372	LBR, JDC		. (02/01/18	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Apass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)		V			
ENGLISH, J. Kalani (VC)			±1.		V
CHANG, Stanley		V			
IHARA, Jr., Les	<u> </u>	V / 1			
TANIGUCHI, Brian T.					
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TOTAL		4	0	0	1
Recommendation:			Not Adopted		
Chair's or Designee's Signature:					
Distribution: Original Yellow File with Committee Report Clerk's Office D			Pink Goldenrod Prafting Agency Committee File Copy		

*Only one measure per Record of Votes