

STAND. COM. REP. NO. 1462

Honolulu, Hawaii

MAR 30 2021

RE: S.C.R. No. 99
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 99 entitled:

"SENATE CONCURRENT 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,"

begs leave to report as follows:

The purpose and intent of this measure is to ratify 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.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that child labor was common and pervasive throughout the United States in the late nineteenth and early twentieth centuries. Your Committee further finds that in 1916, and again in 1918, the United States Congress (Congress) passed legislation regulating and limiting child labor, but these measures were later held to be unconstitutional by the Supreme Court of the United States, leading to Congress proposing an amendment to the United States Constitution through House Joint Resolution 184 (Resolution 184) in the First Session of the Sixty-



Eighth Congress, giving itself the power to regulate labor of persons under eighteen years of age. Your Committee additionally finds that ratification of this proposed amendment stalled after 1925, and that, although child labor was later regulated by Congress through the Fair Labor Standards Act of 1938, the Resolution 184 did not specify a time limit for the amendment's ratification. Your Committee also finds that Hawai'i is one of five states that has no record of taking action on Resolution 184, and that although federal regulation of child labor in the United States is now provided under the Fair Labor Standards Act of 1938, ratification of the constitutional amendment set forth in Resolution 184 would put Hawaii on the right side of history.

Your Committee has amended this measure by:

- (1) Removing the Administrator of the United States General Services Administration and President of the United States Senate from the list of persons to whom certified copies are to be transmitted;
- (2) Adding the Archivist of the United States, Majority Leader of the United States Senate, and Director of Labor and Industrial Relations to the list of persons to whom certified copies are to be transmitted; and
- (3) Making a technical, nonsubstantive stylistic amendment to the ratification language.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 99, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 99, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
 Committee on Judiciary
 JDC

Bill / Resolution No.:* SCR 99	Committee Referral: JDC	Date: 3/29/2021
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	0	0	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes