

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1621
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1621, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to facilitate the right to organize for the purpose of collective bargaining as recognized in Section 1 of Article XIII of the Hawaii State Constitution by:

- (1) Setting the procedures for establishing an initial agreement for collective bargaining following certification or recognition of a labor organization as a representative;
- (2) Allowing for the use of signed valid authorizations designating an individual or labor organization designated in the petition for representation, so that no election is to be directed by the Hawaii Labor Relations Board;
- (3) Clarifying that a duly certified labor organization that represents employees for the purpose of collective bargaining has a privilege to refuse to disclose and to prevent any other person from disclosing confidential information and communications made for the purpose of facilitating the rendition of union representational services to employees through the collective bargaining process;



- (4) Allowing a labor organization that provides representational services related to collective bargaining to bring a civil action in circuit court for nonpayment of union dues by members and agency fees by persons covered by a collective bargaining agreement;
- (5) Establishing that it is a complete defense to prosecution for trespass and offenses against public order, where a person or persons are engaged in a labor dispute to publicize the existence of the dispute on the pathways, sidewalks, and areas adjacent to the entry ways or exits used by customers or employees, or both, to gain access to the establishment gained in the dispute; and
- (6) Making it a violation for an employer to wilfully or repeatedly commit unfair or prohibited practices interfering with an employee's statutory rights or discriminating against an employee for exercising protected conduct.

Your Committee finds that this measure is consistent with and in furtherance of the right to organize for the purpose of collective bargaining as established under Article XIII of the Hawaii State Constitution.

Your Committee has amended this measure by making a technical, nonsubstantive amendment.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1621, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1621, S.D. 2.



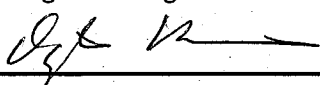
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,



BRIAN T. TANIGUCHI, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1621, SD1	LBR, JGO	2/26/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike		✓		
NISHIHARA, Clarence K.				✓
SLOM, Sam			✓	
TOTAL	2	1	1	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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				

*Only one measure per Record of Votes