

CONFERENCE COMMITTEE REP. NO.

101

Honolulu, Hawaii

, 2011

APR 29 2011

RE: S.B. No. 1089
S.D. 1
H.D. 2
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1089, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to authorize the Department of Labor and Industrial Relations to exercise enforcement powers against an employer in a covered establishment that does not provide its employees and the Director of Labor and Industrial Relations sufficient written notification of a closing, divesture, partial closing, or relocation of the employer's covered establishment.

Your Committee on Conference finds that, under current law, when an employer of a covered establishment does not provide sufficient written notification of a closing, divesture, partial closing, or relocation of the employer's covered establishment, an aggrieved worker can enforce the penalties provided in the law

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against the violating employer only by filing a claim in court, which subjects the worker to expenses and delays that ultimately serve as a disincentive to the worker to assert that worker's rights under the law. The Department of Labor and Industrial Relations is in a far better position to enforce the notification law.

Your Committee on Conference has amended this measure by:

- (1) Deleting the language stating that the authorization for the Department of Labor and Industrial Relations to enforce the dislocated employees shall be "[n]otwithstanding any law to the contrary" because that provision is overly broad;
- (2) Making a conforming amendment to section 371-12, Hawaii Revised Statutes, relating to the powers and duties of the Department of Labor and Industrial Relations, to clarify that the Department of Labor and Industrial Relations shall have the duty to enforce the provisions of section 394B-9, Hawaii Revised Statutes, regarding dislocated workers;
- (3) Changing the effective date to July 1, 2011; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1089, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1089, S.D. 1, H.D. 2; C.D. 1.



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Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE



KARL RHOADS, Co-Chair



ANGUS L.K. MCKELVEY, Co-Chair

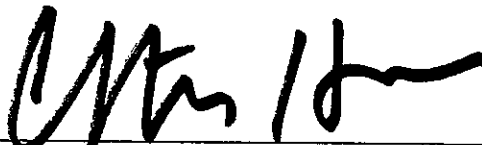


GILBERT KEITH-AGARAN, Co-Chair




MARCUS R. OSHIRO, Co-Chair

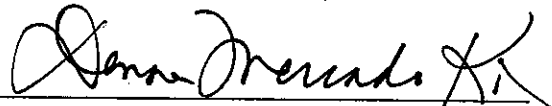
ON THE PART OF THE SENATE



CLAYTON HEE, Chair



MAILE SHIMABUKURO, Co-Chair



DONNA MERCADO KIM, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1089, SD 1, HD 2	Date/Time: <i>4/28/11, 8:38 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.


Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				MCKELVEY, Angus L.K., Co-Chr.				✓
KIM, Donna Mercado, Co-Chr.				✓	KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
					OSHIRO, Marcus R., Co-Chr.	✓			
					CHOY, Isaac W.	✓			
					YAMASHITA, Kyle T.	✓			
					JOHANSON, Aaron Ling	✓			
TOTAL	2			1	TOTAL	6	0	0	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


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