

**S.B. NO. 1019**

JAN 24 2013

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**A BILL FOR AN ACT**

RELATING TO HAWAII LABOR RELATIONS BOARD.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 89-5, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3 "(e) Any action taken by the board shall be by a simple  
4 majority of the members of the board. All decisions of the  
5 board shall be reduced to writing and shall state separately its  
6 findings of fact and conclusions. Any vacancy in the board  
7 shall not impair the authority of the remaining members to  
8 exercise all the powers of the board. The governor may appoint  
9 an acting member of the board during the temporary absence from  
10 the State or illness of any regular member~~[-]~~ or in the case of  
11 any regular board member being unable to act for a reason such  
12 as recusal. An acting member, during the acting member's term  
13 of service, shall have the same powers and duties as the regular  
14 member~~[-]~~, but subsection (d) shall not apply to an acting  
15 member."

16 SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: *Amor Mercado Ka*  
BY REQUEST

**S.B. NO. 1019**

**Report Title:**

Hawaii Labor Relations Board

**Description:**

Allows the Governor to appoint an acting member of the Hawaii Labor Relations Board in the event a regular member is unable to act for a reason such as recusal.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Attorney General.

TITLE: A BILL FOR AN ACT RELATING TO HAWAII LABOR RELATIONS BOARD.

PURPOSE: To allow the Governor to appoint an acting member of the Board in the event a Board member is unable to act upon a matter for a reason such as recusal.

MEANS: Amend section 89-5(e), Hawaii Revised Statutes.

JUSTIFICATION: Pursuant to section 89-5, Hawaii Revised Statutes, there are three members of the Hawaii Labor Relations Board and any action taken by the Board shall be by a simple majority. In the event where one Board member recuses himself or herself from a case, and the remaining two Board members cannot agree, the Board may be deadlocked and unable to act.

Impact on the public: Allows for more efficient functioning of the Board.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LBR 161.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.