

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 890
S.D. 1
H.D. 1
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 890, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD,"

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 allow the Chief Justice to appoint an acting member to serve on the Hawaii Labor Relations Board in the event that a regular board member is temporarily unable to act due to recusal.

Your Committee on Conference finds that existing law requires three members to serve on the Hawaii Labor Relations Board to ensure that collective bargaining is conducted in accordance with collective bargaining laws. Any action taken by the Board is done by simple majority. However, in the event that a board member recuses on a case, and the remaining board members cannot agree, the



Board may be deadlocked and unable to act. This measure addresses the tiebreaker situation by allowing the Chief Justice to appoint an acting board member to serve on the Board for the case in which the recusal occurred.

Your Committee on Conference has amended this measure by adopting the language submitted by the House Conferees that:

- (1) Reinstates the Governor as the individual who may appoint an acting member to serve on the Hawaii Labor Relations Board in the event that a regular board member is temporarily unable to act due to recusal or illness;
- (2) Requires the Governor, when selecting an appointee to serve as an acting member, to first consider persons included on a list of names submitted by employee organizations, if the regular member is the representative of management or labor, and by public employers, if the regular member is the representative of management;
- (3) Changes the effective date from July 1, 2113, to upon approval; and
- (4) Makes technical, nonsubstantive amendments for the purposes of clarity and consistency.

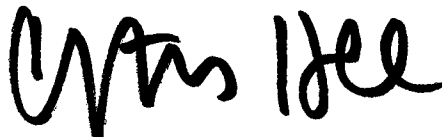
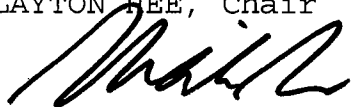
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 890, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 890, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE


MARK M. NAKASHIMA, Chair

ON THE PART OF THE SENATE


CLAYTON HEE, Chair

MAILE S.L. SHIMABUKURO, Co-Chair



Hawaii State Legislature

CCR 65

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 890, SD 1, HD 1	Date/Time: <i>4/19/13, 1:42 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.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				NAKASHIMA, Mark M., Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				HASHEM, Mark J.	✓			
SLOM, Sam				✓	JOHANSON, Aaron Ling				✓
TOTAL	<i>2</i>			<i>1</i>	TOTAL	<i>2</i>			<i>1</i>

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

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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