



GOV. MSG. NO. 1174

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 30, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

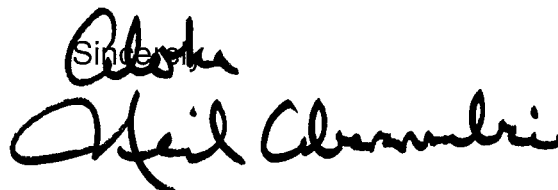
Re: HB2496 HD1 SD1

HB2496 HD1 SD1, entitled "A BILL FOR AN ACT RELATING TO HAWAII LABOR RELATIONS BOARD" will become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to amend the procedures by which regular and acting members of the Hawaii Labor Relations Board are appointed by the Governor.

As this bill went through the legislative process, several state departments and agencies expressed serious concerns regarding this measure. I encourage the Legislature to further review this issue next session.

Because of the foregoing reasons, HB2496 HD1 SD1 will become law as ACT 074 (14), Session Laws of Hawaii 2014, effective April 30, 2014, without my signature.

  
Sincerely,  
Neil Abercrombie

NEIL ABERCROMBIE  
Governor, State of Hawaii

RECEIVED  
THE SENATE  
CLERK'S OFFICE  
STATE OF HAWAII

'14 MAY -1 A8:47

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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 as follows:

3 1. By amending subsection (b) to read:

4 "(b) The board shall be composed of three members of which  
5 (1) one member shall be representative of management, (2) one  
6 member shall be representative of labor, and (3) the third  
7 member, the chairperson, shall be representative of the public.

8 All members shall be appointed [~~by the governor~~] for terms of  
9 six years each [~~Public employers and employee organizations~~  
10 ~~representing public employees may submit to the governor for~~  
11 ~~consideration names of persons to serve as members of the board~~  
12 ~~and the governor shall first consider these persons in selecting~~  
13 ~~the members of the board.] in accordance with the following  
14 procedures:~~

15 (1) The representative of management shall be appointed by  
16 the governor, who may first consider any names  
17 submitted by the counties; provided that each county  
18 may submit no more than one name;



1        (2) The representative of labor shall be appointed by the  
2                    governor from a list of three nominees submitted by  
3                    mutual agreement from a majority of the exclusive  
4                    representatives; and

5        (3) The representative of the public shall be appointed by  
6                    the governor."

7        2. By amending subsection (e) to read:

8        "(e) Any action taken by the board shall be by a simple  
9 majority of the members of the board. All decisions of the  
10 board shall be reduced to writing and shall state separately its  
11 finding of fact and conclusions. Any vacancy in the board shall  
12 not impair the authority of the remaining members to exercise  
13 all the powers of the board. The governor may appoint an acting  
14 member of the board in accordance with the procedures  
15 established in subsection (b) during the temporary absence from  
16 the State, temporary inability to act due to recusal, or illness  
17 of any regular member. An acting member, during the acting  
18 member's term of service, shall have the same powers and duties  
19 as the regular member; provided that[+]

20        ~~(1) If the regular member is the representative of~~  
21                    ~~management or labor, then employee organizations~~  
22                    ~~representing public employees may submit to the~~



1 ~~governor for consideration names of persons to serve~~  
2 ~~as an acting member and the governor shall first~~  
3 ~~consider these persons in selecting an acting member;~~

4 ~~(2) If the regular member is the representative of~~  
5 ~~management, then public employers may submit to the~~  
6 ~~governor for consideration names of persons to serve~~  
7 ~~as an acting member and the governor shall first~~  
8 ~~consider these persons in selecting an acting member;~~

9 ~~(3) Subsection] subsection~~ (d) shall not apply to an  
10 acting member[+] and

11 ~~[-(4) An] an~~ acting member appointed due to a regular  
12 member's recusal shall be appointed for the case in which the  
13 recusal occurred, and the acting member's appointment shall  
14 terminate when the final decision is filed or the case is  
15 withdrawn."

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

18 SECTION 3. This Act shall take effect upon its approval,  
19 and apply to appointments to the Hawaii labor relations board  
20 occurring after the effective date of this Act.



H.B. NO. 2496  
H.D. 1  
S.D. 1

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APPROVED this       day of       , 2014

GOVERNOR OF THE STATE OF HAWAII