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## A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1           SECTION 1. Section 89-9, Hawaii Revised Statutes, is  
2 amended as follows:

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

4           "(a) The employer and the exclusive representative shall  
5 meet at reasonable times, including meetings sufficiently in  
6 advance of the February 1 impasse date under section 89-11, and  
7 shall negotiate in good faith with respect to wages, hours, the  
8 amounts of contributions by the State and respective counties to  
9 the Hawaii employer-union health benefits trust fund to the  
10 extent allowed in subsection (e), and other terms and conditions  
11 of employment [~~which~~] that are subject to collective bargaining  
12 and [~~which~~] that are to be embodied in a written agreement as  
13 specified in section 89-10 [~~, but such~~]; provided that the  
14 obligation [does] to meet and negotiate shall not compel either  
15 party to agree to a proposal or make a concession [~~, provided~~  
16 ~~that the parties may not negotiate with respect to cost items as~~  
17 ~~defined by section 89-2 for the biennium 1999 to 2001, and the~~  
18 ~~cost items of employees in bargaining units under section 89-6~~



1 ~~in effect on June 30, 1999, shall remain in effect until July 1,~~  
2 ~~2001]."~~

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

4 "(e) Negotiations relating to contributions to the Hawaii  
5 employer-union health benefits trust fund shall be for the  
6 purpose of agreeing upon the amounts ~~[which]~~ that the State and  
7 counties shall contribute under section ~~[87-4,]~~ 87A-32, toward  
8 the payment of the costs for a health benefits plan, as defined  
9 in section ~~[87-1(8),]~~ 87A-1, and group life insurance benefits~~[,~~  
10 ~~and]~~; provided that the parties shall not be bound by the  
11 amounts contributed under prior agreements~~[, provided that~~  
12 ~~section 89-11 for the resolution of disputes by way of~~  
13 ~~arbitration shall not be available to resolve impasses or~~  
14 ~~disputes relating to the amounts the State and counties shall~~  
15 ~~contribute to the Hawaii employer-union health benefits trust~~  
16 ~~fund]."~~

17 SECTION 2. Section 89-11, Hawaii Revised Statutes, is  
18 amended by amending subsection (g) to read as follows:

19 "(g) The decision of the arbitration panel shall be final  
20 and binding upon the parties on all provisions submitted to the  
21 arbitration panel. ~~[If the parties have reached agreement with~~  
22 ~~respect to the amounts of contributions by the State and~~



1 ~~counties to the Hawaii employer union health benefits trust fund~~  
2 ~~by the tenth working day after the arbitration panel issues its~~  
3 ~~decision, the final and binding agreement of the parties on all~~  
4 ~~provisions shall consist of the panel's decision and the amounts~~  
5 ~~of contributions agreed to by the parties. If the parties have~~  
6 ~~not reached agreement with respect to the amounts of~~  
7 ~~contributions by the State and counties to the Hawaii employer-~~  
8 ~~union health benefits trust fund by the close of business on the~~  
9 ~~tenth working day after the arbitration panel issues its~~  
10 ~~decision, the parties shall have five days to submit their~~  
11 ~~respective recommendations for such contributions to the~~  
12 ~~legislature, if it is in session, and if the legislature is not~~  
13 ~~in session, the parties shall submit their respective~~  
14 ~~recommendations for such contributions to the legislature during~~  
15 ~~the next session of the legislature. In such event, the final~~  
16 ~~and binding agreement of the parties on all provisions shall~~  
17 ~~consist of the panel's decision and the amounts of contributions~~  
18 ~~established by the legislature by enactment, after the~~  
19 ~~legislature has considered the recommendations for such~~  
20 ~~contributions by the parties. It is strictly understood that no~~  
21 ~~member of a bargaining unit subject to this subsection shall be~~  
22 ~~allowed to participate in a strike on the issue of the amounts~~



1 ~~of contributions by the State and counties to the Hawaii~~  
 2 ~~employer union health benefits trust fund.]~~ The parties shall  
 3 take whatever action is necessary to carry out and effectuate  
 4 the final and binding agreement. The parties may, at any time  
 5 and by mutual agreement, amend or modify the panel's decision.

6       Agreements reached pursuant to the decision of an  
 7 arbitration panel and the amounts of contributions by the State  
 8 and counties to the Hawaii employer-union health benefits trust  
 9 fund, as provided herein, shall not be subject to ratification  
 10 by the employees concerned. All items requiring any moneys for  
 11 implementation shall be subject to appropriations by the  
 12 appropriate legislative bodies and the employer shall submit all  
 13 such items within ten days after the date on which the agreement  
 14 is entered into as provided herein, to the appropriate  
 15 legislative bodies."

16       SECTION 3. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18       SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY: 

JAN 23 2013



# H.B. NO. 1173

**Report Title:**

Collective Bargaining; Hawaii-employer Health Benefits Trust Fund

**Description:**

Amends section 89-9, HRS, to allow disputes over contributions to the Hawaii employer-union health benefits trust fund to be settled by way of arbitration as provided in section 89-11, HRS. Amends section 89-11, HRS, to repeal various provisions relating to disputes over the amounts of contributions to the Hawaii employer-union health benefits trust fund. Makes housekeeping amendments.

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

