

STAND. COM. REP. NO.

324

Honolulu, Hawaii

FEB 14 2013

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

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

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 890 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to allow the
Governor 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 received testimony in support of this measure
from the Department of the Attorney General, University of Hawaii
Professional Assembly, and one private individual.

Your Committee 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 the
member's self and the remaining board members cannot agree, the
Board may be deadlocked and unable to act. This measure addresses
the elimination of a tiebreaker by allowing the Governor to
appoint an acting board member to serve on the Board in the event
that a regular board member is unable to act upon a matter due to
recusal.

Your Committee has amended this measure by:

2013-1212 SSCR SMA.doc



- (1) Adopting the language suggested by a private individual that clarifies that the acting member appointed due to a regular board member's recusal shall be appointed for the case in which the recusal occurred and that the acting member's appointment terminates when a final decision is filed or the case is withdrawn;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 890, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 890, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 890	JDL	2/5/13

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	4			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes