



GOV. MSG. NO. 1281

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB465 HD1 SD1, without my approval and with the statement of objections relating to the measure.

HB465 HD1 SD1

RELATING TO COLLECTIVE BARGAINING.

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2021

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 465

Honorable Members
Thirty-First Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, House Bill No. 465, entitled "A Bill for an Act Relating to Collective Bargaining."

The purpose of this bill is to amend section 89-5, Hawaii Revised Statutes, to change the manner in which the representative of labor is appointed to the Hawaii Labor Relations Board (HLRB) and a means for removal of that representative if the exclusive representatives determine that the representative does not demonstrate the necessary ability to serve.

This bill is objectionable because there is concern that the summary removal process provided in this bill may jeopardize the HLRB's ability to make neutral and unbiased decisions. Because of the nature of the duties HLRB members perform, each HLRB member must remain neutral in the face of the facts and the law while earnestly representing their respective constituencies (labor, the employer, and the public). Historically, unanimous agreement among HLRB members has not been commonplace and there exist internal processes for resolving disagreements. The HLRB should be able to exercise these processes rather than allowing the exclusive representatives to remove HLRB members. I believe that the HLRB is currently able to maintain its present degree of independence and neutrality precisely because its members are protected from being summarily removed merely for political reasons or because of parties' assumption that they were entitled to a preordained outcome.

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 465
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For the foregoing reasons, I am returning House Bill No. 465 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige", with a stylized flourish at the end.

DAVID Y. IGE
Governor of Hawai'i

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-5, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) The board shall be composed of three members, of
4 which ~~[(1)]~~ one member shall be representative of management,
5 ~~[(2)]~~ one member shall be representative of labor, and ~~[(3)]~~ the
6 third member, the chairperson, shall be representative of the
7 public. All members shall be appointed for terms of six years
8 each in accordance with the following procedures:

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

13 (2) The representative of labor shall be a person who is
14 appointed by the governor ~~[from a list of three~~
15 ~~nominees submitted by mutual agreement from a majority~~
16 ~~of the exclusive representatives,]~~ and whose name has
17 been submitted to the governor to serve as the



1 representative of labor by the exclusive
2 representatives certified pursuant to section 89-8.
3 The process to determine the nominee whose name is to
4 be submitted to the governor shall be determined by a
5 simple majority of the exclusive representatives
6 certified pursuant to section 89-8. The governor
7 shall transmit the name of the person nominated to
8 serve as the representative of labor to the senate for
9 advice and consent no later than twenty days after
10 submission of the nominee's name to the governor;
11 provided that, if the governor fails to nominate the
12 person whose name has been submitted by a simple
13 majority of exclusive representatives in accordance
14 with this paragraph, the simple majority of exclusive
15 representatives who recommended the person shall
16 transmit the person's name directly to the senate for
17 confirmation; and

18 (3) The representative of the public shall be appointed by
19 the governor.

20 (c) Each member shall hold office until the member's
21 successor is appointed and qualified. Because cumulative



1 experience and continuity in office are essential to the proper
2 administration of this chapter, it is declared to be in the
3 public interest to continue board members in office as long as
4 efficiency is demonstrated, notwithstanding the provision of
5 section 26-34 [~~which limits the appointment of a member of a~~
6 ~~board or commission to two terms~~].

7 Notwithstanding the foregoing paragraph, if the
8 representative of labor does not demonstrate the necessary
9 ability to serve as an effective representative, as determined
10 by a simple majority of exclusive representatives certified
11 pursuant to section 89-8, then the representative shall be
12 removed from office upon written request to the governor by a
13 simple majority of the exclusive representatives authorized to
14 nominate the representative of labor. The written request for
15 the removal of the representative of labor shall include an
16 effective date for the representative of labor's removal. The
17 removal from office of a representative of labor requested
18 pursuant this paragraph shall be executed no later than the
19 effective date of the removal specified in the written request."

20



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 3. This Act shall take effect upon its approval.

APPROVED this day of , 2021

GOVERNOR OF THE STATE OF HAWAII



HB No. 465, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives

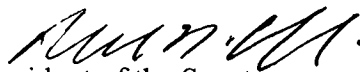



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 13, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate
of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate