



GOV. MSG. NO. 1388

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 12, 2022

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 HB1789 HD2 SD1, without my approval and with the statement of objections relating to the measure.

HB1789 HD2 SD1

RELATING TO COLLECTIVE BARGAINING.

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 12, 2022

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1789

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. 1789, entitled "A Bill for an Act Relating to Collective Bargaining."

The purpose of this bill is to amend the procedure by which the Governor selects and appoints the representative of labor on the Hawaii Labor Relations Board (HLRB), which is composed of three members who represent management, labor, and the public. Section 89-5(b)(2), Hawaii Revised Statutes (HRS), currently allows the Governor to appoint the labor representative from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives of the collective bargaining units.

This bill amends section 89-5(b)(2), HRS, to require the Governor to appoint the single nominee selected by a simple majority of the exclusive representatives of the collective bargaining units as the representative of labor on the HLRB. The bill also provides that if the Governor fails to appoint the person within twenty days after the exclusive representatives submit the name of the person to the Governor, then the exclusive representatives shall transmit the person's name directly to the Senate for confirmation.

This bill is objectionable because it is silent on whether or not the confirmation by the Senate effectuates an appointment without any further action by the Governor, creating ambiguity in the appointment process.

This bill is also objectionable because of the cost of a potential special session. This bill is silent on what would happen if a vacancy in the position of the representative of labor occurs when the Senate is not in session. For this provision to

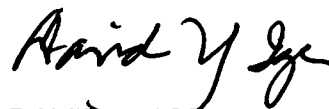
STATEMENT OF OBJECTIONS
HOUSE BILL NO. 1789
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be implemented when the Legislature is not in session, when the exclusive representatives submit to the Governor their single nominee, the Governor either would have to convene a special session of the Senate or would have to make an interim appointment of the representative of labor pursuant to Section 6 of Article V of the Hawaii Constitution and submit that person's name for confirmation during the next session of the Senate.

Furthermore, this bill is objectionable because it diminishes the Governor's authority to select the labor representative to the HLRB by requiring the Governor to appoint the single nominee selected by the exclusive representative of the collective bargaining units instead of from a list of three nominees.

For the foregoing reasons, I am returning House Bill No. 1789 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige".

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 subsection (b) to read as follows:

3 "(b) The board shall be composed of three members of which
4 ~~[(1)]~~ one member shall be representative of management, ~~[(2)]~~
5 one member shall be representative of labor, and ~~[(3)]~~ the third
6 member, the chairperson, shall be representative of the public.
7 All members shall be appointed for terms of six years each in
8 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 nominee whose name is to be submitted to the
4 governor shall be determined by a simple majority of
5 the exclusive representatives certified pursuant to
6 section 89-8. The governor shall transmit the name of
7 the person nominated to serve as the representative of
8 labor to the senate for advice and consent no later
9 than twenty days after the nominee's name is submitted
10 to the governor; provided that if the governor fails
11 to appoint the person whose name has been submitted by
12 a simple majority of exclusive representatives in
13 accordance with this paragraph, the simple majority of
14 exclusive representatives who recommended the person
15 shall transmit the person's name directly to the
16 senate for confirmation; and

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

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 3. This Act shall take effect upon its approval.



H.B. NO. 1789
H.D. 2
S.D. 1

APPROVED this day of , 2022

GOVERNOR OF THE STATE OF HAWAII

HB No. 1789, HD 2, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2022
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 2022.



Scott K. Saiki
Speaker
House of Representatives

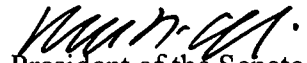



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 7, 2022
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 2022.


President of the Senate


Clerk of the Senate