

STAND. COM. REP. NO. 2096

Honolulu, Hawaii

FEB 09 2012

RE: S.B. No. 2541

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Education and Judiciary and Labor, to which was referred S.B. No. 2541 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose and intent of this measure is to repeal various sections of chapter 302A, Hawaii Revised Statutes (HRS), in order to allow employer-employee issues to be negotiated pursuant to the collective bargaining process.

Your Committees received testimony in support of this measure from the Department of Education. Your Committees received testimony in opposition to this measure from the Hawaii State Teachers Association and IMUAlliance. Your Committees received comments on this measure from the Hawaii Government Employees Association, HGEA/AFSCME, Local 152, AFL-CIO.

Your Committees find that chapter 302A, HRS, contains numerous sections covering employer-employee issues. Your Committees further find that many of these employer-employee issues should be left to the collective bargaining process rather than be legislatively mandated. Your Committees note that repeal of these sections does not reflect a prohibitive view of these collective bargaining issues, but rather reflects the fact that all of those areas are already permissive within the collective bargaining process.

Your Committees have amended this measure by:

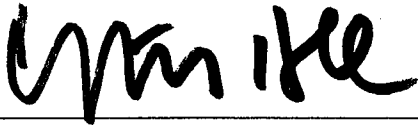
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- (1) Adding language to clarify that any existing rule, ordinance, executive order, directive, or provision in a collective bargaining agreement in existence on the effective date of this measure that is not consistent with this Act shall be amended to ensure that it includes language repealed by this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2541, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2541, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Judiciary and Labor,



CLAYTON HEE, Chair



JILL TOKUDA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB2541	Committee Referral: EDU/JDL, WAM	Date: 2-3-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
TANIGUCHI, Brian T.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2541	Committee Referral: EDU/JDL, WAM	Date: 2/3/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**