

STAND. COM. REP. NO.

1642

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 465
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 465, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the representative of labor on the Hawaii Labor Relations Board (HLRB) to be a person whose name has been chosen by the exclusive representatives of the collective bargaining units through a process determined by a simple majority of exclusive representatives and submitted to the Governor for appointment with the advice and consent of the Senate;
- (2) Allow a simple majority of the exclusive representatives of the collective bargaining units who recommended the nominee to transmit the nominee's name directly to the Senate for confirmation if the Governor fails to do so within twenty days after their submission of the nominee's name to the Governor; and
- (3) Allow a simple majority of the exclusive representatives of the collective bargaining units to remove, via a



written request to the Governor, the representative of labor from the HLRB during the member's term.

Your Committees received testimony in support of this measure from the Hawai'i State Teachers Association; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and United Public Workers, AFSCME Local 646, AFL-CIO. Your Committees received testimony in opposition to this measure from the Office of Collective Bargaining. Your Committees received comments on this measure from the Hawai'i Labor Relations Board.

Your Committees find that that the HLRB is a quasi-judicial board with jurisdiction over state public sector collective bargaining; state private sector collective bargaining; and cases pertaining to state occupational safety and health citations and whistleblower discrimination claims. The HLRB consists of three members – the Chair, who is the representative of the public, one member who is a representative of management, and another member who is a representative of labor. All three HLRB members are appointed to six-year terms by the Governor. Under existing law, the representative of management is appointed by the Governor, who must first consider the names submitted by each county. The representative of labor is appointed by the Governor from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives of the collective bargaining units. The Governor's selection for HLRB Chair is not limited to names submitted by other parties. This measure will require the Governor to appoint with the advice and consent of the Senate, the one individual chosen by the exclusive representatives of the collective bargaining units. This measure also gives the exclusive representatives of the collective bargaining units the authority to remove, via written request to the Governor, the HLRB member representing labor if they determine, by simple majority, that the HLRB member representing labor is not effective during the member's term.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 465, H.D. 1, S.D. 1, and recommend that it pass Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair

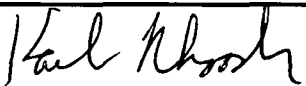


KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:	Committee Referral:	Date:		
HB 465, HD1, SD1	LCA, JDC/WAM	4/6/2021		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
TOTAL	6	1	0	0
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

Revised: 1/19/21

The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
<i>HB 465, HD 1, SD 1</i>	<i>LCA, JDC/WAM</i>	<i>4/6/21</i>

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

The Recommendation is:

Pass, unamended Pass, with amendments Hold Recommit

2312 2311 2310 2313

Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.				X
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt		X		
TOTAL	<i>9</i>	<i>1</i>		<i>1</i>

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

Distribution: Original Yellow Pink Goldenrod

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