
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The purpose of this Act is to clarify the
2 intent of the legislature that in the event of a conflict
3 between Act 51, Session Laws of Hawaii 2004, and sections
4 89-10(d) and 89-19, Hawaii Revised Statutes, Act 51, Session
5 Laws of Hawaii 2004, shall control.

6 SECTION 2. Section 89-10, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) ~~[Whenever]~~ Except for rules, policies, and procedures
9 promulgated pursuant to Act 51, Session Laws of Hawaii 2004,
10 whenever there is a conflict between the collective bargaining
11 agreement and any of the rules adopted by the employer,
12 including civil service or other personnel policies, standards,
13 and procedures, the terms of the agreement shall prevail;
14 provided that the terms are not inconsistent with section
15 89-9(d).

16 ~~[Whenever]~~ Except for rules, policies, and procedures
17 promulgated pursuant to Act 51, Session Laws of Hawaii 2004,
18 whenever there are provisions in a collective bargaining



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1 agreement concerning a matter under chapter 76 or 78 that is
 2 negotiable under chapter 89, the terms of the agreement shall
 3 prevail; provided that the terms are not inconsistent with
 4 section 89-9(d)."

5 SECTION 3. Section 89-19, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "**§89-19 Chapter takes precedence, when.** This chapter
 8 shall take precedence over all conflicting statutes concerning
 9 this subject matter, except for Act 51, Session Laws of Hawaii
 10 2004, and shall preempt all contrary local ordinances, executive
 11 orders, legislation, or rules adopted by the State, a county, or
 12 any department or agency thereof, including the departments of
 13 human resources development or of personnel services or the
 14 civil service commission."

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY:

Calvin K. Au

 JAN 23 2007



Report Title:

Public Employment; Collective Bargaining

Description:

Clarifies the legislative intent of Act 51, Session Laws of Hawaii 2004, with respect to public employment and collective bargaining.

