

Honolulu, Hawaii

FEB 11 2013

RE: S.B. No. 868

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 868 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Assist in streamlining the notification process by requiring the Hawaii Labor Relations Board to provide written notice of a hearing to all parties by first class mail at least fifteen days before the date of a scheduled hearing; and
- (2) Make housekeeping amendments to the law relating to the scope of negotiations between the public employer and the exclusive representative to conform to existing law.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations and Office of Collective Bargaining. Testimony in opposition to this measure was submitted by the University of Hawaii Professional Assembly and one private individual.

Your Committee finds that the Hawaii Labor Relations Board currently uses registered or certified mail to provide notice to interested parties of a scheduled hearing. The Department of Labor and Industrial Relations testified that requiring the Board to provide notice via first class mail will permit the Board to



more efficiently allocate resources. The money from the postage savings could be used by the Board to develop an electronic filing system. However, your Committee questions how much will be saved by switching to first class mail from registered or certified mail. Furthermore, your Committee has concerns that this measure may have unintended legal consequences on the Board and the hearing process by changing the method of delivery. Thus, your Committee has requested that the Department of Labor and Industrial Relations provide to the Committee on Ways and Means the expected cost savings and any foreseeable legal impacts this measure may have.

Accordingly, your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 868, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 868, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 868	Committee Referral: JDL, WAM	Date: 02-01-2013
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:
 Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	4			1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes