

STAND. COM. REP. NO.

1169

Honolulu, Hawaii

MAR 20 2023

RE: H.B. No. 161
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred H.B. No. 161, H.D. 1, 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) Require the representative of labor on the Hawaii Labor Relations Board to be a person whose name has been selected by a simple majority of the exclusive representatives of the collective bargaining units and submitted to the Governor for appointment;
- (2) Require the Governor to submit the name of the nominee to the Senate for advice and consent no later than twenty days after the exclusive representatives' submittal of the nominee's name to the Governor; and
- (3) Provide that if the Governor fails to do so, that the exclusive representatives who recommended the nominee shall transmit the nominee's name directly to the Senate for confirmation.

Your Committee received testimony in support of this measure from United Public Workers, AFSCME Local 646, AFL-CIO; University



of Hawaii Professional Assembly; Hawaii State Teachers Association; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; State of Hawaii Organization of Police Officers; and Hawaii Fire Fighters Association. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Hawaii Labor Relations Board (Board) is a quasi-judicial board that ensures that collective bargaining is conducted in accordance with State law, 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 Board consists of three members who represent three distinct interests -- 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. Your Committee notes that, under existing law, the representative of labor is appointed by the Governor from a list of three nominees submitted by mutual agreement from a majority vote of the six exclusive representatives of the fifteen collective bargaining units. This measure will allow the collective bargaining units to select their representative on the Hawaii Labor Relations Board by a simple majority of their exclusive representatives.

Your Committee has amended this measure by:

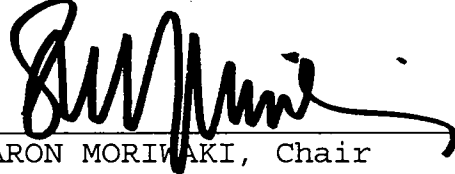
- (1) Deleting the timing requirement that the Governor transmit the nominees name to the Senate for advice and consent within 20 days of submission of the name to the Governor; and
- (2) Deleting the provision that would have required the exclusive representatives to transmit the nominee's name directly to the Senate for confirmation if the Governor fails to submit the name of the nominee to the Senate for advice and consent.

As affirmed by the record of votes of the members of your Committee on Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 161, H.D. 1, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 161,
H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

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



SHARON MORIWAKI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Labor and Technology
LBT

Bill / Resolution No.:* HB161 HD1	Committee Referral: LBT, JDC	Date: 3/13/23		
<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
MORIWAKI, Sharon Y. (C)	X			
LEE, Chris (VC)	P			
IHARA, Jr., Les				X
KEITH-AGARAN, Gilbert S.C.	P			
FEVELLA, Kurt				P
TOTAL	3			2
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