

**ACT 74**

H.B. NO. 2496

A Bill for an Act Relating to Hawaii Labor Relations Board.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 89-5, Hawaii Revised Statutes, is amended as follows:

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1. By amending subsection (b) to read:

“(b) The board shall be composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairperson, shall be representative of the public. All members shall be appointed ~~[by the governor]~~ for terms of six years each~~[- Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons to serve as members of the board and the governor shall first consider these persons in selecting the members of the board.]~~ in accordance with the following procedures:

- (1) The representative of management shall be appointed by the governor, who may first consider any names submitted by the counties; provided that each county may submit no more than one name;
- (2) The representative of labor shall be appointed by the governor from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives; and
- (3) The representative of the public shall be appointed by the governor.”

2. By amending subsection (e) to read:

“(e) Any action taken by the board shall be by a simple majority of the members of the board. All decisions of the board shall be reduced to writing and shall state separately its finding of fact and conclusions. Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint an acting member of the board in accordance with the procedures established in subsection (b) during the temporary absence from the State, temporary inability to act due to recusal, or illness of any regular member. An acting member, during the acting member’s term of service, shall have the same powers and duties as the regular member; provided that[:

- (1) ~~If the regular member is the representative of management or labor, then employee organizations representing public employees may submit to the governor for consideration names of persons to serve as an acting member and the governor shall first consider these persons in selecting an acting member;~~
- (2) ~~If the regular member is the representative of management, then public employers may submit to the governor for consideration names of persons to serve as an acting member and the governor shall first consider these persons in selecting an acting member;~~
- (3) ~~Subsection] subsection (d) shall not apply to an acting member[;]~~ and

~~[(4) An] an acting member appointed due to a regular member’s recusal shall be appointed for the case in which the recusal occurred, and the acting member’s appointment shall terminate when the final decision is filed or the case is withdrawn.”~~

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval, and apply to appointments to the Hawaii labor relations board occurring after the effective date of this Act.

(Became law on April 30, 2014, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)