

OPINION BY ACOBA, J.,
CONCURRING IN PART AND DISSENTING IN PART

The relevant portion of Act 263 states that

[t]he department of health shall release the Hana Medical Center from the division of community hospitals, effective July 1, 1997, upon the successful completion of the terms of the agreement and the resolution of the following issues:

- (A) The status of the current state employees working at the Hana Medical Center after the transition to the nonprofit organization[.]

1996 Haw. Sess. L. Act 263 § 2 at 615 (emphases added).

On its face the provision is ambiguous as to what was intended by a "resolution" of the "status of the current State employees . . . after the transition[.]" In the subject order, affirmed by the circuit court, the Hawai'i Labor Relations Board (HLRB) inter alia mandated as follows:

Therefore, the Board orders the [Hawai'i Health Systems Corporation] to negotiate with the exclusive representatives over the impact on the affected State employees and develop a plan to ensure that they retain their benefits as State employees. The affected State employees shall receive all benefits to which they were entitled, retroactive to the date of their displacement, until such time as their status is resolved.

(Emphasis added.) In view of the ambiguity in the statute, we may consider legislative history. See Robert's Hawaii School Bus, Inc. v. Laupahoehoe Transp. Co., 91 Hawai'i 224, 239, 982 P.2d 853, 868 (1999) (noting that "in construing an ambiguous statute" a court may look to legislative history to determine "[t]he reason and spirit of the law, and the cause which induced the legislature to enact it . . . to discover its true meaning" (quoting HRS § 1-15(2) (1993))). In that regard, the House standing committee report stated as follows:

Nonetheless, a successful transition depends upon the resolution of two sensitive issues that were raised at the hearing. Concerns were expressed about the status of employees after the transition and about the existing ambulance service. The discussion clearly established that committee members want existing benefits of current employees to be preserved. Your Committee urges all interested parties to develop solutions to resolve these issues. Your Committee notes that page 3 of the bill requires both of these issues to be resolved prior to the release of the Center from the Division of Community Hospitals.

Stand. Comm. Rep. No. 1103, in 1996 House Journal, at 1470 (emphases added). Hence, the legislature intended that the existing benefits of current employees be "preserved." The HLRB's order is deficient insofar as it mandates that such benefits be preserved only "until such time as [the employees'] status is resolved."

Accordingly, I would vacate the circuit court's order affirming that part of the HLRB's order with respect to the aforesaid provision and instruct it to remand to the HLRB with instructions to enter an order that preserves to the affected State employees all benefits to which they were entitled, retroactive to the date of displacement, without the qualification that benefits run only until the employees' status was resolved. Plainly, the intent of the legislature was to preserve benefits to the displaced workers "after the transition." Termination of employment obviously would terminate benefits sought to be preserved unless equivalent or comparable benefits were obtained in placing the employees in other positions.