

JAN 17 2008

A BILL FOR AN ACT

RELATING TO LABOR.

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

1 SECTION 1. Section 371-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§371-7 Duties and powers of the department; rules,**
4 **procedure for varying.** In addition to any other duties and
5 powers as may be conferred upon the department of labor and
6 industrial relations by law, the department shall:

7 (1) File with the governor a written report or reports at
8 times, at least once in each year, and in a form as
9 shall be requested by the governor covering the
10 condition and activities of the department;

11 (2) [~~Make~~] Adopt, modify, and repeal reasonable rules of
12 general application for the protection of life,
13 health, and safety of employees in every employment or
14 place of employment; provided that the rules shall not
15 conflict with any rules of the department of health
16 covering the same subject matter; provided further
17 that rules pertaining to any workers' compensation



1 case arising under chapter 386 shall be adopted or
2 amended as specified in section 386-72; and

3 (3) Make, modify, and repeal such other reasonable rules
4 of general application as may be necessary to carry
5 into effect this chapter.

6 ~~[The rules of the department and any amendments thereto,~~
7 ~~when adopted in accordance with chapter 91, shall have the force~~
8 ~~and effect of law and shall be enforced in the same manner as~~
9 ~~this chapter.]~~

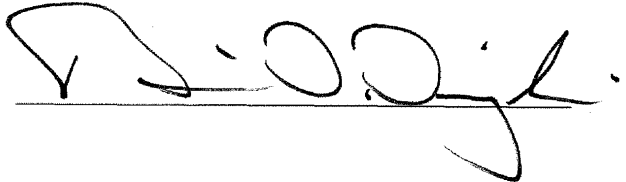
10 If there are practical difficulties or unnecessary
11 hardships in carrying out a rule, the director of labor and
12 industrial relations, after public hearing, may make a variation
13 from the requirement if the spirit of the rule is observed. Any
14 person affected by the rule, or the person's agent, may petition
15 for variation, stating the grounds therefor. The director shall
16 fix a day for a hearing on the petition and give reasonable
17 notice thereof to the petitioner. A properly indexed record of
18 all variations made shall be kept in the office of the
19 department and shall be open to public inspection.

20 Any interested person may obtain a ruling as to the
21 validity or applicability of any rule in the manner provided in
22 chapter 91."



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

3 SECTION 3. This Act shall take effect upon its approval.

4
INTRODUCED BY: 



Report Title:

Department of Labor and Industrial Relations; Rulemaking

Description:

Clarifies the rulemaking duties of the department of labor and industrial relations.

