

Honolulu, Hawaii

MAR 21 2012

RE: H.B. No. 2574
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2574, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO NOTIFICATION OF CHAPTER 91
HEARINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize:

- (1) The Labor and Industrial Relations Appeals Board to send a written notice of an agency hearing pursuant to chapter 91, Hawaii Revised Statutes, by first class mail rather than registered or certified mail with return receipt; and
- (2) The appeals board to give notice of an agency hearing by publication at least once in each of two successive weeks in a newspaper of general circulation if the appeals board or its agents are unable to ascertain the address of a party after a reasonable and diligent inquiry.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, the Labor and Industrial Relations Appeals Board, the Laborers' International Union of North America Local 368, and three private individuals.

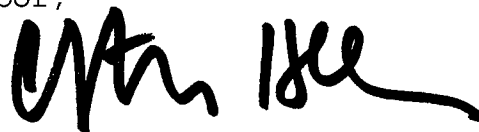


Your Committee finds that existing law requires notices of agency hearings to be sent to all parties by registered or certified mail with a return receipt at least fifteen days before the hearing. The Department of Labor and Industrial Relations indicated to your Committee that budget shortfalls have required the State to reevaluate the way it does business and improve its fiscal resources. This measure enhances the operational capacity of the Labor and Industrial Relations Appeals Board by permitting the appeals board to apply the savings from switching to first class mail to other areas of its operations, such as rebuilding the workers' compensation system, and increase its overall efficiency.

Your Committee has amended this measure by changing the effective date from January 7, 2059, to upon approval.

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 H.B. No. 2574, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2574, H.D. 1, 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-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

| | | | | |
|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| HB2574, HD1 | JPL, WAM | 3/12/12 | | |
| <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 |
| HEE, Clayton (C) | ✓ | | | |
| SHIMABUKURO, Maile (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| IHARA, Jr., Les | | | | ✓ |
| SLOM, Sam | ✓ | | | |
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| TOTAL | 4 | | | 1 |
| 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