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Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Hawai'i Labor Relations Board (HLRB or Board) provides the following comments **in support of HB 914 HD 1 with amendments** for your consideration.

The HLRB is a quasi-judicial agency that oversees two areas of laws in the State of Hawai'i: (1) collective bargaining and unfair labor practices under Chapters 89 and 377 of the Hawai'i Revised Statutes (HRS), and (2) contests involving citations or orders of the Director of Labor and Industrial Relations involving occupational safety and health laws set forth in Chapter 396, HRS. As an administrative agency, the HLRB is also subject to the administrative procedures set forth in HRS Chapter 91.

The Board would recommend the following amendment for clarity in Section 2:

§396-12 Judicial review. Except where an order has already become final for failure to contest, the decision and order of the appeals board shall be final and conclusive unless the director or any party to the proceedings before the appeals board obtains a review thereof in the manner provided in chapter 91 by instituting proceedings in the circuit court of the circuit in which the place of employment, machine, device, apparatus, or equipment is situated or such practice, means, method, operation, or process is employed. The hearing on review shall be on the record and the department shall be deemed a party to any such proceedings. The court shall give precedence to such proceedings over all other civil cases.

The party seeking the review of a decision and order of the appeals board shall bear the cost of preparing a transcript, ~~[unless otherwise prohibited]~~ except as provided by law, in which case the appeals board shall bear the cost of preparing the transcript.

Thank you for your time and consideration of the HLRB's comments in **support** of HB 914 HD 1 with amendments.