

STAND. COM. REP. NO.

407

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 791

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred S.B. No. 791 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES,"

begs leave to report as follows:

The purpose and intent of this measure is to allow hearsay evidence to be admitted and considered in unfair labor practices proceedings.

Your Committee received testimony in support of this measure from the Hawaii Labor Relations Board.


Your Committee finds that the Hawaii Labor Relations Board hears cases involving unfair labor practices. Under the existing law, the Hawaii Labor Relations Board is not allowed to consider hearsay evidence in unfair labor practices proceedings. Your Committee also finds that although there are concerns that hearsay evidence, if allowed, could lead to less than reliable evidence being considered, the Hawaii Labor Relations Board is able to consider all the evidence presented in its deliberation and assign the evidence the proper weight. This measure will provide the Hawaii Labor Relations Board with that opportunity and allow it to consider all of the evidence in its decision-making process.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of



S.B. No. 791 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,



BRIAN T. TANIGUCHI, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* SB 791	Committee Referral: LCA, JDC	Date: 2-5-19		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
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