

JAN 19 2024

A BILL FOR AN ACT

RELATED TO ADMINISTRATIVE PROCEDURES.

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

1 SECTION 1. The legislature finds that the Hawaii labor
2 relations board is a quasi-judicial administrative agency that
3 oversees collective bargaining, unfair labor practices, and
4 contests involving citations or orders of the director of labor
5 and industrial relations regarding the State's occupational
6 safety and health laws. Existing law appears to contradict
7 itself with regard to whether the Hawaii labor relations board
8 is permitted to admit or consider hearsay evidence in its
9 proceedings. Despite concerns that hearsay evidence, if
10 allowed, could lead to less than reliable evidence being
11 considered, the Hawaii labor relations board is able to consider
12 all evidence presented in its deliberations, and assign the
13 evidence the proper weight. Additionally, there are a myriad of
14 exceptions in the Hawaii Rules of Evidence that allow certain
15 types of hearsay evidence to be admissible, meaning certain
16 evidence could be properly introduced in any other court or
17 administrative proceeding under a hearsay exception, except for



1 matters before the Hawaii labor relations board. This
2 restriction conflicts with general principles that proceedings
3 before administrative boards are more flexible and should not be
4 bound by the rules of technical evidence.

5 Accordingly, the purpose of this Act is allow the Hawaii
6 labor relations board to admit and consider hearsay evidence.

7 SECTION 2. Section 377-9, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) A full and complete record shall be kept of all
10 proceedings had before the board and all testimony and
11 proceedings shall be taken down by a reporter engaged for such
12 purpose or by use of a mechanical recording device. It shall
13 not be necessary to transcribe the record unless requested for
14 purposes of rehearing or court review. In the proceedings the
15 board shall not be bound by technical rules of evidence. [~~No
16 hearsay evidence, however, shall be admitted or considered.]"~~

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken.

19 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 



S.B. NO. 2718

Report Title:

Hawaii Labor Relations Board; Hearsay Evidence; Administrative Procedures

Description:

Allows the Hawaii Labor Relations Board to admit and consider hearsay evidence.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

