
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. Under existing law, the Hawaii labor relations
10 board is prohibited from considering hearsay evidence; meaning
11 its unable to consider all evidence presented in its
12 deliberations and assign the evidence the proper weight.
13 However, there are a myriad of exceptions in the Hawaii Rules of
14 Evidence that allow certain types of hearsay evidence to be
15 admissible, meaning certain evidence could be properly
16 introduced in any other court or administrative proceeding under
17 a hearsay exception. Furthermore, the restriction imposed on



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

5 Accordingly, the purpose of this Act is to 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 Statutory material to be repealed is bracketed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 on July 1, 2050.



Report Title:

Hawaii Labor Relations Board; Hearsay Evidence; Administrative Procedures

Description:

Allows the Hawaii Labor Relations Board to admit and consider hearsay evidence. Takes effect 7/1 2050. (SD1)

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