

Honolulu, Hawaii

APR 25 2024

RE: S.B. No. 2718
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2718, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to allow the Hawaii Labor Relations Board to admit and consider hearsay evidence.

Your Committee of Conference finds that existing law is contradictory with regards to whether the Hawaii Labor Relations Board, a quasi-judicial administrative agency, is permitted to admit and consider hearsay evidence in its proceedings. Specifically, despite there being a myriad of exceptions in the Hawaii Rules of Evidence that allow certain types of hearsay evidence to be admissible in any other court or administrative proceeding under a hearsay exception and the general principle that administrative proceedings are more flexible than judicial proceedings and



therefore should not be bound by the Rules of Evidence, existing law explicitly prohibits the Hawaii Labor Relations Board from admitting or considering hearsay evidence in its unfair labor practices proceedings. This measure allows the Hawaii Labor Relations Board to admit and consider hearsay evidence in its unfair labor practices proceedings, placing them in line with proceedings before other administrative boards and commissions.

Your Committee on Conference has amended this measure by:


- (1) Inserting an effective date of July 1, 2024; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2718, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2718, S.D. 1, H.D. 1, C.D. 1.


Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



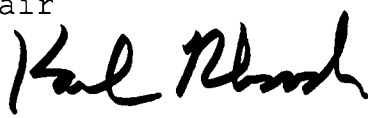
 SCOT Z. MAAYOSHI
 Co-Chair



 HENRY J. C. AQUINO
 Chair




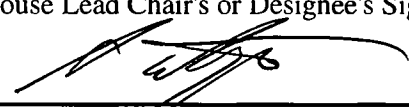
 DAVID A. TARNAS
 Co-Chair



 KARL RHOADS
 Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2718, SD 1, HD 1					Date/Time: <i>4/22/24 10:06 AM</i>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
AQUINO, Henry J.C., Chr.	✓				MATAYOSHI, Scot Z., Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				TARNAS, David A., Co-Chr.	✓			
FEVELLA, Kurt	✓				GARRETT, Andrew Takuya	✓			
					ALCOS III, David	✓			
TOTAL	3				TOTAL	4			
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution: Original Yellow Pink Goldenrod									
<i>File with Conference Committee Report</i> <i>House Clerk's Office</i> <i>Senate Clerk's Office</i> <i>Drafting Agency</i>									