

S.B. NO. 981

JAN 25 2017

A BILL FOR AN ACT

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

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

1 SECTION 1. Section 396-11.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) In any hearing conducted by the appeals board under
4 this chapter and pursuant to chapter 91, notwithstanding section
5 91-9.5, all parties shall be given written notice of hearing by
6 first class mail or by electronic service through a company
7 designated by the board at least fifteen days before the
8 hearing."

9 SECTION 2. Section 396-12 is amended to read as follows:

10 "**§396-12 Judicial review.** Except where an order has
11 already become final for failure to contest, the decision and
12 order of the appeals board shall be final and conclusive unless
13 the director or any party to the proceedings before the appeals
14 board obtains a review thereof in the manner provided in chapter
15 91 by instituting proceedings in the circuit court of the
16 circuit in which the place of employment, machine, device,
17 apparatus, or equipment is situated or such practice, means,
18 method, operation, or process is employed. The hearing on

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1 review shall be on the record and the department shall be deemed
2 a party to any such proceedings. The court shall give
3 precedence to such proceedings over all other civil cases.

4 The party seeking the review of a decision and order of the
5 appeals board shall bear the cost of preparing a transcript;
6 except as provided by law, then the appeals board shall bear the
7 cost of preparing the transcript."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

M. N. M.

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BY REQUEST

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Report Title:

Hawaii Labor Relations Board; Electronic Service; Transcripts

Description:

Allows the Hawaii Labor Relations Board to send notices of hearing electronically; requires the party seeking judicial review to bear the cost of preparing a transcript, except as provided by law, in which case the Board shall bear the cost of preparing the transcript.

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

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JUSTIFICATION SHEET

DEPARTMENT: Labor and Industrial Relations

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD.

PURPOSE: To provide for electronic notification of hearings.

To require the party seeking review of a decision and order of the Hawaii Labor Relations Board (HLRB) to pay the costs of a transcript, except as provided by law, in which case HLRB is required to pay the cost.

MEANS: Amend sections 396-11.5(a) and 396-12, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 396-11.5(a), HRS, currently provides for written notice of hearing by first class mail. The proposed revision allows HLRB to notice parties to hearings electronically. This revision, if enacted, will save HLRB the cost of postage and paper, provide a quicker delivery method, and accommodate parties who are not located on Oahu and who may be disadvantaged by having documents mailed.

The proposed amendment to section 396-12, HRS, would require the party appealing HLRB's decision and order to bear the transcript costs, except as provided by law, in which case HLRB will bear the costs. This will save HLRB from bearing the costs of transcripts for every appeal and share the costs with parties that are not statutorily exempt.

Impact on the public: The electronic service of hearing notices is a faster and less expensive way to provide notices to parties. The flexibility of being able to serve and be served with hearing notices through electronic means also accommodates parties who are not located on Oahu.

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Impact on the department and other agencies:

Authorizing the use of electronic service as another means of delivering a written notice of hearing will save the department postage costs and staff time.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LBR161.

OTHER AFFECTED
AGENCIES: Department of the Attorney General.

EFFECTIVE DATE: Upon approval.