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# A BILL FOR AN ACT

RELATING TO OCCUPATIONAL SAFETY AND HEALTH.

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

1       SECTION 1. Section 91-12, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§91-12 Decisions and orders.** ~~[Every]~~ Except as provided  
4 under section 396-11.5(b), every decision and order adverse to a  
5 party to the proceeding, rendered by an agency in a contested  
6 case, shall be in writing or stated in the record and shall be  
7 accompanied by separate findings of fact and conclusions of law.  
8 If any party to the proceeding has filed proposed findings of  
9 fact, the agency shall incorporate in its decision a ruling upon  
10 each proposed finding so presented. The agency shall notify the  
11 parties to the proceeding by delivering or mailing a certified  
12 copy of the decision and order and accompanying findings and  
13 conclusions within a reasonable time to each party or to the  
14 party's attorney of record."

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



1       "(b) In all hearings before the appeals board, each board  
2 member shall have the same powers as possessed by the circuit  
3 courts respecting the administering of oaths; issuing subpoenas;  
4 compelling the attendance of witnesses, the production of  
5 documentary evidence, and the taking of depositions; and  
6 examining or causing to be examined witnesses. The circuit  
7 court of any circuit, upon application by the appeals board or a  
8 party, shall have power to enforce, by proper proceedings, the  
9 attendance and testimony of any witness subpoenaed. Subpoena  
10 and witness fees and mileage in these cases shall be the same as  
11 in criminal cases in the circuit courts and paid by the party  
12 calling the witness.

13       No person shall be excused from attending, testifying, or  
14 producing material, books, paper, correspondence, memoranda, and  
15 other records before the appeals board or in compliance with a  
16 subpoena on the grounds that the testimony or evidence,  
17 documentary or otherwise, required of the person may tend to  
18 incriminate the person or subject the person to a penalty or  
19 forfeiture; provided that no person shall be prosecuted or  
20 subjected to any penalty or forfeiture for or on account of any  
21 transaction, matter, or thing concerning which the person is



1 compelled, after having claimed the privilege against self-  
2 incrimination, to testify or produce evidence, documentary, or  
3 otherwise, except that such persons testifying shall not be  
4 exempt from prosecution and punishment for perjury committed in  
5 testifying.

6 Notwithstanding section 91-12, within a reasonable time  
7 after the appeals board issues each written order or decision,  
8 the appeals board shall provide to each party or the attorney  
9 for each party a copy of the written order or decision. The  
10 written order or decision shall be hand delivered, provided by  
11 the United States Postal Service with delivery confirmation, or  
12 transmitted via electronic service through a company designated  
13 by the appeals board.

14 Pursuant to chapter 91, the appeals board may adopt rules  
15 of the Hawaii rules of civil procedure and other rules in  
16 conducting any hearing."

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

19 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Hawaii Labor Relations Board; Occupational Safety and Health;  
Delivery of Decisions and Orders

**Description:**

Requires the Hawaii Labor Relations Board to deliver its  
decisions and orders by hand, USPS mail with delivery  
confirmation, or electronically. (HB2052 HD1)

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

