

JAN 19 2018

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

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

15 No person shall be excused from attending, testifying, or
16 producing material, books, paper, correspondence, memoranda, and
17 other records before the appeals board or in compliance with a



1 subpoena on the grounds that the testimony or evidence,
2 documentary or otherwise, required of the person may tend to
3 incriminate the person or subject the person to a penalty or
4 forfeiture; provided that no person shall be prosecuted or
5 subjected to any penalty or forfeiture for or on account of any
6 transaction, matter, or thing concerning which the person is
7 compelled, after having claimed the privilege against self-
8 incrimination, to testify or produce evidence, documentary, or
9 otherwise, except that such persons testifying shall not be
10 exempt from prosecution and punishment for perjury committed in
11 testifying.

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



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

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

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

SECTION 3. New statutory material is underscored.

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

Mike Hubbard
Randy de Bate

INTRODUCED BY:



S.B. NO. 2367

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.

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

