



# GOV. MSG. NO. 1242

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 1, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2024, the following bill was signed into law:

SB2718 SD1 HD1 CD1

RELATED TO ADMINISTRATIVE  
PROCEDURES.  
**ACT 141**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

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# 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 it is 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  
18 the Hawaii labor relations board conflicts with general



1 principles that proceedings before administrative boards are  
2 more flexible and should not be bound by the rules of technical  
3 evidence.

4 Accordingly, the purpose of this Act is to allow the Hawaii  
5 labor relations board to admit and consider hearsay evidence.

6 SECTION 2. Section 377-9, Hawaii Revised Statutes, is  
7 amended by amending subsection (c) to read as follows:

8 "(c) A full and complete record shall be kept of all  
9 proceedings had before the board and all testimony and  
10 proceedings shall be taken down by a reporter engaged for such  
11 purpose or by use of a mechanical recording device. It shall  
12 not be necessary to transcribe the record unless requested for  
13 purposes of rehearing or court review. In the proceedings the  
14 board shall not be bound by technical rules of evidence. [~~No~~  
15 ~~hearsay evidence, however, shall be admitted or considered.]"~~

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken.

18 SECTION 4. This Act shall take effect on July 1, 2024.



S.B. NO.

2718  
S.D. 1  
H.D. 1  
C.D. 1

APPROVED this **1st** day of **July**, 2024

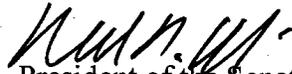


GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 2718, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives