
A BILL FOR AN ACT

RELATING TO APPEALS TO THE APPELLATE BOARD.

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

1 SECTION 1. Chapter 371, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§371- Labor and industrial relations appeals board
5 special fund. (a) There is established in the state treasury a
6 fund to be known as the labor and industrial relations appeals
7 board special fund, into which shall be deposited:

8 (1) All moneys collected by the labor and industrial
9 relations appeals board pursuant to section 386-87;
10 and

11 (2) All interest earned upon any moneys in the fund.

12 (b) The fund shall be administered by the labor and
13 industrial relations appeals board.

14 (c) Moneys in the fund shall be used for operating costs,
15 as defined in section 37-62, incurred in the administration of
16 chapters 371 and 386, including but not limited to language
17 interpreting services and electronic document management.



1 (d) The labor and industrial relations appeals board shall
2 submit a report to the legislature detailing all moneys
3 deposited into and all moneys disbursed out of the fund prior to
4 the convening of each regular session."

5 SECTION 2. Section 386-87, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§386-87 Appeals to appellate board.** (a) A decision of
8 the director shall be final and conclusive between the parties,
9 except as provided in section 386-89, unless within twenty days
10 after a copy has been sent to each party, either party appeals
11 therefrom to the appellate board by filing a written notice of
12 appeal with the appellate board or the department. In all cases
13 of appeal filed with the department the appellate board shall be
14 notified of the pendency thereof by the director. No compromise
15 shall be effected in the appeal except in compliance with
16 section 386-78.

17 (b) The appellate board shall hold a full hearing de novo
18 on the appeal.

19 (c) The appellate board shall have power to review the
20 findings of fact, conclusions of law and exercise of discretion
21 by the director in hearing, determining or otherwise handling of
22 any compensation case and may affirm, reverse or modify any



1 compensation case upon review, or remand the case to the
2 director for further proceedings and action.

3 (d) In the absence of an appeal and within thirty days
4 after mailing of a certified copy of the appellate board's
5 decision or order, the appellate board may, upon the application
6 of the director or any other party, or upon its own motion,
7 reopen the matter and thereupon may take further evidence or may
8 modify its findings, conclusions or decisions. The time to
9 initiate judicial review shall run from the date of mailing of
10 the further decision if the matter has been reopened. If the
11 application for reopening is denied, the time to initiate
12 judicial review shall run from the date of mailing of the denial
13 decision.

14 (e) The appellate board may establish a fee of \$30 for the
15 filing of a written notice of appeal with the director or to the
16 appellate board pursuant to this section; provided that the
17 amount of the fee may be adjusted accordingly by the director by
18 rules adopted pursuant to chapter 91.

19 The fee prescribed under this subsection shall be paid in
20 advance by the appealing party to the chief clerk of the
21 appellate board. Any fee collected shall be deposited with the
22 director of finance to the credit of the labor and industrial



1 relations appeals board special fund established under section
2 371-_____.

3 The appellate board may waive the payment of the fee for
4 good cause shown; provided that an appealing party shall be
5 deemed to have established good cause if that party appears pro
6 se, is an indigent person, is an individual who is unemployed as
7 a result of a workers' compensation injury, or is otherwise
8 deemed to have established good cause by the appellate board."

9 SECTION 3. There is appropriated out of the labor and
10 industrial relations appeals board special fund a sum not to
11 exceed \$10,000 or so much thereof as may be necessary for fiscal
12 year 2012-2013 for operating costs incurred in the
13 administration of chapters 371 and 386, Hawaii Revised Statutes.

14 The sum appropriated shall be expended by the department of
15 labor and industrial relations for the purposes of this Act.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval;
18 provided that section 3 shall take effect on July 1, 2012.



Report Title:

Labor and Industrial Relations Appeals Board

Description:

Authorizes the Labor and Industrial Relations Appeals Board to establish reasonable fees not to exceed \$30 for the filing of written appeals and to establish a Labor and Industrial Relations Appeals Board Special Fund. Allows fees to be adjusted by the Director of Labor and Industrial Relations through rules. Provides for fees to be waived in certain cases. Requires the State and counties to pay filing fees. (HB2582 HD1)

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

