
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 prior to the convening of
3 each regular session detailing all moneys deposited into and all
4 moneys disbursed out of the fund."

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 notify the appealing party
18 of the relevant agency's hearings by first class, nonregistered,
19 noncertified mail to the claimant or parties' last known address
20 and if service cannot be made by first class mail because the
21 appellate board or its agents have been unable to ascertain the
22 address of the party after reasonable and diligent inquiry, then



1 the appellate board shall give notice of a hearing by
2 publication once in each of two successive weeks in a daily or
3 weekly publication of statewide circulation or by any other
4 means provided by law.

5 ~~[(b)]~~ (c) The appellate board shall hold a full hearing de
6 novo on the appeal.

7 ~~[(e)]~~ (d) The appellate board shall have power to review the
8 findings of fact, conclusions of law and exercise of discretion
9 by the director in hearing, determining or otherwise handling of
10 any compensation case and may affirm, reverse or modify any
11 compensation case upon review, or remand the case to the
12 director for further proceedings and action.

13 ~~[(d)]~~ (e) In the absence of an appeal and within thirty days
14 after mailing of a certified copy of the appellate board's
15 decision or order, the appellate board may, upon the application
16 of the director or any other party, or upon its own motion,
17 reopen the matter and thereupon may take further evidence or may
18 modify its findings, conclusions or decisions. The time to
19 initiate judicial review shall run from the date of mailing of
20 the further decision if the matter has been reopened. If the
21 application for reopening is denied, the time to initiate



1 judicial review shall run from the date of mailing of the denial
2 decision.

3 (f) The appellate board may establish fees of \$30 for the
4 filing of a written notice of appeal with the director or to the
5 appellate board pursuant to this section and \$ _____ for
6 administrative costs associated with processing workers'
7 compensation appeals, including telefaxing, preparation of audio
8 recordings, and dishonored checks; provided that the amount of
9 the fees may be adjusted accordingly by the director by rules
10 adopted pursuant to chapter 91.

11 The fees prescribed under this subsection shall be paid in
12 advance by the appealing party to the chief clerk of the
13 appellate board. Any fees collected shall be deposited with the
14 director of finance to the credit of the labor and industrial
15 relations appeals board special fund established under section
16 371-_____.

17 The appellate board may waive the costs and fees pursuant
18 to this section for good cause shown. Neither the State, nor
19 any county, or any political subdivision shall be required to
20 pay any fees or costs prescribed under this subsection."

21 SECTION 3. There is appropriated out of the labor and
22 industrial relations appeals board special fund a sum not to



1 exceed \$10,000 or so much thereof as may be necessary for fiscal
2 year 2012-2013 for operating costs incurred in the
3 administration of chapters 371 and 386, Hawaii Revised Statutes.

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

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2112.



Report Title:

Labor and Industrial Relations Appeals Board

Description:

Authorizes the Labor and Industrial Relations Appeals Board to establish reasonable fees for written appeals and administrative costs. Establishes a Labor and Industrial Relations Appeals Board Special Fund. Provides exemptions from fees for public agencies and for good cause. Authorizes the Director of Labor and Industrial Relations to make rules. Effective July 1, 2112. (HB2582 HD2)

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