

Honolulu, Hawaii

February 5, 2013

RE: H.B. No. 921

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 921 entitled:

"A BILL FOR AN ACT RELATING TO PROCEEDINGS BEFORE THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD,"

begs leave to report as follows:

The purpose of this measure is to enhance the processing of workers' compensation appeals by authorizing:

- (1) The Labor and Industrial Relations Appeals Board to take appropriate action to enforce its rules and orders, including the imposition of administrative and monetary sanctions; and
- (2) Workers' compensation litigants to file electronic notices of appeal with the appellate court.

The Department of Labor and Industrial Relations, Labor and Industrial Relations Appeals Board, and ILWU Local 142 testified in support of this measure.

Your Committee finds that the Labor and Industrial Relations Appeals Board decides appeals from decisions and orders of the Director of Labor and Industrial Relations issued under the workers' compensation law and any other law for which an appeal to the board is provided by law. Although section 371-4(j), Hawaii Revised Statutes, authorizes the board to adopt rules in its area of responsibilities, there is no express statutory authority for



the board to issue orders or take other action to enforce its rules or orders. In addition, while section 386-88, Hawaii Revised Statutes, provides for judicial review of the board's decisions after written notice of appeal is filed with the board, there is currently no option for filing electronic notices of appeal with the appellate court, which is now available through the Judiciary's electronic filing system.

This measure promotes the efficient processing of workers' compensation appeals by giving the Labor and Industrial Relations Appeals Board express authority to enforce its rules and orders. Further, the authorization for workers' compensation litigants to electronically file notices of appeal will improve government processes and increase productivity through the use of available technology.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 921 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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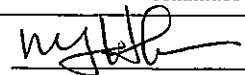
MARK M. NAKASHIMA, Chair



State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

HSCR94

**Record of Votes of the Committee on Labor & Public Employment**

Bill/Resolution No.: <b>HB 921</b>	Committee Referral: <b>LAB, FIN</b>	Date: <b>2/1/13</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	X			
2. HASHEM, Mark J. (VC)	X			
3. AQUINO, Henry J.C.	X			
4. ICHIYAMA, Linda	X			
5. ING, Kaniela	X			
6. TAKUMI, Roy M.	X			
7. YAMANE, Ryan I.				X
8. YAMASHITA, Kyle T.	X			
9. JOHANSON, Aaron Ling	X			
<b>TOTAL (9)</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 150px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: <u></u>				
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