

ACT 108

A Bill for an Act Amending Chapter 93, Revised Laws of Hawaii 1955, as Amended, Relating to Employment Security.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 93, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending section 93-97 thereof to read:

“Section 93-97. Referee. (a) In accordance with the provisions of paragraph (b) of section 93-90, the director shall appoint a referee.

(b) Subject to the provisions of sections 93-124 and 93-125, the referee shall receive a salary as fixed by law, and shall also be paid such reasonable travelling and other expenses as may be incurred in the discharge of his duties, such salary and expenses to be paid out of the employment security administration fund.

(c) The provisions of section 213-13 relating to disqualification of judges shall be equally applicable to the referee and any substitute referee.

(d) In accordance with the provisions of paragraph (b) of section 93-90, the director may appoint a substitute referee to serve during any temporary absence of the referee from the State or in case of his illness, or in case the referee is disqualified to hear any appeal or is otherwise unavailable or in the event of vacancy in the office of referee. If at any time or with respect to any appeal the referee and the substitute referee hereinabove mentioned are both unable to act, for any of the reasons above indicated, then the director may appoint another substitute referee, in accordance with the provisions of paragraph (b) of section 93-90, to serve for such time or with respect to such appeal. Any substitute referee, while so serving, shall have all the powers and duties of the referee and shall receive compensation for his services at the rate of \$20 per day for each day's actual attendance upon his duties and shall also be paid such reasonable travelling and other expenses as may be incurred in the discharge of his duties, such compensation and expenses to be paid out of the employment security administration fund. In case any appeal shall be referred to a substitute referee for hearing, the substitute referee shall retain jurisdiction of the appeal so referred to him, notwithstanding that the regular referee may become available, unless the refer-

ence of the appeal to the substitute referee shall be revoked by the director. The final decisions of the referee and the principles of law declared by him in arriving at such decisions, unless expressly or impliedly overruled by a later decision of a court of competent jurisdiction or of the referee, shall be binding upon any substitute referee in proceedings which involve similar questions of law.”

SECTION 2. This Act shall take effect upon its approval.

(Approved May 23, 1961.) **H.B. 1394.**
