



GOV. MSG. NO. 603

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

April 9, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 9, 2009, the following bill was signed into law:

HB442

A BILL FOR AN ACT  
RELATING TO THE LABOR AND INDUSTRIAL  
RELATIONS APPEALS BOARD.  
**ACT 003 (09)**

Sincerely,



LINDA LINGLE

Approved by the Governor  
on APR 9 2009

**ACT 003**

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**H.B. NO. 442**

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## A BILL FOR AN ACT

RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD.

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

1           SECTION 1. The purpose of this Act is to authorize the  
2 labor and industrial relations appeals board (appeal board) to  
3 utilize a hearings officer. Utilizing a hearings officer would  
4 allow the appeal board to expedite hearings on workers'  
5 compensation matters, including treatment plan issues,  
6 vocational rehabilitation issues, and temporary total disability  
7 issues. The hearings officer would hear these issues and  
8 propose a decision and order for review and approval by the full  
9 appeal board. This would afford expedited resolution of  
10 time-sensitive matters appealed from decisions of the director  
11 of labor and industrial relations to the appeal board.

12           SECTION 2. Section 371-4, Hawaii Revised Statutes, is  
13 amended by amending subsection (f) to read as follows:

14           "(f) The chairperson of the appeal board shall be  
15 responsible for the administrative functions of the appeal  
16 board. The appeal board may:



- 1           (1) Appoint an executive officer and hearings officer, and  
2           employ other employees as it deems necessary in the  
3           performance of its functions;
- 4           (2) Set the duties and compensation of the executive  
5           officer, hearings officer, and employees; and
- 6           (3) Provide for the reimbursement of actual and necessary  
7           expenses incurred by the executive officer, hearings  
8           officer, and employees in the performance of their  
9           duties, within the amounts made available by  
10          appropriations therefor.

11          Members of the appeal board and employees other than  
12          clerical and stenographic employees shall be exempt from  
13          chapters 76 and 89. Clerical and stenographic employees shall  
14          be employed in accordance with chapter 76."

15          SECTION 3. Section 371-6, Hawaii Revised Statutes, is  
16          amended to read as follows:

17          "§371-6 Powers respecting oaths, subpoenas, etc.; witness  
18          fees, expenses, immunities. In all hearings or investigations  
19          conducted by the director of labor and industrial relations, or  
20          any of the director's duly authorized subordinates, including a  
21          hearings officer appointed by the appeal board under  
22          section 371-4, or the [~~labor and industrial relations~~] appeal



1 board, with respect to any matters cognizable by any of them,  
2 each of the officers, and each member of the board, shall have  
3 the same powers respecting the administering of oaths,  
4 compelling the attendance of witnesses, the production of  
5 documentary evidence, and examining or causing to be examined  
6 witnesses, as are possessed by a circuit court and may take  
7 depositions and certify to official acts. The circuit court of  
8 any circuit upon application by any of them shall have power to  
9 enforce by proper proceedings the attendance and testimony of  
10 any witness so subpoenaed. Subpoena and witness fees and  
11 mileage in such cases shall be the same as in criminal cases in  
12 the circuit courts. Necessary expenses of or in connection with  
13 any such hearings or investigations shall be payable from the  
14 funds appropriated for expenses of administration for the  
15 department of labor and industrial relations.

16 No person shall be excused from attending or testifying or  
17 producing material, books, papers, correspondence, memoranda,  
18 and other records, before the director, the director's duly  
19 authorized subordinate, including a hearings officer appointed  
20 by the appeal board under section 371-4, or the appeal board, or  
21 in obedience to the subpoena of any of them, in any cause or  
22 proceeding before them, on the grounds that the testimony and



1 evidence, documentary or otherwise, required of the person may  
 2 tend to incriminate the person or subject the person to a  
 3 penalty or forfeiture; but no individual shall be prosecuted or  
 4 subjected to any penalty or forfeiture for or on account of any  
 5 transaction, matter, or thing concerning which the individual is  
 6 compelled, after having claimed the individual's privilege  
 7 against self-incrimination, to testify or produce evidence,  
 8 documentary or otherwise, except that [such] the individuals so  
 9 testifying shall not be exempt from prosecution and punishment  
 10 for perjury committed in so testifying."

11 SECTION 4. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: W. Fairly B. Lee

[Signature]

Mark Sakashima

Paul [Signature]

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JAN 23 2009



H.B. NO. 442

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APPROVED this 9 day of APR , 2009



GOVERNOR OF THE STATE OF HAWAII