

---

---

# A BILL FOR AN ACT

RELATING TO NOTIFICATION OF CHAPTER 91 HEARINGS.

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

1           SECTION 1. Section 371-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§371-4 Labor and industrial relations appeals board.** (a)

4 There is created a labor and industrial relations appeals board  
5 composed of three members nominated and, by and with the advice  
6 and consent of the senate, appointed by the governor for terms  
7 of ten years each, except that the terms of members first  
8 appointed shall be for six, eight, and ten years respectively as  
9 designated by the governor at the time of appointments. The  
10 governor shall designate the chairperson of the board, who shall  
11 be an attorney at law licensed to practice in all of the courts  
12 of this State. Each member shall hold office until the member's  
13 successor is appointed and qualified. Because cumulative  
14 experience and continuity in office are essential to the proper  
15 handling of appeals under workers' compensation law and other  
16 labor laws, it is hereby declared to be in the public interest  
17 to continue board members in office as long as efficiency is  
18 demonstrated. The members shall devote full time to their



1 duties as members of the board. Effective July 1, 2005, the  
2 chairperson of the board shall be paid a salary set at eighty-  
3 seven per cent of the salary of the director of labor and  
4 industrial relations, and the salary of each of the other  
5 members shall be ninety-five per cent of the chairperson's  
6 salary.

7 (b) The board shall have power to decide appeals from  
8 decisions and orders of the director of labor and industrial  
9 relations issued under the workers' compensation law and any  
10 other law for which an appeal to the board is provided by law.

11 (c) For purposes of appeals to the board conducted  
12 pursuant to chapter 91, notwithstanding section 91-9.5, all  
13 parties shall be given written notice of hearing by first class  
14 mail at least fifteen days before the hearing.

15 (d) Unless otherwise provided by law, if service by first  
16 class mail is not made because the board or its agents have been  
17 unable to ascertain the address of the party after reasonable  
18 and diligent inquiry, the notice of hearing may be given to the  
19 party by publication at least once in each of two successive  
20 weeks in a newspaper of general circulation. The last published  
21 notice shall appear at least fifteen days prior to the date of  
22 the hearing.



1        [~~e~~] (e) A decision concurred in by any two members shall  
2 constitute a decision of the board.

3        [~~d~~] (f) A vacancy in the board, if there remain two  
4 members of it, shall not impair the authority of two members to  
5 act.

6        [~~e~~] (g) If any member of the board is unable to act  
7 because of absence, temporary disability, or disqualification,  
8 the governor may make a temporary appointment and the appointee  
9 shall have all the powers and duties of a regular member of the  
10 board.

11       [~~f~~] (h) The chairperson of the appeal board shall be  
12 responsible for the administrative functions of the appeal  
13 board. The appeal board may:

- 14        (1) Appoint an executive officer and hearings officer, and  
15                employ other employees as it deems necessary in the  
16                performance of its functions;
- 17        (2) Set the duties and compensation of the executive  
18                officer, hearings officer, and employees; and
- 19        (3) Provide for the reimbursement of actual and necessary  
20                expenses incurred by the executive officer, hearings  
21                officer, and employees in the performance of their



1           duties, within the amounts made available by  
2           appropriations therefor.

3           Members of the appeal board and employees other than  
4           clerical and stenographic employees shall be exempt from  
5           chapters 76 and 89. Clerical and stenographic employees shall  
6           be employed in accordance with chapter 76.

7           ~~(g)~~ (i) The board shall be within the department of  
8           labor and industrial relations for budgetary and administrative  
9           purposes only.

10          ~~(h)~~ (j) The board may adopt rules and regulations within  
11          its area of responsibilities in accordance with chapter 91."

12          SECTION 2. Statutory material to be repealed is bracketed  
13          and stricken. New statutory material is underscored.

14          SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Notification of Chapter 91 Hearing; Department of Labor and Industrial Relations

**Description:**

Authorizes the Department of Labor and Industrial Relations to provide notice of hearings pursuant to chapter 91, Hawaii Revised Statutes, by written notice of hearing by first class mail, rather than registered or certified mail with return receipt. Authorizes the department to provide notice of hearing by publication if a party's address cannot be ascertained.  
(SD1)

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

