



GOV. MSG. NO. 1113

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 10, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813


The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 10, 2012, the following bill was signed into law:

HB2576 HD2

RELATING TO EMPLOYMENT SECURITY LAW.  
**Act 013 (12)**

Sincerely,  
  
NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

on APR 10 2012

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 013

H.B. NO. 2576  
H.D. 2

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## A BILL FOR AN ACT

RELATING TO EMPLOYMENT SECURITY LAW.

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

1           SECTION 1. Section 383-69, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§383-69 Procedure for rate determination. The department  
4 of labor and industrial relations, as soon as is reasonably  
5 possible in each period, shall make its classification of  
6 employers for [~~such~~] the period and notify each employer of the  
7 employer's rate of contributions for [~~such~~] the period as  
8 determined pursuant to sections 383-63 to 383-69. The  
9 determination shall become conclusive and binding upon the  
10 employer unless [~~7~~] the employer appeals the determination by  
11 filing a written notice of appeal within fifteen days after the  
12 mailing of notice [~~thereof~~] of the determination to the  
13 employer's last known address [~~, or in the absence of mailing~~  
14 ~~within fifteen days after the delivery of the notice to the~~  
15 ~~employer, the employer files an application for review and~~  
16 ~~redetermination, setting forth the employer's reasons therefor.~~  
17 ~~If the department grants the review, the employer shall be~~  
18 ~~promptly notified thereof and shall be granted an opportunity~~

HB2576 HD2 HMS 2012-2495



1 ~~for a fair hearing,].~~ The appeal shall be heard by the referee  
2 in accordance with applicable provisions of sections 383-38 and  
3 383-39 but no employer shall have standing, in any proceeding  
4 involving the employer's rate of contributions or contribution  
5 liability, to contest the chargeability to the employer's  
6 account of any benefits paid in accordance with a determination,  
7 redetermination, or decision pursuant to sections 383-31 to 383-  
8 43; provided that the services on the basis of which the  
9 benefits were found to be chargeable did not constitute services  
10 performed in employment for the employer and only [~~in the event~~  
11 ~~that~~] if the employer was not a party to the determination,  
12 redetermination, or decision, or to any other proceedings under  
13 this chapter in which the character of the services was  
14 determined. [~~The employer shall be promptly notified of the~~  
15 ~~department's denial of the employer's application, or of the~~  
16 ~~department's redetermination, both of which]~~ The referee's  
17 determination shall become final unless a proceeding for  
18 judicial review in the manner provided in chapter 91 is  
19 commenced in the circuit court of the judicial circuit in which  
20 the employer resides or has the employer's principal place of  
21 business or in the circuit court of the first judicial circuit.  
22 [~~The proceedings shall be heard in a summary manner and shall be~~

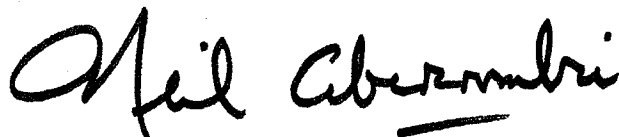


1 ~~given precedence over all other civil actions, except for~~  
2 ~~proceedings arising under section 383-41 and the workers'~~  
3 ~~compensation law of the State.]~~ An appeal may be taken from the  
4 decision of the circuit court to the intermediate appellate  
5 court, subject to chapter 602."

6 SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2012.

APPROVED this 10 day of APR, 2012



GOVERNOR OF THE STATE OF HAWAII

