

STAND. COM. REP. NO.

961

Honolulu, Hawaii

MAR 21 2013

RE: H.B. No. 921

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, 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 and intent of this measure is to improve the  
processing of workers' compensation claim appeals by:

- (1) Authorizing the Labor and Industrial Relations Appeals  
Board (Appeals Board) to:
  - (A) Take appropriate action to enforce its rules and  
orders; and
  - (B) Impose administrative sanctions and monetary  
sanctions of less than \$250 for each violation to  
be deposited into the special compensation fund  
under section 386-151, Hawaii Revised Statutes; and
- (2) Allowing workers' compensation claim litigants to file  
electronic notices of appeal with the appellate court.

Your Committee received testimony in support of this measure  
from the Department of Labor and Industrial Relations; Labor and  
Industrial Relations Appeals Board; International Longshore and  
Warehouse Union, Local 142; and two individuals.



Your Committee finds that existing law does not specifically authorize the Appeals Board to issue orders or take other actions, such as the imposition of administrative or monetary sanctions, to enforce its rules or orders. The Appeals Board noted in its written testimony that other state boards and commissions, such as the Hawaii Labor Relations Board, Public Utilities Commission, and Land Use Commission, are statutorily authorized to fine or sanction a party for noncompliance. This measure empowers the Appeals Board to better enforce its rules and orders and creates greater efficiency in the processing and adjudication of workers' compensation claim appeals.

Your Committee further finds that existing law does not specifically authorize workers' compensation litigants to file electronic notices of appeal with the appellate court, which is currently available through the Judiciary Electronic Filing System. This measure assists in increasing state government efficiency and reducing the State's carbon footprint by allowing the electronic filing of workers' compensation claim appeal notices.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor 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 Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

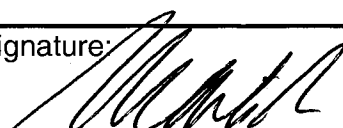


CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 921</b>	Committee Referral: <b>JDL, WAM</b>	Date: <b>3/13/13</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes