

ACT 157

S. B. NO. 1345-72

A Bill for an Act Relating to Employment Security.

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

SECTION 1. Section 383-98, Hawaii Revised Statutes, is amended to read:

§383-98 Referee. (a) In accordance with section 383-91(b), the director of labor and industrial relations shall appoint one or more referees.

(b) Subject to sections 383-125 and 383-126, each referee shall receive a salary as fixed by law, and shall also be paid such reasonable traveling 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) Section 601-16 relating to disqualification of judges shall be equally applicable to each referee and any substitute referee.

(d) In accordance with section 383-91 (b), the director may appoint one or more substitute referees to serve (1) during any temporary absence of a referee from his duties, (2) in the event a referee is disqualified to hear any appeal, (3) in the event of vacancy in the office of referee, or (4) if, for any reason, the director finds that the services of substitute referees are necessary for prompt and expeditious handling of appeals. Any substitute referee, while so serving, shall have all the powers and duties of a referee and shall receive

compensation for his services at the rate of \$40 per day for each day's actual attendance upon his duties and shall also be paid such reasonable traveling and other expenses as may be incurred in the discharge of his duties, the 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 reference of the appeal to the substitute referee shall be revoked by the director. The final decisions of a 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 a referee, shall be binding upon any substitute referee in proceedings which involve similar questions of law.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

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

(Approved May 30, 1972.)

*Edited accordingly.