

ACT 17

An Act Relating to Industrial Injury Leave of Employees of Police and Fire Departments.

WHEREAS, section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of urgency measures deemed necessary in the public interest; and

WHEREAS, said section further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house; and

WHEREAS, it is the intention of the legislature to enact this as an urgency measure pursuant to said section 11 of Article III; now, therefore,

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The members of the police and fire departments of the City and County of Honolulu who have been injured in the line of duty receive benefits under the provisions of section 149-7, Revised Laws of Hawaii 1955, as amended. By a recent opinion of the Corporation Counsel of the City and County of Honolulu, it has been established that the benefits provided in section 149-7, aforementioned, are not considered salary but compensation for injuries received, similar to Workmen's Compensation payments. This opinion has far-reaching effects on approximately 2,000 policemen and firemen throughout the State because it can cause the loss of retirement benefits and the loss of life insurance coverage since, under these programs, they must be on the payroll of a police or fire department. It is in the public interest that section 149-7, Revised Laws of Hawaii 1955, as amended, be further amended in order that the morale and efficiency of said policemen and firemen may be maintained at a high level.

SECTION 2. Amend Chapter 138 of the Revised Laws of Hawaii 1955, as amended, by adding a new section, to be appropriately numbered and to read as follows:

"Sec. . **Injured police chemists, policemen and firemen.** Whenever any employee of the police department, including police chemists, or fire department of the city and county of Honolulu or any county receives personal injury by accident arising out of and in performance of his duty and without negligence on his part, he shall be placed on accidental injury leave unless suspended or dismissed for cause, and continued on the payroll of his respective department at his full regular monthly salary during the first four months of his disability and thereafter during the period of his total disability from work at sixty per cent of his regular monthly salary, as though he did not sustain an industrial injury. He shall be entitled further to all rights and remedies allowed under Chapter 97, provided that salary paid under this section shall be applied on account of any compensation allowed him under Chapter 97 or any benefits awarded him under part III of chapter 6."

SECTION 3. Section 149-7 of the Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 16, 1962.) S.B. 109.