

ACT 298

H.B. NO. 850

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. Chapter 386, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“Sec. 386- Benefit adjustment. (a) Commencing with the effective date of this Act, the employer shall pay, without application, to any employee who before July 1, 1980 was awarded compensation pursuant to section 386-86 for permanent and total disability, a supplemental allowance calculated in accordance with the following provisions:

- (1) In any case where that employee is receiving the maximum weekly income benefit applicable at the time such award was made, the supplemental allowance shall be an amount which when added to such award will equal the maximum weekly benefit as of the effective date of this Act.
- (2) In any case where that employee is receiving less than the maximum weekly income benefit applicable at the time such award was made, the supplemental allowance shall be an amount equal to the maximum weekly income benefit as of the effective date of this Act multiplied by the ratio of that employee's current weekly income benefit to the maximum weekly income benefit applicable at the time such award was made, minus that employee's current weekly income benefit.

(b) The employer shall be entitled to reimbursement from the special compensation fund for the additional amount paid under subsection (a).

(c) Commencing with the effective date of this Act, the special compensation fund shall pay, without application, to any employee who before July 1, 1980 was awarded compensation pursuant to section 386-86 for permanent and total disability, a supplemental allowance calculated in accordance with the following provisions:

- (1) In any case where that employee is receiving the maximum weekly income benefit applicable at the time such award was made, the supplemental allowance shall be an amount which when added to such award will equal the maximum weekly benefit as of the effective date of this Act.
- (2) In any case where that employee is receiving less than the maximum weekly income benefit applicable at the time such award was made, the supplemental allowance shall be an amount equal to the maximum weekly income benefit as of the effective date of this Act multiplied by the ratio of that employee's current weekly income benefit to the maximum weekly income benefit applicable at the time such award was made, minus that employee's current weekly income benefit.
- (3) In any case where that employee is receiving weekly benefits at a fifty per cent rate, the supplemental allowance shall be an amount equal to the maximum weekly income benefit as of the effective date of this Act multiplied by twice the ratio of that employee's current weekly income benefit to the maximum weekly income benefit applicable at the time such award was made, minus that employee's current weekly income benefit.
- (4) In any case where that employee is no longer receiving weekly benefits, the supplemental allowance shall be an amount equal to the maximum weekly income benefit as of the effective date of this Act multiplied by the ratio of that employee's last weekly income benefit to the maximum weekly income benefit applicable at the time such award was made, minus that employee's

last weekly income benefit.”

SECTION 2. New statutory material is underscored.*

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

(Approved June 18, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.