

## A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. Section 386-35, Hawaii Revised Statutes, is amended to read:

**§386-35 Benefit adjustment.** (a) Effective June 18, 1980, any employee whose date of work injury is on or before June 18, 1980 and who is at any time after said work injury determined to be permanently and totally disabled shall be paid, without application, a supplemental allowance by the responsible employer calculated in accordance with the following provisions:

- (1) In any case where that employee is entitled to receive the maximum weekly income benefit applicable on the date of his work injury, the supplemental allowance shall be an amount which when added to such benefit will equal the maximum weekly benefit as of June 18, 1980.
- (2) In any case where that employee is entitled to receive less than the maximum weekly income benefit applicable on the date of his work injury, the supplemental allowance shall be an amount equal to the maximum weekly income benefit as of June 18, 1980 multiplied by the ratio of that employee's weekly income benefit to the maximum weekly income benefit applicable on the date of his work injury, 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) Effective June 18, 1980, any employee whose date of work injury is on or before June 18, 1980 and who is at any time after said work injury determined to be permanently and totally disabled, and who is further being paid weekly income benefits for permanent total disability by the special compensation fund shall be paid, without application, a supplemental allowance in accordance with the following provisions:

- (1) In any case where that employee is entitled to receive the maximum weekly income benefit applicable on the date of the work injury, the supplemental allowance shall be an amount which when added to such benefit will equal the maximum weekly benefit as of June 18, 1980.
- (2) In any case where that employee is entitled to receive less than the maximum weekly income benefit applicable on the date of the work injury, the supplemental allowance shall be an amount equal to the maximum weekly income benefit as of June 18, 1980 multiplied by the ratio of that employee's current weekly income benefit to the maximum weekly income benefit applicable on the date of the work injury, minus that employee's current weekly income benefit.
- (3) In any case where that employee is entitled to receive weekly benefits at a fifty per cent rate, the supplemental allowance shall be an amount equal to the maximum weekly income benefit as of June 18, 1980 multiplied by twice the ratio of that employee's current weekly income benefit to the maximum weekly income benefit applicable on the date of the work injury minus that employee's current weekly income benefit.

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- (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 June 18, 1980 multiplied by the ratio of that employee's last weekly income benefit to the maximum weekly income benefit applicable on the date of the work injury."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 8, 1981.)

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