

ACT 28

H.B. NO. 1165

A Bill for an Act Relating to the Occupational Safety and Health Training and Assistance Fund.

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

SECTION 1. Section 396-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Education and training.

- (1) The department may disseminate, through exhibitions, videos, lectures, pamphlets, and any other method of publicity, information to employers, employees, and the general public regarding the causes and prevention of industrial accidents, injuries, and illnesses;
- (2) Where appropriate, the department shall undertake programs in training and consultation with employers and employees as a means of en-

couraging voluntary compliance with occupational safety and health standards and rules; and

- (3) There is established a special fund to be known as the occupational safety and health training and assistance fund into which shall be deposited: in each fiscal year, up to \$500,000 in fines, interest, and penalties collected pursuant to section 396-10; interest earned on any moneys in the fund; and all moneys received for the fund from any source. The moneys in the fund may be used to carry out the purposes of this subsection. The director of finance shall be the custodian of the fund, invest its moneys in accordance with applicable laws and rules, and disburse the moneys in the fund in accordance with instructions from the director of labor and industrial relations and section 36-27. All moneys earned from investments shall be deposited in the fund. The director of finance shall be liable on the director's official bond for the faithful performance of all duties in connection with the fund. The fund may be used for:
 - (A) Occupational safety and health training programs;
 - (B) Department-sponsored safety and health conferences;
 - (C) Additional state consultants (occupational safety and health advisors) to assist employers, unions, and employees; [and]
 - (D) Preparation of annual reports pursuant to section 396-17[.]; and
 - (E) Certification programs to enhance safety and health.

The director of labor and industrial relations shall submit annual reports to the legislature on the status of the fund, including expenditures and program results, not less than twenty days prior to the convening of each regular session."

SECTION 2. Act 130, Session Laws of Hawaii 1994, as amended by Act 12, Special Session Laws of Hawaii 1995, is amended by amending section 4 to read as follows:

""SECTION 4. This Act shall take effect on July 1, 1994; provided that:

- (1) Sections 1 and 2 shall be repealed on July 1, [1999;] 2003;
- (2) On July 1, [1999,] 2003, subsection (c) of section 396-4, Hawaii Revised Statutes, is reenacted in the form in which it read on June 30, 1994; and
- (3) The director of finance shall transfer to the credit of the state general fund, all unexpended [or] and unencumbered balances remaining in the occupational safety and health training and assistance fund established pursuant to section 396-4, Hawaii Revised Statutes, [prior to] as of the close of business on June 30, [1999.] 2003.""

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 30, 1999.

(Approved April 23, 1999.)