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## A BILL FOR AN ACT

RELATING TO CERTAIN FUNDS UNDER THE DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 383-121, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§383-121 Unemployment compensation fund; establishment**  
4 **and control.** There is established in the treasury of the State  
5 as a [~~special~~] trust fund, separate and apart from all public  
6 moneys or funds of the State, an unemployment compensation fund,  
7 which shall be administered by the department of labor and  
8 industrial relations exclusively for the purposes of this  
9 chapter. All contributions pursuant to this chapter shall be  
10 paid into the fund and all compensation and benefits payable  
11 pursuant to this chapter shall be paid from the fund. All  
12 moneys in the fund shall be mingled and undivided. The fund  
13 shall consist of:

- 14 (1) All contributions collected pursuant to this chapter;  
15 (2) Interest earned on any moneys in the fund;  
16 (3) Any property or securities acquired through the use of  
17 moneys belonging to the fund;



- 1 (4) All earnings of such property or securities;
- 2 (5) All moneys credited to this State's account in the  
3 unemployment trust fund pursuant to ~~[section]~~ Section  
4 903 of the Social Security Act, as amended; and
- 5 (6) All other moneys received for the fund from any other  
6 source."

7 SECTION 2. Section 386-151, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) There is hereby created a trust fund to be known as  
10 the special compensation fund which shall consist of payments  
11 made to it as provided by law. The director of finance of the  
12 State shall be custodian of the fund, and all disbursements  
13 therefrom shall be paid by the director of finance upon orders  
14 by the director of labor and industrial relations."

15 SECTION 3. Section 392-61, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[~~§~~]**\$392-61**[~~§~~] **Establishment of [~~special~~] trust fund for**  
18 **disability benefits.** There is established in the treasury of  
19 the State, separate and apart from all public moneys or funds of  
20 the State, a [~~special~~] trust fund for disability benefits which  
21 shall be administered by the director exclusively for the  
22 purposes of this chapter~~[.]~~, including for the automation of the



1 workers compensation, temporary disability insurance, and  
2 prepaid health care programs. All contributions pursuant to  
3 this part shall be paid into the fund and all benefits payable  
4 under this part shall be paid from the fund. The fund shall  
5 consist of:

- 6 (1) [~~all~~] All contributions collected pursuant to this  
7 part, together with any interest thereon;
- 8 (2) [~~all~~] All fines and penalties for the fund pursuant to  
9 this chapter;
- 10 (3) [~~all~~] All moneys collected by way of subrogation;
- 11 (4) [~~interest~~] Interest earned on any moneys in the fund;
- 12 (5) [~~any~~] Any property or securities acquired through the  
13 use of moneys belonging to the fund;
- 14 (6) [~~all~~] All earnings of such property and securities;  
15 and
- 16 (7) [~~all~~] All other moneys received for the fund from any  
17 source."

18 SECTION 4. Section 393-41, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[~~f~~]393-41[~~t~~] **Establishment of [~~special~~] premium**  
21 **supplementation fund.** There is established in the treasury of  
22 the State, separate and apart from all public moneys or funds of



1 the State, a [~~special~~] trust fund for premium supplementation  
2 which shall be administered exclusively for the purposes of this  
3 chapter. All premium supplementations payable under this part  
4 shall be paid from the fund. The fund shall consist of:

5 (1) [~~all money~~] All moneys appropriated by the State for  
6 the purposes of premium supplementation under this  
7 part; and

8 (2) [~~all~~] All fines and penalties collected pursuant to  
9 this chapter."

10 SECTION 5. There is appropriated out of the trust fund for  
11 disability benefits available funds in the sum of \$ or so  
12 much thereof as may be necessary for fiscal year 2009-2010 for  
13 the automation of the workers' compensation, temporary  
14 disability insurance, and prepaid health care programs.

15 The sum appropriated shall be expended by the department of  
16 labor and industrial relations for the purposes of this Act.

17 SECTION 6. To conform to the change in the name "special  
18 fund for disability benefits" to "trust fund for disability  
19 benefits," the title of chapter 392, part IV, Hawaii Revised  
20 Statutes, and sections 392-28(3) and (4), 392-42.5(b), 392-43(f)  
21 and (g), 392-45, 392-46, 392-47, 392-52, 392-62, 392-63, 392-64,  
22 392-65, 392-67, 392-69, 392-72(a), 392-78(d), and 392-92(b),



1 Hawaii Revised Statutes, are amended by substituting the word  
2 "trust fund" or like term, wherever the word "special fund" or  
3 like term appears, as the context requires.

4 SECTION 7. To conform to the change in the name "special  
5 fund for premium supplementation" to "trust fund for premium  
6 supplementation," sections 393-33(a) and 393-34(b), Hawaii  
7 Revised Statutes, are amended by substituting the word "trust  
8 fund" or like term, wherever the word "special fund" or like  
9 term appears, as the context requires.

10 SECTION 8. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect on July 1, 2020.



**Report Title:**

Trust Funds; Automation of Disability Compensation Division

**Description:**

Clarifies the classification of certain special funds as trust funds and appropriates \$ \_\_\_\_\_ from the fund for disability benefits for automation of the Disability Compensation Division. (HB1125 HD2)

