

ACT 146

S.B. NO. 1141

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,847,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that Act 51, Session Laws of Hawaii 2004 (Act 51), transferred the control of certain functions of executive branch agencies that pertained to education personnel and facilities to the department of education to increase operational efficiency while reducing bureaucracy. However, after enactment of Act 51, the department of human resources development continued to provide most services to the employees of the Hawaii state public library system. Eight years later, Act 61 (Act 61), Session Laws of Hawaii 2012, clarified that the transfer of functions by Act 51 was not intended to include the Hawaii state public library system or its employees.

The legislature further finds that despite the clarification provided by Act 61, the aspects of workers' compensation for Hawaii state public library system employees continue to be within the functions of the department of education, and not within the functions of the department of human resources development. The legislature also finds that the department of human resources development has not received any additional staff or funding from the department of education to address its increased responsibilities to the Hawaii state public library system and its employees as a consequence of Act 61.

The purpose of this Act is to:

- (1) Transfer:
 - (A) The rights, powers, functions, duties, resources, and individual budget of the Hawaii state public library system relating to workers' compensation for its employees to the department of human resources development; and
 - (B) One full-time equivalent (1.0 FTE) permanent position from the Hawaii state public library system to the department of human resources development; and
- (2) Appropriate funds for the salary and benefits of one full-time equivalent (1.0 FTE) human resources specialist position to the department of human resources development for the management and administration of workers' compensation for the Hawaii state public library system and its employees.

SECTION 3. Effective July 1, 2023:

- (1) All rights, powers, functions, duties, resources, and the individual budget of the Hawaii state public library system relating to workers' compensation for its employees are transferred to the department of human resources development, subject to amendment or repeal by subsequent legislation ; and
- (2) One full-time equivalent (1.0 FTE) permanent position shall be transferred to the department of human resources development from the Hawaii state public library system.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$80,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the salary and benefits of one full-time equivalent (1.0 FTE) human resources specialist position to the department of human resources development for the management and administration of workers' compensation for the Hawaii state public library system and its employees.

The sum appropriated shall be expended by the department of human resources development for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved June 29, 2023.)

Note

1. Act 164.