



GOV. MSG. NO. **755**

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

June 22, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 22, 2009, the following bill was signed into law:

SB309 HD1

A BILL FOR AN ACT
RELATING TO WORKERS' COMPENSATION.
ACT 138 (09)

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-181, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Sheriffs' chaplain" means a member of an authorized
6 chaplaincy program of the department of public safety who
7 performs functions similar to a police chaplain in a voluntary
8 and unpaid capacity for the sheriff division."

9 2. By amending subsections (b) and (c) to read:

10 "(b) If a member of a public board, a reserve police
11 officer, a police chaplain, sheriffs' chaplain, a volunteer
12 firefighter, a volunteer boating enforcement officer, or a
13 volunteer conservation and resources enforcement officer is
14 injured while performing services for the board, county police
15 department, county fire department, department of public safety,
16 harbors division of the department of transportation, or
17 division of conservation and resources enforcement of the



1 department of land and natural resources, under the conditions
2 specified in section 386-3, the person or the person's
3 dependents shall be entitled to all compensation in the manner
4 provided by this chapter and, for the purposes of this chapter,
5 the person shall, in every case, be deemed to have earned wages
6 for the services.

7 (c) In computing the average weekly wages of an injured
8 public board member, reserve police officer, police chaplain,
9 sheriffs' chaplain, volunteer firefighter, volunteer boating
10 enforcement officer, or volunteer conservation and resources
11 enforcement officer:

12 (1) The person's income from self-employment shall be
13 considered wages;

14 (2) The person shall, in no event, be considered to have
15 earned less than the minimum hourly wage prescribed in
16 chapter 387;

17 (3) Wages of other employees in comparable employment
18 shall not be considered;

19 [~~(4) Section 386-51(5) shall not apply;~~] and

20 [~~(4)~~] (4) All provisions of section 386-51 not inconsistent
21 with this section shall apply[-]; provided that
22 section 386-51(5) shall not apply."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 22 day of JUN, 2009



GOVERNOR OF THE STATE OF HAWAII