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# SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO  
ANALYZE THE AVAILABLE DATA ON HAWAII WORKERS' COMPENSATION  
CASES RELATING TO DEATH BENEFITS FOR THE PAST TEN YEARS AND  
OBTAIN ANY ADDITIONAL DATA FROM THE HAWAII INSURERS COUNCIL  
OR ANY OTHER STATE OR FEDERAL SOURCE TO RECOMMEND ANY  
UPDATES TO THE WORKERS' COMPENSATION LAW.

1 WHEREAS, the purpose of the Workers' Compensation Law is to  
2 compensate workers and their dependents fairly and equitably in  
3 the event of work-related disability or death; and

4  
5 WHEREAS, chapter 386, Hawaii Revised Statutes (HRS)  
6 establishes Hawaii's Workers' Compensation Law; and

7  
8 WHEREAS, section 386-41, HRS, makes distinctions among  
9 dependent surviving spouses, dependent surviving children,  
10 dependent surviving parents, and dependent surviving  
11 grandparents of deceased lawfully covered employees for purposes  
12 of calculating various weekly benefit amounts; and

13  
14 WHEREAS, section 386-41, HRS, also makes a distinction  
15 between wholly dependent and partially dependent parents for  
16 purposes of calculating weekly benefit amounts; and

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18 WHEREAS, the Department of Labor and Industrial Relations  
19 is tasked with implementing chapter 386, HRS, including section  
20 386-41 thereof; and

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22 WHEREAS, the Department of Labor and Industrial Relations  
23 customarily conducts an administrative hearing to determine in  
24 certain cases whether a surviving beneficiary was wholly or  
25 partially dependent on the deceased employee; and

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27 WHEREAS, according to its oral testimony before the Senate  
28 Committee on Labor and Technology concerning Senate Bill  
29 No. 1115 (2023) on February 15, 2023, the Department of Labor  
30 and Industrial Relations asserted that it continues to base its



1 calculations for different generations of surviving  
2 beneficiaries using an actuarial table created in 1963; and  
3

4 WHEREAS, longevity and generational dependency trends may  
5 well have changed significantly over the course of sixty years,  
6 resulting in unreasonable and unfair distribution of benefits by  
7 current parameters; now, therefore,  
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9 BE IT RESOLVED by the Senate of the Thirty-second  
10 Legislature of the State of Hawaii, Regular Session of 2023,  
11 that the Department of Labor and Industrial Relations is  
12 requested to analyze the available data on Hawaii workers'  
13 compensation cases relating to death benefits for the past ten  
14 years and obtain any additional data from the Hawaii Insurers  
15 Council or any other state or federal sources to recommend any  
16 updates to the Workers' Compensation Law; and  
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18 BE IT FURTHER RESOLVED that the Department of Labor and  
19 Industrial Relations is requested to submit a report of its  
20 findings and recommendations for updating the Workers'  
21 Compensation Law, particularly section 386-41, Hawaii Revised  
22 Statutes, to the Legislature no later than twenty days prior to  
23 the convening of the Regular Session of 2024; and  
24

25 BE IT FURTHER RESOLVED that a certified copy of this  
26 Resolution be transmitted to the Director of Labor and  
27 Industrial Relations.

