STAND. COM. REP. NO. 891

Honolulu, Hawaii
MAR 02 2007

RE: S.B. No. 1060
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 1060 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW,"

begs leave to report as follows:

The purpose of this measure is to amend the workers' compensation law, including limiting an employer's ability to terminate benefits, authorizing the recovery of attorney's fees and costs by the injured employee, specifying procedures for medical examinations by the employer's physician, establishing fines for violations, requiring the reporting of denials of claims and relevant information, and further restricting the Director of Labor and Industrial Relations' rulemaking authority.

Testimony in support of this measure was received from the Occupational Therapy Association of Hawaii; Hawaii State AFL-CIO; International Association of Rehabilitation Professionals; Hawaii Government Employees' Association (HGEA); Hawaii State Teachers Association (HSTA); Local 5; ILWU Local 142; Hawaii Chapter, American Physical Therapy Association; vocational rehabilitation counselors and two injured workers.

Testimony in opposition to this measure was received from the Hawaii Insurers' Council; Department of Human Resources Development; Department of Labor and Industrial Relations; Hawaii Employers Mutual Insurance Company (HEMIC); County of Hawai'i, Department of Human Resources; Brigham & Associates, Inc.; Chamber

of Commerce of Hawaii; the Academy of Independent Medical Examiners of Hawaii; and one neurologist.

Comments were received from the Department of Commerce and Consumer Affairs (DCCA).

Your Committee supports the intent of this measure to ensure that injured workers receive necessary medical treatments in order to return them to their jobs in as nearly the same physical and mental condition prior to their injury. Without the necessary medical treatment injured workers will remain injured thereby creating an economic loss to the injured workers, their families, their employer and our community.

The measure has been amended by adopting language proposed by the DCCA in section 6, delaying the effective date and making nonsubstantive and technical changes suggested by the Legislative Reference Bureau.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1060, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1060, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

CLAYTON HEE, Chair

The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1060	JDL	2/28/07

☐ The committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended 2312 ☒ Pass, with amendments 2311 ☐ Hold 2310 ☐ Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
KOKUBUN, Russell S. (VC)	✓			
INOUYE, Lorraine R.				✓
NISHIHARA, Clarence K.	✓			
GABBARD, Mike	✓			
TOTAL	4			1

Recommendation: ☒ Adopted ☐ Not Adopted

Chair's or Designee's Signature: Russell S. Kokubun

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*Only one measure per Record of Votes

Revised: 12/18/06