

STAND. COM. REP. NO. **2935**

Honolulu, Hawaii

**MAR 23 2012**

RE: H.B. No. 2099  
H.D. 1  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 2099, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to deter frivolous  
workers' compensation claims and appeals from being filed by  
allowing attorney's fees to be included in the costs that may be  
assessed against a party who brings, prosecutes, or defends a  
workers' compensation claim without reasonable grounds.

Your Committee received testimony in support of this measure  
from the Department of Labor and Industrial Relations,  
International Longshore and Warehouse Union Local 142, and five  
private individuals. The Hawaii Insurers Council submitted  
comments.

Your Committee finds that existing law permits the whole  
costs of a workers' compensation proceeding to be assessed against  
the party who brought, prosecuted, or defended the proceeding  
without reasonable grounds. This measure clarifies that in  
addition to whole costs, reasonable attorney's fees may also be  
assessed against the party who brought, prosecuted, or defended  
the proceeding without reasonable grounds.

Your Committee has amended this measure by:



- (1) Changing the effective date from July 1, 2112, to July 1, 2050; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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 H.B. No. 2099, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2099, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

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




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CLAYTON HEE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 2099, HDI</b>	Committee Referral: <b>JDL, WAM</b>	Date: <b>3/19/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b>	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

\*Only one measure per Record of Votes