

STAND. COM. REP. NO.

**2303**

Honolulu, Hawaii

**FEB 14 2018**

RE: S.B. No. 2364  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Labor and Judiciary, to which was referred  
S.B. No. 2364 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to prevent employers from denying a workers' compensation claim without reasonable cause or while the claim is pending investigation and to impose fines and penalties on employers who continue to do so without reasonable cause.

Your Committees received testimony in support of this measure from the Work Injury Medical Association of Hawaii, Hawaii Chapter of the American Physical Therapy Association, and two individuals. Your Committees received testimony in opposition to this measure from the Department of Labor and Industrial Relations and Hawaii Insurers Council. Your Committees received comments on this measure from the Department of Human Resources Development and City and County of Honolulu Department of Human Resources.

Your Committees find that investigations into pending workers' compensation claims can lead to delays in care for those who are seriously injured. Patients waiting to hear from insurance companies are often unable to receive care and compensation until decisions are rendered. Your Committees find that this measure protects workers from predatory practices of

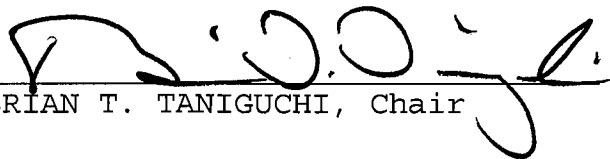



delaying payment and care, which force workers to return to work with serious injuries, find less suitable employment, or apply for public assistance.

Your Committees have amended this measure by inserting an effective date of January 1, 2045, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2364, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2364, S.D. 1, and be referred to your Committee on Ways and Means.

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

  
BRIAN T. TANIGUCHI, Chair

  
JILL N. TOKUDA, Chair





The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

|  |                          |                         |                                  |         |
|--|--------------------------|-------------------------|----------------------------------|---------|
| Bill / Resolution No.:*  | Committee Referral:      | Date:                   |                                  |         |
| SB 2364  | LBR/JDC, WAM             | 2/1/18                  |                                  |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>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 |
| TANIGUCHI, Brian T. (C)  | ✓                        |                         |                                  |         |
| RHOADS, Karl (VC)  | ✓                        |                         |                                  |         |
| GABBARD, Mike  |                          |                         |                                  | ✓       |
| KIM, Donna Mercado   | ✓                        |                         |                                  |         |
| THIELEN, Laura H.  |                          | ✓                       |                                  |         |
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| <b>TOTAL</b>   | 3                        | 1                       | 0                                | 1       |
| Recommendation:  |                          |                         |                                  |         |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                          |                         |                                  |         |
| Chair's or Designee's Signature:   |                          |                         |                                  |         |
| Karl Rhoads  |                          |                         |                                  |         |
| <b>Distribution:</b>   |                          |                         |                                  |         |
| Original<br>File with Committee Report   | Yellow<br>Clerk's Office | Pink<br>Drafting Agency | Goldenrod<br>Committee File Copy |         |

\*Only one measure per Record of Votes