

STAND. COM. REP. NO. **3087**

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 2387
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2387, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify the workers' compensation law to require fees for examination by an impartial physician to be paid from the Special Compensation Fund in addition to other funds appropriated by the Legislature for use by the Department of Labor and Industrial Relations; and
- (2) Make an unspecified appropriation out of the Special Compensation Fund for departmentally-ordered examinations by impartial physicians pursuant to the workers' compensation law.

Your Committee received testimony in support of this measure from the ILWU Local 142 and Hawaii Government Employees Association. Testimony in opposition was received from the Department of Labor and Industrial Relations; Department of Human Resources Development; Hawaiian Electric Co. Inc.; Maui Electric Company, Ltd.; Hawaii Electric Light Company, Inc.; American Insurance Association; Hawaii Insurers Council; and one individual.



Your Committee recognizes the importance of independent medical examinations in the workers' compensation claim process. However, independent medical examinations occur frequently and can become costly. Your Committee believes that the issue of whether the Special Compensation Fund should be required to pay for the examinations needs further study, inasmuch as the original intent of the Special Compensation Fund does not appear to be for this purpose and would divert moneys from compensating injured workers.

Accordingly, your Committee has amended this measure by deleting its contents and inserting a provision to establish a working group on funding for workers' compensation independent medical examinations to study and report to the 2009 Legislature on the preferred methods of paying for independent medical examinations.

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. 2387, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2387, 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,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2387 HD 1	JDL, WAM	3-18-08		
<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
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4	—	—	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes