

STAND. COM. REP. NO.

2497

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2339  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Labor, to which was referred S.B. No. 2339  
entitled:

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

begs leave to report as follows:

The purpose of this measure is to repeal the possibility of  
the Director of Labor and Industrial Relations extending the due  
date for written decisions on the outcome of a worker compensation  
claim.

Testimony in support of this measure was submitted by two  
private organizations and three individuals. Testimony in  
opposition of this measure was submitted by two state agencies and  
one private organization. Written testimony presented to the  
Committee may be reviewed on the Legislature's website.

Your Committee finds that allowing the Director of Labor and  
Industrial Relations the ability to effectively delay a decision  
on a worker's compensation claim for several months creates an  
undue hardship on the claimant, especially when the claimant is  
unable to financially support their household and livelihood.  
Your Committee also finds that it is beneficial to all parties  
involved, and especially imperative to an injured worker, that a  
compensation claim is administratively handled in an efficient  
manner as possible in reaching a prompt and reasonable resolution  
to the claim.

Your Committee has amended this measure by:

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2497

- (1) Requiring that within thirty days of an employer's denial, or indication of non-acceptance of compensability, the employer shall submit a written report to the Director of Labor and Industrial Relations and the claimant that describes the employer's internal investigation and supporting details that substantiate the denial or indication of non-acceptance;
- (2) Prohibiting the due date for the employer's foregoing written report to be extended; and
- (3) Restoring existing statutory language that allows the Director of Labor and Industrial Relations to extend the due date for decision or compensation claims for good cause and upon the agreement of all parties.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2339, S.D. 1, and be placed on the calendar for Third Reading.

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

  
\_\_\_\_\_  
DWIGHT Y. TAKAMINE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Labor**  
**LBR**

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 2339</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">LBR</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/9/10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TAKAMINE, Dwight Y. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BUNDA, Robert	✓			
HEE, Clayton				✓
SLOM, Sam		✓		
<b>TOTAL</b>	3	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 50px;">[Signature]</div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes