

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 803  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committees on Judiciary and Labor and Health, to which  
was referred S.B. No. 803 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 require the  
workers' compensation examination pursuant to section 386-80,  
Hawaii Revised Statutes, to be conducted by an impartial physician  
in the appropriate specialty area.

Your Committees received testimony in support of this measure  
from the Department of Labor and Industrial Relations, ILWU Local  
142, Work Injury Medical Association of Hawaii, and five  
individuals. Your Committees received testimony in opposition to  
this measure from the City and County of Honolulu Department of  
Human Resources; Hawaiian Electric Company, Inc.; and Property  
Casualty Insurers.

Testimony was received expressing a concern that currently,  
an examination may be done by a physician that does not have  
expertise in the area of a worker's injury. Your Committees  
believe that the Department of Labor and Industrial Relations  
should implement the program and that the program should require  
that the examination be done by a physician with special expertise  
for the injury being examined. Your Committees note that the  
Department of Labor and Industrial Relations testified that this  
program has never been implemented due to a lack of funding. Upon  
questioning, the Department of Labor and Industrial Relations



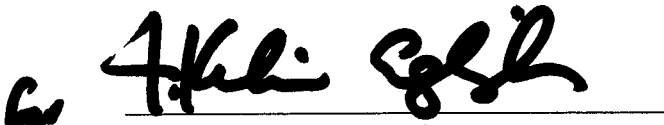
estimated that \$25,000 would be sufficient for it to begin the implementation of impartial examinations pursuant to section 386-80, Hawaii Revised Statutes.

Your Committees have amended this measure by:

- (1) Inserting a blank appropriation;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 803, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 803, S.D. 1, and be referred to the Committee on Ways and Means.

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


  
JOSH GREEN, Chair

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i


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

Bill / Resolution No.:* <div style="font-size: 1.2em; margin-top: 5px;">SB 803</div>	Committee Referral: <div style="font-size: 1.2em; margin-top: 5px;">JDL/ HTH, WAM</div>	Date: <div style="font-size: 1.2em; margin-top: 5px;">2/19/15</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; margin-top: 10px;"> <div> <input type="checkbox"/> Pass, unamended 2312         </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div> <input type="checkbox"/> Hold 2310         </div> <div> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.				✓
SLOM, Sam		✓		
<b>TOTAL</b>	3	1	0	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px; font-size: 1.5em;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div><b>Distribution:</b></div> <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

The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 803	JDL/HTH, WAM	2/19/15
<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	
GREEN, Josh (C)	✓	
WAKAI, Glenn (VC)		
BAKER, Rosalyn H.	✓	
GABBARD, Mike		
RIVIERE, Gil		
RUDERMAN, Russell E.	✓	
SLOM, Sam		✓
<b>TOTAL</b>	39	1
0	3	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
<b>Distribution:</b> <div style="display: flex; justify-content: space-around; font-size: small;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>		

\*Only one measure per Record of Votes