

Honolulu, Hawaii

**MAR 21 2006**RE: H.B. No. 2211  
H.D. 1  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committees on Labor and Judiciary and Hawaiian Affairs,  
to which was referred H.B. No. 2211, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to repeal the definition of  
"day" or "days" under the State's workers' compensation laws.

Testimony in support of this measure was submitted by the  
Department of Labor and Industrial Relations (DLIR), the Hawaii  
State AFL-CIO, the ILWU Local 142, the Hawaii Employers' Mutual  
Insurance Company, Inc, and the Hawaii Insurers Council.

Your Committees find that Act 11, Special Session Laws of  
Hawaii 2005, was enacted to reform workers' compensation law to  
ensure injured employees timely receive the rights and benefits to  
which they are entitled under the law. Included within the Act  
was the creation of a definition for the terms "day" or "days" to  
mean working rather than calendar days. Your Committees further  
find that this definition has resulted in the unintended  
consequence of requiring injured employees to suffer further  
delays in receiving benefits, medical treatment, or decisions on  
claims. It was not the intent of the Legislature to impede, but  
instead to help to expedite, the processing of workers'  
compensation claims.



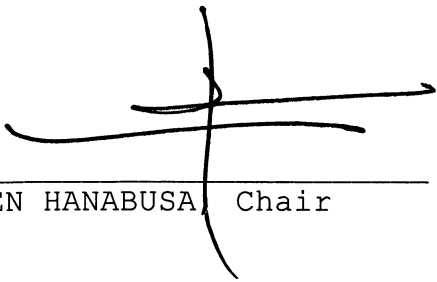
Your Committees understand that there are concerns regarding the effect of the repeal of this definition in reducing the number of days currently allowed for injured employees to approve or object to treatment plans and file motions, pre-hearing notifications, and appeals. Therefore, your Committees believe that this measure should continue to progress throughout the session to allow the issues to be further explored and appropriate amendments to be ascertained in order to properly address and not further exacerbate the current problems.

Accordingly, your Committees have amended this measure by:

- (1) Changing the effective date of the Act to July 1, 2050 to allow further discussion on the measure; and
- (2) Making technical, nonsubstantive changes for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Labor and Judiciary and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2211, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2211, 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  
Committees on Labor and  
Judiciary and Hawaiian Affairs,




COLLEEN HANABUSA, Chair

  
BRIAN KANNO, Chair

The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Labor  
(Bills and Resolutions)

Measure:* <b>HB 2211 HD1</b>	Committee Referral: <b>LBR/JHW, WAM</b>	Date: <b>3/15/06</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 to: <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	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)	✓			
TANIGUCHI, Brian T.	<del>✓</del> h			/
SLOM, Sam	✓			
TOTAL	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Do not list more than one measure per Record of Votes.

