

STAND. COM. REP. NO.

1544

Honolulu, Hawaii

APR 05 2007

RE: H.B. No. 854  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 854, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL  
DISABILITY BENEFITS TO INJURED EMPLOYEES,"

begs leave to report as follows:

The purpose of this bill is to permit the termination of temporary total disability benefits (benefits) when the employee's treating physician determines that the employee is able to resume work and the employer has made a bona-fide and appropriate offer of employment to the employee. In addition this bill requires the Director of Labor and Industrial Relations to conduct a hearing at the request of the employee who receives notice from the employer of the termination of benefits and requires the Director to promptly determine if such benefits should be discontinued and the date of such discontinuance. This bill also allows employers to request credits for the amount of benefits paid by the employer after the date which the Director had determined should have been the last date of payment.

The Hawaii Chapter, American Physical Therapy Association, Hawaii Government Employees Association (HGEA), Hawaii State AFL-CIO, ILWU Local 142, and numerous chiropractors testified in support of this measure. The Hawaii State Chiropractic Association testified in support of this measure, with an amendment. The Department of Human Resources Development, the County of Hawaii's Department of Human Resources, The Chamber of

HB854 HD1 SD1 SSCR JDL .doc

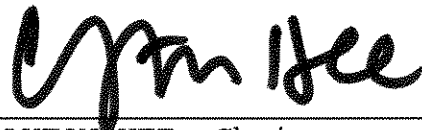


Commerce of Hawaii, Hawaii Insurers Council, National Federation of Independent Businesses (NFIB), Property Casualty Insurers Association of America, the Retail Merchants of Hawaii (RHM), and the Hawaii Chapter, Society for Human Resource Management (SHRM) testified in opposition to this measure. The Department of Labor and Industrial Relations (DLIR) submitted testimony in support of the intent of the measure.

Your Committee has amended this measure by including language supported by the Hawaii State Chiropractic Association. The amendment establishes the recovery period of benefits by the employer to be after the date that the Director notifies the employer and the employee of the Director's determination of the last date of payment. The measure was further amended by specifying that benefits paid by the employer prior to the recovery period are not recoverable.

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. 854, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 854, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



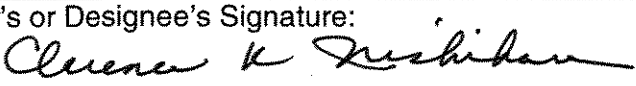
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CLAYTON HEE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

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

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 854 HD1	JDL	3-20-07		
<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
HEE, Clayton (C)	✓			
KOKUBUN, Russell S. (VC)				✓
INOUYE, Lorraine R.	✓			
NISHIHARA, Clarence K.	✓			
GABBARD, Mike	✓			
<b>TOTAL</b>	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

\*Only one measure per Record of Votes