

Honolulu, Hawaii

April 29, 2016

RE: H.B. No. 2363
H.D. 1
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2363, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to amend Hawaii's laws on workers' compensation (WC) and temporary disability insurance (TDI) to:

- (1) Exclude the following from providing TDI coverage for services they provide for themselves: sole proprietors, an individual partner of a partnership, a partner of a limited liability partnership with an interest of at least 50 percent, an individual member of a limited liability company with a distributional interest of at least 50 percent, or individual owning at least 50 percent of a corporation;

HB2363 CD1 HCCR HMS 2016-3559



- (2) Allow the Director of Labor and Industrial Relations to receive electronic copies of injury and other reports;
- (3) Increase the penalty for employers who do not have TDI coverage for employees from not less than \$25 or \$1 per employee per day, to not less than \$500 or \$100 per employee per day;
- (4) Increase the penalty from not more than \$2,500 to not more than \$5,000 against an employer or insurance carrier for failure to make correct or timely benefit payments or to terminate such benefits without approval or statutory cause;
- (5) Increase the maximum penalty for a physician's failure to file medical reports from \$250 to \$500, and for an employer's failure to provide copies of requested medical reports from \$1,000 to \$5,000;
- (6) Increase the penalty for employers who do not have WC coverage for employees from not less than \$250 or \$10 per employee per day, to not less than \$500 or \$100 per employee per day; and
- (7) Increase the penalty from not more than \$2,500 to \$5,000 against an employer for the deduction of premium payments from an employee's wages in violation of chapter 386, Hawaii Revised Statutes.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2016.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2363, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2363, H.D. 1, S.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


GILBERT S.C. KEITH-AGARAN,
Chair


MARK M. NAKASHIMA, Co-Chair


ROSALYN H. BAKER, Co-Chair


ANGUS L.K. MCKELVEY, Co-Chair


BRIAN T. TANIGUCHI, Co-Chair


JARRETT KEOHOKALOLE, Co-Chair



Hawaii State Legislature
Record of Votes of a
Conference Committee

CCR 145-16

Bill / Concurrent Resolution No.: HB 2363, HD 1, SD 1	Date/Time: 4/29/16 2:16 p.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

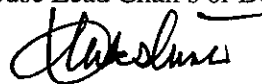
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KEITH-AGARAN, Gilbert S.C., Chr.	X				NAKASHIMA, Mark M., Co-Chr.	X			
BAKER, Rosalyn H., Co-Chr.				X	MCKELVEY, Angus L.K., Co-Chr.	X			
TANIGUCHI, Brian T., Co-Chr.	X				KEOHOKALOLE, Jarrett, Co-Chr.	X			
KAHELE, Kaiali'i	X				AQUINO, Henry J.C.				X
					FUKUMOTO CHANG, Beth	X			
TOTAL	3	0	0	1	TOTAL	4	0	0	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


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