

STAND. COM. REP. NO. 1536

Honolulu, Hawaii

A-07, 2009

RE: H.C.R. No. 124

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Economic Revitalization, Business, & Military Affairs, to which was referred H.C.R. No. 124 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DETERMINE THE PROPER INTERPRETATION AND APPLICATION OF THE TERM "INCIDENTAL AND SUPPLEMENTAL" WITH REGARD TO THE CONTRACTING BUSINESS,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the Department of Commerce and Consumer Affairs (DCCA) to convene a task force to determine the proper interpretation and application of the phrase "incidental and supplemental" to construction project procurement bid proposals.

The Subcontractors Association of Hawaii, Hawaii Flooring Association, Roofing Contractors Association of Hawaii, Hawaii Wall and Ceiling Industries Association, Tile Contractors Promotional Program, Plumbing and Mechanical Contractors Association of Hawaii, Sheetmetal Contractors Association of Hawaii, Painting and Decorating Contractors Association, and Pacific Insulation Contractors Association supported this measure. The Iron Workers Stabilization Fund supported this measure with an amendment. The Building Industry Association of Hawaii, DCCA, Contractors License Board, and General Contractors Association of Hawaii opposed this measure.

HCR124 HD1 HSCR EBM HMS 2009-3559




Your Committee has amended this concurrent resolution by:

- (1) Replacing the DCCA task force with a study by the Legislative Reference Bureau (LRB);
- (2) Requesting LRB to determine the extent of work that can be performed by a specialty contractor when the specialty contractor is not licensed for that work;
- (3) Requesting LRB to consider the interests and protection of consumers in conducting the study;
- (4) Amending the title of this concurrent resolution to read: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE PROPER INTERPRETATION AND APPLICATION OF THE PHRASE "INCIDENTAL AND SUPPLEMENTAL" WITH REGARD TO THE CONTRACTING BUSINESS"; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization, Business, & Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 124, as amended herein, and recommends that it be referred to the Committee on Consumer Protection & Commerce in the form attached hereto as H.C.R. No. 124, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Revitalization, Business, &
Military Affairs,



ANGUS L.K. MCKELVEY, Chair



