

STAND. COM. REP. NO.

2392

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2220  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2220 entitled:

"A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES,"

begs leave to report as follows:

The purpose of this measure is to establish a construction site inspection task force to investigate and inspect construction sites for violations of the workplace and safety laws including unlicensed contractor activity, undocumented workers, and workplace safety violations.

Your Committee received testimony in support of this measure from the Subcontractors Association of Hawaii; the Hawaii Laborers Union; the Building Industry Association of Hawaii; the Hawaii Electricians Training Fund; the Hawaii Building and Construction Trades Council, AFL-CIO; The Pacific Resource Partnership; the Electrical Contractor's Association of Hawai'i; the General Contractors Association of Hawaii, and one individual. Testimony in opposition to the measure was received from the Department of Labor and Industrial Relations. Comments on this measure were received from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, the Contractors License Board, and the Electricians Union. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that unlicensed or unlawful construction activity undermines the State's regulatory system and puts

2010-1281 SSCR SMA.doc



contractors who do follow the law at a disadvantage since unlicensed operators cut corners by ignoring licensing, workplace safety, labor, and tax laws. Your Committee finds that establishing a task force to investigate the scope and prevalence of construction violations in the State will enhance the ability of all affected departments to enforce existing laws. Your Committee further finds that charging the task force with developing a plan to coordinate the efforts of the Department of Commerce and Consumer Affairs, Department of Taxation, and various divisions of the Department of Labor and Industrial Relations will help to ensure that enforcement efforts are as efficient and cost-effective as possible. Your Committee appreciates the efforts of the stakeholders who worked diligently to develop this measure into its current form.

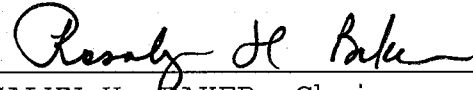
Your Committee has amended this measure by:

- (1) Removing the contents of this measure from chapter 444, Hawaii Revised Statutes, and instead including them in new session law;
- (2) Clarifying that the task force created by this measure shall be convened by and not administratively attached to the Department of Commerce and Consumer Affairs;
- (3) Changing the focus of the task force created by this measure from immediate enforcement to investigation, advisement, and creation of an enforcement process in order to ensure maximum efficiency and effectiveness in the enforcement program that is ultimately adopted;
- (4) Specifying that the task force shall include representatives of the Disability Compensation, Occupational Safety and Health, and Unemployment Insurance Divisions of the Department of Labor and Industrial Relations;
- (5) Directing the task force to report its findings and recommendations to the Legislature before the convening of the 2011 regular legislative session; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and style.



As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2220, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2220, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>SB 2220</b>	Committee Referral: <b>CPN</b>	Date: <b>2/23/2010</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: <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
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>6</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: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">David Y Ige</div>				
Distribution:            Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes