

LINDA LINGLE
GOVERNOR



LATE

DARWIN L.D. CHING
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 2, 2010

To: The Honorable Rosalyn H. Baker, Chair
and Members of the Senate Committee on Commerce and Consumer Protection

Date: Wednesday, February 03, 2010

Time: 9:00 a.m.

Place: Conference Room 229
State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

Testimony in Opposition S.B. No. 2220 - Relating to Construction Sites

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. No. 2220 amends Chapter 444, Hawaii Revised Statutes ("HRS") by adding a new section to establish a construction site inspection task force from the departments of Commerce and Consumer Affairs and Labor and Industrial Relations, to investigate and inspect construction sites for unlicensed contractors, illegal workers, and workplace safety violations.

This Act is effective July 1, 2010.

II. CURRENT LAW

There is currently no joint task force established under the departments of Commerce and Consumer Affairs and the Labor and Industrial Relations.

III. SENATE BILL

Due to budget constraints the Department must oppose S.B. 2220:

1. Adding this type of responsibility at time when resources are thinnest would negatively impact the ability of the Department of Labor and Industrial Relations to carry out the core purpose of assuring a lawful working environment by equitably administering and enforcing labor laws for which the department is responsible.
2. Further, this bill does not address the funding and resources necessary to create an interagency task force. The department will need to provide at least four (4) investigators (one each from UI, DCD, WSD & HIOSH) as well as clerical staff just to man this new office.
3. Time and time again legislators ask the Department about what it is doing to catch companies employing illegal alien workers. The Department would like to again point out that this is an area of federal preemption and that the Federal Government has sole jurisdiction over issues of immigration and illegal aliens.

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcawhawaii.org
Website: www.gcawhawaii.org



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GCA of Hawaii
GENERAL CONTRACTORS ASSOCIATION OF HAWAII
Quality People. Quality Projects.

February 2, 2010

TO: THE HONORABLE SENATOR ROSALYN H. BAKER, CHAIR AND MEMBERS OF
THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SUBJECT: S.B. 2220, RELATING TO CONSTRUCTION SITES.

AMENDED NOTICE OF HEARING

DATE: Wednesday, February 03, 2010
TIME: ~~9:00 a.m.~~ 8:30 a.m.
PLACE: Conference Room 229

Dear Chair and Members of the Committee:

The General Contractors Association (GCA), an organization comprised of over five hundred and seventy (570) general contractors, subcontractors, and construction related firms, supports the passage of S.B. 2220 Relating to Construction Sites. This bill would create a construction site inspection task force to investigate and inspect construction sites for unlicensed contractors, illegal workers, and workplace safety violations.

The GCA feels that such a joint task force could more effectively and, in the long term, more economically deal with those that deliberately violate contractor licensing, labor and safety laws. There is also a provision to establish procedures for soliciting referrals from the public via telephone hotline and sharing of automated data systems. All of which should lead to more effective and timely responses to alleged unlicensed, illegal or unsafe construction site activities.

The GCA supports the passage of S.B. 2220 Relating to Construction Sites.

Thank you for the opportunity to provide our views on this issue.