

STAND. COM. REP. NO. 1074

Honolulu, Hawaii
March 23, 2011

RE: S.B. No. 1040
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 1040, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW,"

begs leave to report as follows:

The purpose of this bill is to protect the health and safety of workers by increasing the amounts of the civil penalties and criminal fines for violations of the Hawaii Occupational Safety and Health Law (HOSHL).

The Department of Labor and Industrial Relations and ILWU Local 142 testified in support of this bill. The General Contractors Association, Roofing Contractors Association of Hawaii, and King & Neel Inc., opposed this measure.

Hawaii's economy is still recovering from the recent recession. The civil penalties and criminal fines imposed for violations of the HOSHL are paid by businesses and may prove to be a hardship for them, especially small businesses. However, your Committee recognizes that worker safety must remain paramount and notes that the last time the penalties and fines were raised was approximately 18 years ago.

SB1040 HD1 HSCR LAB HMS 2011-3189



Your Committee has amended this bill by:

- (1) Increasing the civil and criminal fines by ten percent from an unspecified amount;
- (2) Changing its effective date to July 1, 2011; and
- (3) Making technical, nonsubstantive amendments for clarify, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1040, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1040, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 1074

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 1040 SD1	Committee Referral: LAB, JUD	Date: 3-18-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia				/
8. SAIKI, Scott K.	/			
9. SOUKI, Joseph M.	/			
10. TAKUMI, Roy M.				/
11. FONTAINE, George R.		/		
12. JOHANSON, Aaron Ling		/		
TOTAL (12)	8	2	-	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				