

SB 1293

Measure Title: RELATING TO CONTRACTORS.

Report Title: Contractors; Electrical Work; Licensing Requirements

Description: Requires any person applying for a license as an electrical contractor, pole and line contractor, high voltage electrical contractor, or electronic systems contractor to possess a trade license to perform electrical work in the State.

Companion:

Package: None

Current Referral: CPN

Introducer(s): KIM, ENGLISH

<u>Sort by</u> <u>Date</u>		Status Text
1/24/2013	S	Introduced.
1/24/2013	S	Passed First Reading.
1/28/2013	S	Referred to CPN.
1/31/2013	S	The committee(s) on CPN has scheduled a public hearing on 02-13-13 8:30AM in conference room 229.

**PRESENTATION OF THE
CONTRACTORS LICENSE BOARD**

TO THE SENATE COMMITTEE ON COMMERCE
AND CONSUMER PROTECTION

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2013

Wednesday, February 13, 2013
8:30 a.m.

TESTIMONY ON SENATE BILL NO. 1293, RELATING TO CONTRACTORS.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Peter Lee, and I am the Chair of the Contractors License Board's Legislation Committee. Thank you for the opportunity to testify on Senate Bill No. 1293, Relating to Contractors, which proposes to require all applicants for licensure in certain contractor classifications to hold a trade license.

This bill requires applicants for licensure in the electrical, pole and line, and high voltage classifications to hold, at minimum, a journey worker electrician license; and applicants for licensure in the electronic systems classification to hold, at minimum, a journey worker specialty electrician license. Currently, the requirement for licensure in any classification is four years of supervisory level work experience.

The Board has not had the opportunity to discuss this bill at a Board meeting. However, it appears to be the consensus of the Board, based on an informal poll of our members, that we have concerns regarding these additional requirements for licensure, as it may close the door for otherwise qualified individuals to become licensed.

Thank you for the opportunity to comment on Senate Bill No. 1293.

**Testimony before the Senate Committee On
Commerce and Consumer Protection**

**By Leroy J. Chincio
Superintendent, Construction Management Division
Construction and Maintenance Department
Hawaiian Electric Company, Inc.**

February 13, 2013

**Senate Bill 1293
Relating to Electrical Contractors**

Chair Baker, Vice Chair Galuteria, and Members of the Committee:

My name is Leroy Chincio and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

Senate Bill 1293 seeks to require any person applying for an electrical contractor license to possess at a minimum, a journey worker electrician license. We respectfully oppose this bill because we feel under the current law, the requirements for an electrical contractor's license sufficiently address the need for trade knowledge.

Currently, there is a two part requirement to obtain an electrical contractors license:

- 1) Three separate experience certifications documenting "level of knowledge and skill expected of a journeyman" with a minimum of four years full time supervisory experience verified and approved by the Contractor's License Board, and
- 2) Successfully passing a two part written examination administered by a professional testing service. Part one of the test covers business and law topics such as contracts, safety, labors laws, etc. Part two covers specific trade knowledge in the classification requested, such as Electrical – High Voltage.

The current requirements already ensure that each applicant demonstrates the technical and business expertise without the need to take an additional test prior to applying for an electrical contractor's license.

We appreciate the support of the Legislature in hearing and understanding our concerns.

Thank you for the opportunity to testify on this matter.

SB 1293

RELATING TO CONTRACTORS

KEN HIRAKI
VICE PRESIDENT – GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN TELCOM

February 13, 2013

Chair Baker and members of the Committee:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom on SB 1293 - Relating to Contractors, which requires any person applying for a license as an electrical contractor, pole and line contractor, high voltage electrical contractor, or electronic systems contractor to possess a trade license to perform electrical work in the State.

Hawaiian Telcom takes no position on the proposed amendment to add a new section regarding the licensing of the designated contractors; however, as public utilities have been granted an exemption from the provisions of Hawaii Revised Statutes, Chapter 448E, Electricians and Plumbers, we respectfully request for the same exemption to be considered for inclusion in this newly proposed section to chapter 444. Following Subsection (b) of Section Two on Page Two, Line 9, we propose the following amendment:

“(c) Exemption of public utility and community antennae television company employees. All employees of a public utility within the State under a franchise or charter granted by the State which is regulated by the public utilities commission and community antennae television company, while so employed, shall be exempt from the provision of this chapter.”

Based on the aforementioned, Hawaiian Telcom respectfully requests that our proposed amendment be adopted. Thank you for the opportunity to testify.

[CHAPTER 448E]
ELECTRICIANS AND PLUMBERS

SECTION

448E-1	Definitions
448E-2	Board; appointment
448E-3	Repealed
448E-4	Powers and duties of board
448E-5	Minimum requirements
448E-5.5	Examination
448E-6	Repealed
448E-7	Repealed
448E-8	Fees; renewals
448E-8.5	Continued competency; license renewals
448E-9	Unlicensed activity
448E-10	Suspension; revocation; fine; denial of issuance or renewal of a license
448E-11	Injunction
448E-12	Inspections
448E-13	Exemption of public utility and community antennae television company employees

§448E-1 Definitions. As used in this chapter, unless otherwise indicated by the context:

"Board" means the board of electricians and plumbers.

"Journey worker electrician" means any person who has been licensed by the board as a journey worker electrician to perform electrical work.

"Journey worker industrial electrician" means any person who has been licensed by the board as a journey worker industrial electrician to perform and maintain electrical work related to substation, switchgear, automatic controls, and all other industrial electrical work in existing industrial buildings and work places.

"Journey worker plumber" means any person who has been licensed by the board as a journey worker plumber to direct and supervise the performance of plumbing work and to perform plumbing work.

"Journey worker specialty electrician" means any person who has been licensed by the board as a journey worker specialty electrician to perform electrical work related to installing, repairing, altering, and maintaining but not the attachment of lighting and power circuits to, the following: electronic equipment, sound public address systems, and communication systems, other than equipment and systems for a single-family or two-family dwelling; master or community radio and television receiving antenna systems; sound recording systems, other than systems for a single-family or two-family dwelling; burglar and fire alarm systems; low voltage remote control, other than a control for a single-family or two-family dwelling; and low voltage communication signal systems.

"Maintenance electrician" means any person who has been licensed by the board as a maintenance electrician to maintain electrical work.

"Master plumber" means any person who has been licensed by the board as a master plumber to direct and supervise the performance of plumbing work and to perform plumbing work and who provides overall supervision and general direction and is responsible for proper installation of plumbing work.

"Supervising electrician" means any person who has been licensed by the board as a supervising electrician to direct and supervise the performance of electrical work and to perform electrical work.

"Supervising industrial electrician" means any person who has been licensed by the board as a supervising industrial electrician to direct and supervise electrical work related to substation, switchgear, automatic controls, and all other industrial electrical work in existing industrial buildings and work places.

"Supervising specialty electrician" means any person who has been licensed by the board as a supervising specialty electrician to direct and supervise the performance of electrical work related to installing, repairing, altering, and maintaining, but not the attachment of lighting and power circuits, to the following: electronic equipment, sound public address systems, other than equipment and systems for a single-family or two-family dwelling; master or community radio and television receiving antenna system; sound recording systems other than systems for a single-family or a two-family dwelling; burglar and fire alarm systems; low voltage remote control, other than control for a single-family or two-family dwelling; and low voltage communication signal systems.

§448E-2 Board; appointment. There is established the board of electricians and plumbers consisting of seven members. Two of the members shall be engaged in the electrical trade and two of the members shall be engaged in the plumbing trade. Three of the members shall be private citizens not connected with the industry.

[§448E-3] REPEALED.

§448E-4 Powers and duties of board. In addition to any other powers and duties authorized by law, the board shall have all the powers and duties necessary or convenient to carry out and effectuate this chapter, including but not limited to the following powers and duties:

- (1) To grant licenses which shall be renewable for:
 - (A) Journey worker electricians;
 - (B) Journey worker specialty electricians;
 - (C) Supervising electricians;
 - (D) Supervising specialty electricians;
 - (E) Master plumbers;
 - (F) Journey worker plumbers;
 - (G) Maintenance electricians;

- (H) Journey worker industrial electricians; and
- (I) Supervising industrial electricians;
- (2) To adopt, amend, or repeal rules in accordance with chapter 91 as it may deem proper to effectuate this chapter and to insure the safety and welfare of the general public; provided that the rules may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter;
- (3) To enforce this chapter and rules adopted pursuant to this chapter and chapter 91, including the denial, suspension, or revocation of any license; and
- (4) To examine all applicants and licensees to determine their qualifications prior to the issuance or renewal of licenses.

§448E-5 Minimum requirements. (a) Except as otherwise provided in subsection (b), an applicant shall possess the following minimum qualifications:

- (1) Journey worker electrician: To be eligible for the journey worker electrician examination, an applicant shall be at least eighteen years of age and shall provide satisfactory evidence of experience in residential or commercial wiring of at least five years full-time or its equivalent, but not less than ten thousand hours, in the trade under the supervision of a journey worker or supervising electrician;
- (2) Journey worker specialty electrician: To be eligible for the journey worker specialty electrician examination, an applicant shall be at least eighteen years of age and shall provide satisfactory evidence of at least five years' experience in the trade;
- (3) Supervising electrician: To be eligible for the supervising electrician examination, an applicant shall have been registered with the board as a journey worker electrician for at least a period of four years or shall have equivalent experience in the trade;
- (4) Supervising specialty electrician: To be eligible for the supervising specialty electrician examination, an applicant shall have been registered with the board as a journey worker specialty electrician for at least a period of four years or shall have equivalent experience in the trade;
- (5) Journey worker plumber: To be eligible for the journey worker plumber examination, an applicant shall provide satisfactory evidence of experience of at least five years' full-time or its equivalent, but not less than ten thousand hours, as a journey worker's or master plumber's helper;
- (6) Master plumber: To be eligible for the master plumber examination, an applicant shall have been registered with the board as a journey worker plumber for at least two years or shall have equivalent experience in the trade;
- (7) Maintenance electrician: To be eligible for the maintenance electrician examination, an applicant shall be not less than eighteen years of age and shall provide satisfactory evidence of at least one year of experience in performing electrical maintenance work or two years of schooling in the electrical trade;
- (8) Journey worker industrial electrician: To be eligible for the journey worker industrial electrician examination, an applicant shall be at least eighteen years of

age and shall provide satisfactory evidence of experience in industrial electrical work of at least five years full-time or its equivalent, but not less than ten thousand hours;

- (9) Supervising industrial electrician: To be eligible for the supervising industrial electrician examination, an applicant shall have been registered with the board as a journey worker industrial electrician for a period of at least four years or shall have equivalent experience in the trade.
- (b) Effective July 1, 2013, an applicant for licensing pursuant to this chapter shall possess the following minimum qualifications:
 - (1) Journey worker electrician: To be eligible for the journey worker electrician examination, an applicant shall be at least eighteen years of age and shall provide satisfactory evidence of:
 - (A) Experience in residential or commercial wiring of at least five years full-time or its equivalent, but not less than ten thousand hours, in the trade under the supervision of a journey worker or supervising electrician; and
 - (B) Satisfactory completion, accepted by a University of Hawaii community college offering an appropriate program of study, of two hundred forty hours of electrical academic coursework;
 - (2) Journey worker specialty electrician: To be eligible for the journey worker specialty electrician examination, an applicant shall be at least eighteen years of age and shall provide satisfactory evidence of:
 - (A) Experience of at least three years full-time or its equivalent, but not less than six thousand hours, in the trade under the supervision of a journey worker electrician, supervising electrician, journey worker specialty electrician, or supervising specialty electrician; and
 - (B) Satisfactory completion, accepted by a University of Hawaii community college offering an appropriate program of study, of one hundred twenty hours of electrical academic coursework;
 - (3) Supervising electrician: To be eligible for the supervising electrician examination, an applicant shall have been registered with the board as a journey worker electrician for at least a period of four years or shall have equivalent experience in the trade;
 - (4) Supervising specialty electrician: To be eligible for the supervising specialty electrician examination, an applicant shall have been registered with the board as a journey worker specialty electrician for at least a period of two years or shall have equivalent experience in the trade;
 - (5) Journey worker plumber: To be eligible for the journey worker plumber examination, an applicant shall provide satisfactory evidence of experience of at least five years' full-time or its equivalent, but not less than ten thousand hours, as a journey worker's or master plumber's helper;
 - (6) Master plumber: To be eligible for the master plumber examination, an applicant shall have been registered with the board as a journey worker plumber for at least two years or shall have equivalent experience in the trade;

shall pay all required fees. Prior to the June 30, 2009 renewal of the license, and prior to every license renewal thereafter, the applicant shall:

- (1) Pay all required fees; and
- (2) Meet the requirements prescribed in section 448E-8.5.
- (c) Electricians shall renew the license every three years effective with the July 1, 1996, renewal; provided that prior to the renewal of the license the applicant shall:

- (1) Pay all required fees; and
- (2) Meet the requirements prescribed in section 448E-8.5.
- (d) Failure, neglect, or refusal of any licensee to pay the renewal fee or meet the requirements of section 448E-8.5 before the renewal date shall constitute a forfeiture of the license. Any license so forfeited may be restored upon written application within one year from the date of forfeiture, upon payment of the required renewal fee plus penalty fees and upon meeting the requirements in section 448E-8.5.

§448E-8.5 Continued competency; license renewals. (a) Prior to each license renewal, all licensed electricians except maintenance electricians shall:

- (1) Furnish the board with proof of attendance at an educational course related to current updates of the National Electrical Code conducted or approved by the community colleges; or
 - (2) Successfully complete an examination prescribed by the board on current updates to the National Electrical Code. The board shall contract with a professional testing agency to prepare, administer, and grade the examination. Fees related to the examination shall be paid by the licensee directly to the professional testing agency.
- (b) Prior to each license renewal, all licensed plumbers shall:
- (1) Furnish the board with proof of attendance at an educational course related to current updates of the Uniform Plumbing Code conducted or approved by the community colleges; or
 - (2) Successfully complete an examination prescribed by the board on current updates to the Uniform Plumbing Code. The board shall contract with a professional testing agency to prepare, administer, and grade the examination. A licensee shall pay all fees related to the examination directly to the professional testing agency.
- (c) A licensee who has been issued a new license within one year of the renewal date shall not be required to take the course or the examination to renew the licensee's license.

§448E-9 Unlicensed activity. (a) No person shall act or assume to act as a journey worker electrician, journey worker specialty electrician, supervising electrician, supervising specialty electrician, journey worker plumber, master plumber, maintenance electrician, journey worker industrial electrician, or supervising industrial electrician, or advertise or hold the person's self out as an electrician or plumber, without a license previously obtained in compliance with this chapter and the rules of the board; provided that any person may perform emergency plumbing repair work in the person's principal place of residence when such repairs

- (7) Maintenance electrician: To be eligible for the maintenance electrician examination, an applicant shall be not less than eighteen years of age and shall provide satisfactory evidence of:
 - (A) At least one year of experience in performing electrical maintenance work plus satisfactory completion, accepted by a University of Hawaii community college offering an appropriate program of study, of at least eighty hours of electrical academic coursework; or
 - (B) Two years of schooling in the electrical trade with not less than one thousand hours of hands-on lab exercises;
- (8) Journey worker industrial electrician: To be eligible for the journey worker industrial electrician examination, an applicant shall be at least eighteen years of age and shall provide satisfactory evidence of:
 - (A) Experience in industrial electrical work of at least four years full-time or its equivalent, but not less than eight thousand hours; and
 - (B) Satisfactory completion, as accepted by a University of Hawaii community college offering an appropriate program of study, of two hundred hours of electrical academic coursework;and
- (9) Supervising industrial electrician: To be eligible for the supervising industrial electrician examination, an applicant shall have been registered with the board as a journey worker industrial electrician for a period of at least three years or shall have equivalent experience in the trade.

§448E-5.5 Examination. (a) Every applicant shall be examined and shall pass an examination to be eligible for licensure. The board shall provide in its rules the passing score for the examination. The board may examine applicants or may contract with professional testing services to prepare, administer, and grade the examination as may be required for the purpose of this section.

(b) Every applicant shall pay an examination fee as provided in rules adopted by the director pursuant to chapter 91. Should the board contract with a professional testing agency to prepare, administer, and grade the examination, the examination fee may be paid directly to the testing agency by the director or the examinee.

§448E-6 REPEALED.

[§448E-7] REPEALED.

§448E-8 Fees; renewals. (a) Renewal fees shall be paid to the board before July 1.

(b) Plumbers shall renew the license every three years effective June 30, 2006 and

do not involve or require rearrangement of valves, pipes, or fixtures; provided further that no such emergency repairs may be performed on sewer lines, drains, gas lines, and on fixtures being served with backflow devices which include heaters, water closets, dishwashers, and garbage disposal units.

For purposes of this subsection:

"Electrician" means any person who performs electrical work and includes but is not limited to any person who acts as a journey worker electrician, journey worker specialty electrician, maintenance electrician, journey worker industrial electrician, or supervising industrial electrician.

"Plumber" means any person who performs plumbing work and includes but is not limited to any person who acts as a journey worker plumber or master plumber.

- (b) An apprentice or trainee learning the trade of a person licensed under this chapter shall not be required to have a license if the apprentice or trainee acts under the supervision of a person appropriately licensed under this chapter.
- (c) Upon entry of a judgment by a court of competent jurisdiction finding that the person has advertised in violation of this section, the entity furnishing voice communication service to the violator shall disconnect the telephone number contained in the advertisement or listing."

§448E-10 Suspension; revocation; fine; denial of issuance or renewal of a license. (a) In addition to any other actions authorized by law the board, after notice and hearing as provided in chapter 91, may suspend or revoke any license, or impose fines, or prior to the notice and hearing, deny the issuance or renewal of any license for any cause authorized by law, including but not limited to the following:

- (1) Obtaining, or attempting to obtain a license by fraud, misrepresentation, or deceit;
- (2) Gross negligence, incompetency, misconduct, or dishonesty in the practice of the profession;
- (3) False, fraudulent, or deceptive advertising;
- (4) Permitting an unlicensed person to perform activities requiring a license;
- (5) Aiding or abetting an unlicensed person to violate this chapter;
- (6) Allowing a person's license to be used by an unlicensed person;
- (7) Acting as an agent, partner, or associate of an unlicensed person engaging in an activity in violation of this chapter; or
- (8) Violating any provision of this chapter or rule of the board.

(b) Any person who violates any provision of this chapter shall be fined not less than \$100 and not more than \$5,000 for each violation.

§448E-11 Injunction. The board may, in addition to any other remedy available, apply to a circuit court judge for a temporary restraining order or preliminary or permanent injunction restraining any person from acting, or assuming to act, as a journey worker electrician, journey worker specialty electrician, supervising electrician, supervising specialty electrician, maintenance electrician, journey worker industrial electrician, supervising industrial electrician,

journey worker plumber, or master plumber without a license previously obtained in compliance with this chapter and the rules of the board, and upon hearing and for cause shown, the judge may grant the temporary restraining order or preliminary or permanent injunction.

[§448E-12] Inspections. Nothing in this chapter should deprive the several counties of the right to perform electrical or plumbing inspections, as regulated by their respective ordinances.

§448E-13 Exemption of public utility and community antennae television company employees. All employees of a public utility within the State under a franchise or charter granted by the State which is regulated by the public utilities commission and community antennae television company, while so employed, shall be exempt from the provision of this chapter.

THE SENATE
TWENTY-SEVENTH LEGISLATURE,
2013
STATE OF HAWAII

S.B. NO. 1293
SD 1

PROPOSED
DRAFT

A BILL FOR AN ACT

RELATING TO CONTRACTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that electrical contractors are responsible for managing the technical aspects of electrical work. The legislature also finds that electrical work may pose hazards related to public and worker safety. Therefore, individuals and entities applying to be licensed as electrical contractors should demonstrate the necessary level of training and knowledge to possess a trade license to perform electrical work in accordance with chapter 448E, Hawaii Revised Statutes.

The purpose of this Act is to protect the public and promote worker safety by requiring electrical contractors to possess a trade license to perform electrical work in the State of Hawaii.

SECTION 2. Chapter 444, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§444- Licensing of electrical contractors, pole and line contractors, high voltage electrical contractors, and electronic systems contractors; minimum

qualifications. (a) Effective July 1, 2013, any person applying for a license as an electrical contractor, pole and line contractor, or high voltage electrical contractor shall possess, at minimum, a journey worker electrician license pursuant to chapter 448E.

(b) Effective July 1, 2013, any person applying for a license as an electronic systems contractor shall possess, at minimum, a journey worker specialty electrician license pursuant to chapter 448E.

(c) Exemption of public utility and community antennae television company employees. All employees of a public utility within the State under a franchise or charter granted by the State which is regulated by the public utilities commission and community antennae television company, while so employed, shall be exempt from the provision of this chapter."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2013.



ELECTRICAL CONTRACTOR'S ASSOCIATION OF HAWAII

NECA Hawai'i Chapter

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February 5, 2013

To: Senate Committee on Commerce and Consumer Protection
The Honorable Senator Rosalyn Baker, Chair

From: Al Itamoto, Executive Director
Electrical Contractors Association of Hawaii
National Electrical Contractors Association, Hawaii Chapter

Subject: S.B. 1293, Relating to Contractors

Notice of Hearing

Date: Wednesday, February 13, 2013
Time: 8:30 AM
Place: Conference Room 229
State Capitol
415 South Beretania Street

Dear Chair Baker and Committee members:

The Electrical Contractors Association of Hawaii (ECAH) is a non-profit association consisting of electrical contractors doing business in the State of Hawaii. ECAH **strongly supports** the intent and purpose of S.B. 1293. Section 1 of S.B. 1293 clearly states the purpose of this bill is to recognize that there is an inherent hazard related to electrical work and that there is a need to protect the public and promote worker safety with respect to the performance of electrical work. This action starts with the responsibility of the Contractor's License Board's (CLB) issuance of a C-13, electrical contractors license; C-15, electronic systems contractor's license; C-62, pole and line contractor's license or C63, high voltage electrical contractor's license.

The minimum requirements for a contractor license – Responsible Managing Employee (RME) are:

1. Be not less than 18 years of age;
2. Have a good reputation for honesty, truthfulness, financial integrity and fair dealing;
3. Have 4 years of supervisory experience within the past 10 years;
4. Pass an examination in the appropriate classification; and
5. Be employed by a licensed contracting entity.

In order to have the four years of supervisory experience in accordance with 448E, HRS, one must have a journeyman electrician license or journeyman supervisory electrician license to properly supervise electrical work. Therefore, one must have, at minimum, a journey workers electrician's license when applying for an electrical contractor's license, pole and line contractor's license, high

voltage electrical contractor's license and possess a journey worker specialty license when applying for an electronic systems contractor's license. Without a journey workers electrician's license one must assume that the experience gained should be considered unlicensed activity and should not be acceptable by the CLB.

Hawaii Administrative Rules (HAR) 16-77-70 states that the RME is responsible for the "direct management" of the contracting business and defines "direct management as, general supervision of construction projects undertaken, control of the technical decisions, personnel management and enforcing compliance with all laws and rules affecting the contracting business. Proper supervision and technical decisions of electrical work comes with proper training and competency in the electrical trade that is obtained through the electrician's licensing process.

The primary concern of this bill is to assure public safety and worker safety in the performance of electrical construction work. The journey worker has a proven competency in the National Electrical Code and the NFPA 70E relating to electrical fire safety at the time of obtaining his license by passing the journey worker's examination as well as upon the renewal of the license with continuing education.

The intent and purpose of S.B. 1293 further clarify and correct the conflicts presently in place and does not affect any rights of those applying before the effective date of this Act.

Based on the above, ECAH **strongly supports** the passage of S.B. 1293 and urge the committee to move this bill forward.

Thank you for the opportunity to provide testimony on this issue.



HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

Gentry Pacific Design Center, Suite 215A * 560 N. Nimitz Highway, #50 * Honolulu, Hawaii 96817
(808) 524-2249 - FAX (808) 524-6893

February 12, 2013

KIKA G. BUKOSKI
Executive Director

Honorable Senator Rosalyn Baker, Chair- Committee on Commerce and Consumer Protection
Honorable Senator Brickwood Galuteria, Vice Chair- Committee on Commerce and Consumer Protection
Hawaii State Senate- Committee on Commerce and Consumer Protection
State Capitol
Honolulu, Hawaii 96813

EXECUTIVE BOARD

REGINALD CASTANARES
President
Plumbers & Fitters Local 675

DAMIEN T.K. KIM
Vice President
International Brotherhood of
Electrical Workers Local 1186

MARC YAMANE
Secretary Treasurer
Elevator Constructors Local 126

RYDEN VALMOJA
Sergeant At Arms
District Council 50
Painters & Allied Trades Local 1791
Carpel, Linoleum, & Soft Tile
Local 1926
Drywall, Tapers & Finishers
Local 1944
Glaziers, Architectural Metal &
Glassworkers Local 1889

DOUGLAS FULP
Trustee
International Asso. of Heat & Frost
Insulators & Allied Workers Local 132

JOSEPH O'DONNELL
Trustee
Iron Workers Local 625

GARY AYCOCK
Boilermakers, Ironship Builders
Local 204

ART TOLENTINO
Sheet Metal Workers I.A. Local 293

RONAN KOZUMA
Hawaii Teamsters & Allied
Workers Local 996

VAUGHN CHONG
Roofers, Waterproofers & Allied
Workers United Union of Roofer
Local 221

Re: SB1293 RELATING TO CONTRACTORS.

Requires any person applying for a license as an electrical contractor, pole and line contractor, high voltage electrical contractor, or electronic systems contractor to possess a trade license to perform electrical work in the State.

Hearing: Wednesday, February 13, 2013, 0830, Room 229

Aloha Chair Baker, Vice Chair Galuteria and Committee Members;

My name is Kika G. Bukoski, testifying on behalf of the Hawaii Building & Construction Trades Council, AFL-CIO. The Council is comprised of various construction trade unions and represents the interests of over 15,000 of Hawaii's unionized construction trades men and women throughout the state.

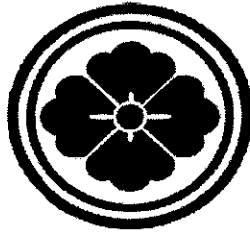
The Council supports Senate Bill 1293 which proposes to require any person applying for a license as an electrical contractor, pole and line contractor, high voltage electrical contractor, or electronic systems contractor to possess a trade license to perform electrical work in the State.

Electrical contractors are responsible for managing the technical aspects of electrical work which may not only pose hazards related to public and worker safety but could have a significant social and economic impact on the well-being of this state and its people. As such, individuals and entities applying to be licensed as electrical contractors should demonstrate the necessary training and knowledge to possess a trade license to perform electrical work. We humbly ask for the passage of SB1293.

The HBCTC, chartered in 1953, is a recognized member of, and sanctioned by the AFL-CIO and our parent organization the Building and Construction Trades Department which is a national organization representing the organized construction trades and created by the AFL-CIO in 1901. HBCTC has and continues to serve its members through the advocacy and education of construction trades in Hawaii. HBCTC has played an integral role in the social and economic fabric of Hawaii through its efforts and its membership and sincerely appreciate the opportunity to share our support of Senate Bill 1293.

Mahalo;

Kika G. Bukoski
Hawaii Building and Construction Trades Council, AFL-CIO



LIC. NO. C-16110

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February 11, 2013

To: Senate Committee on Commerce and Consumer Protection
The Honorable Senator Rosalyn Baker, Chair

From: Daryl S. Suehiro, President
D. Suehiro Electric, Inc.

Subject: S.B. 1293, Relating to Contractors

Notice of Hearing

Date: Wednesday, February 13, 2013
Time: 8:30 AM
Place: Conference Room 229
State Capitol
415 South Beretania Street

Dear Chair Baker and members of the Committee:

As a licensed journeyman electrician for over 28 years and a licensed electrical contractor for 25 years, I strongly support the intent and purpose of S.B. 1293. Section 1 of S.B. 1293 clearly states the purpose of this bill is to recognize that there is an inherent hazard related to electrical work and that there is a need to protect the public and promote worker safety with respect to the performance of electrical work. This action starts with the responsibility of the Contractor's License Board's (CLB) issuance of a C-13, electrical contractors license; C-15, electronic systems contractor's license; C-62, pole and line contractor's license or C63, high voltage electrical contractor's license.

In order to have the four years of supervisory experience in accordance with 448E, HRS, one must have a journeyman electrician license or journeyman supervisory electrician license to properly supervise electrical work. Therefore, one must have, at minimum, a journey workers electrician's license when applying for an electrical contractor's license, pole and line contractor's license, high voltage electrical contractor's license and possess a journey worker specialty license when applying for an electronic systems contractor's license. Without a journey workers electrician's license one must

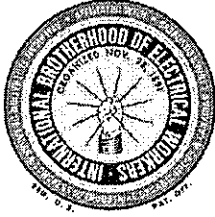
assume that the experience gained should be considered unlicensed activity and should not be acceptable by the CLB.

Hawaii Administrative Rules (HAR) 16-77-70 states that the RME is responsible for the "direct management" of the contracting business and defines "direct management as, general supervision of construction projects undertaken, control of the technical decisions, personnel management and enforcing compliance with all laws and rules affecting the contracting business. Proper supervision and technical decisions of electrical work comes with proper training and competency in the electrical trade that is obtained through the electrician's licensing process. Further more if the RME is not required to have a electrical trade license, how does he or she keep up with the electrical code updates and changes that a licensed journeyman electrician is required to do under chapter 448E-8.5 Continued competency; license renewals (1) Furnish the board with proof of attendance at an educational course related to current updates of the National Electrical Code conducted or approved by the community colleges.

Back in 1986 when I applied for my C-13 Electrical Contractor's License, I was told to come back in two years because at that time I held my electrical journeyman license for only two years, so I assumed that it was a requirement to have a journey workers license for 4 years to qualify my supervising experience. I was surprised to learn that this was not a requirement when I started my first term on the Contractor's License Board as an industry member back in 2009. There are so many other C-13 Electrical Contractors that licensed before me that were under the same impression that this was a requirement. Somehow this has changed.

The intent and purpose of S.B. 1293 further clarify and correct the conflicts presently in place and does not affect any rights of those applying before the effective date of this Act.

Thank you for the opportunity to provide testimony on this issue.



International Brotherhood of Electrical Workers
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February 11, 2013

TO: SENATE COMMERCE & CONSUMER PROTECTION COMMITTEE
For Hearing on Wednesday, February 13, 2013, at 8:30 a.m., in Room 229

RE: TESTIMONY IN STRONG SUPPORT OF SB1293

Honorable Chair Baker, Vice Chair Galuteria, and Committee Members,

The **International Brotherhood of Electrical Workers Local Union 1186** represents over 3,400 members working in electrical construction, telecommunications, and with Oceanic Cable. Our members include civil service employees at Pearl Harbor, Kaneohe, Hickam, and at every military installation in Hawaii. IBEW Local 1186 also represents over 110 signatory electrical contracting companies that perform most of the electrical work in the state.

We strongly support SB1293. It fixes a loophole in the existing electrical contractor licensing law. Electrical contractors in Hawaii must pass a state-required test to manage an electrical contracting company. This Electrical Contractor License to run the business is different from the Journey Worker Electrician License required by state law to actually perform or supervise the electrical field work.

As an example, about half of the recent applicants for electrical contractor licenses have been as sole-proprietors, who then are mistakenly allowed to perform their own electrical field work on the job site, without having the required state journey worker electrician license, or possibly without having any electrical worker knowledge or training.

To protect the safety of the public and avoid unintended liability, we urge you to pass SB1293 to fix this oversight in the existing electrical contracting law. Thank you for providing us with this opportunity to submit testimony.

Mahalo and aloha,

Damien Kim
Business Manager – Financial Secretary
International Brotherhood of
Electrical Workers, Local Union 1186