



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 2475, H.D. 1, RELATING TO WORKFORCE DEVELOPMENT.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND LABOR AND ON
TRANSPORTATION AND ENERGY

DATE: Tuesday, March 22, 2016 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Li-Ann Yamashiro, Deputy Attorney General

Chairs Keith-Agaran and Inouye and Members of the Committees:

The Department of the Attorney General provides comments regarding legal concerns about this bill.

The purpose of this bill is to enhance maritime productivity and workforce development by establishing a maritime grant program.

On page 3, lines 10-12, this bill provides that "[t]he department shall award grants for the maritime industry grant program based on criteria that shall be developed by the department" Article VII, section 4, of the Hawaii State Constitution provides that "[n]o grant of public money or property shall be made except pursuant to standards provided by law." Thus, pursuant to the Hawaii State Constitution, the Legislature, not the Department of Labor and Industrial Relations, is required to establish standards.

We respectfully request the Committee delete the phrase "based on criteria developed by the department" on page 3, lines 11-12, and include standards for the award of these moneys.

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIO
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 21, 2016

TO: The Honorable Gilbert Keith-Agaran, Chair,
The Honorable Maile Shimabukuro, Vice Chair, and
Members of the Senate Committee on Judiciary and Labor

The Honorable Lorraine Inouye, Chair,
The Honorable Mike Gabbard, Vice Chair, and
Members of the Senate Committee on Transportation and Energy

Date: Tuesday, March 22, 2016
Time: 9:30 a.m.
Place: Conference Room 016, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 2475 HD1, Relating to Workforce Development

I. OVERVIEW OF PROPOSED LEGISLATION

HB2475 HD1 proposes to add a new chapter to Hawaii Revised Statutes (HRS), to establish within the department a maritime industry grant program in which the department would award grants to qualified shipyards based on criteria developed by the department.

DLIR supports the intent of this proposal provided its passage does not replace or adversely affect priorities identified in the Governor's Supplemental Budget request and requests amendments as offered below. DLIR notes that the program would require funding to pay for the cost of administering, operating, and marketing the grant program.

Projects eligible to receive grants shall include:

- (1) Capital improvement projects to foster efficiency, competitive operations, and quality ship construction repair, and ship reconfiguration;

- (2) Workforce development and training projects to improve employee skills in maritime industry; and
- (3) Purchase of machinery and equipment for use in ship repair, ship construction, or ship reconfiguration.

The measure requires the department to determine if grants applications are economically viable and beneficial.

II. CURRENT LAW

There is no current law pertaining specifically to workforce development of the maritime industry.

III. COMMENTS ON THE HOUSE BILL

This bill builds upon the success of a pilot project that was collaboratively designed and implemented last year by the department to develop local talent for maritime welding and ship repair. The pilot included three (3) employers from the shipyard in Honolulu Harbor as well as Honolulu Community College in addition to DLIR. This pilot project was developed because employers were forced to import mainland talent at a high cost, with high turnover, due to an insufficient number of local qualified workers.

The pilot project provided recruitment services, internship, and an accelerated maritime welding course that resulted in 13 trainees being hired by the shipyard. Funding sources were primarily federal, of which a large amount will be expiring by September 30, 2016. Employers also contributed to the cost by covering the cost of criminal background checks and equipment for all applicants selected.

This bill would enable the department, college, and employers to refine and expand upon the pilot project so that more local qualified workers can be developed to fill more high-skill occupations in the shipyard. Therefore, the department supports this bill provided its passage does not replace or adversely affect priorities identified in the Governor's Supplemental Budget request.

DLIR offers the following suggested amendments to HD1 for the Committee's consideration:

1. Page 3, lines 10-14, replace the phrase beginning with "(a) The department shall award grants ..." with the phrase, "(a) The department shall award grants for the maritime industry grant program provided that:
 - (1) No grant shall be awarded to a qualified shipyard that has been in operation for less than five years;
 - (2) The applicant shall comply with applicable federal, state, and local laws, rules, ordinances, and policies; and

- (3) The applicant shall have applied for or received all applicable licenses or permits
2. Page 3, lines 16, replace the word, “shall”, with the word, “may”.
 3. Page 3, lines 17-20 section 3(b)(1) referring to capital improvement projects—recommend deleting this section because the department does not have the authority to implement capital improvement projects.
 4. Page 4, lines 3-6 section – 3(c) relating to purchase of machinery and equipment building or ship repair—recommend deleting because DLIR does not have the requisite expertise to determine feasibility of equipment purchases for those purposes.
 5. Page 4, lines 10-16 -3(e) relating to DLIR reviewing economic viability and benefits of grant requests— recommend deleting because DLIR does not have the economists or capacity to determine the economic viability of the grant request or the benefits to the State.
 6. Page 5, lines 2 and 4 section – 4 (2) and (4) relating to report on projected economic benefit—recommend deleting because DLIR does not have the expertise to determine projected economic benefits of projects.
 7. Page 5, add “§ -7 Moneys appropriated for the grant program may be used to pay for the cost of administering, operating, and marketing the grant program, as determined by the director.”
 8. Page 5, line 9, replace the word, “shall”, with the word, “may”.



**Testimony to the Senate Committee on Judiciary & Labor and Committee on
Transportation & Energy
Tuesday, March 22, 2016 at 9:30 A.M.
Conference Room 016, State Capitol**

RE: HOUSE BILL 2475 HD 1 RELATING TO WORKFORCE DEVELOPMENT

Chairs Keith-Agaran and Inouye, Vice Chairs Shimabukuro and Gabbard, and Members of the Committees:

The Chamber of Commerce Hawaii ("The Chamber") **supports** HB 2475 HD 1, which establishes a maritime industry grant program within the department of labor and industrial relations. Establishes criteria for the awarding of grants. Appropriates funds.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Hawaii's ship repair companies already suffers a geographical disadvantage compared to its mainland counterparts, and can be overlooked completely if the industry cannot provide the level of customer service that is expected elsewhere. Today's vessel owners are more technologically inclined as they provide computer-aided designs of equipment or parts that they need repaired or fabricated. Hawaii's shipyards needs to keep up with the machinery and equipment used in the industry, which is more precise and relies on trained staff. HB 2475 HD 1 would provide necessary support to bring the industry to a competitive level by replacing old equipment and training qualified staff.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: [REDACTED]
Subject: Submitted testimony for HB2475 on Mar 22, 2016 09:30AM
Date: Friday, March 18, 2016 2:51:08 PM

HB2475

Submitted on: 3/18/2016

Testimony for JDL/TRE on Mar 22, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
ann chung	Pacific Shipyards International	Support	Yes

Comments: As an island state, Hawaii faces many unique micro and macroeconomic challenges not found in mainland economies. Hawaii's industrial base, labor markets, and intellectual expertise are critical to the State's economic health and growth. Mainland states can compete for labor and expertise and enjoy a significant cross border transfer of skills among industries. But due to the high cost of living and remoteness, Hawaii does not enjoy the same cross border transfer of industrial skills. The trend has been that once an industrial skill leaves, it is lost to the State. If a local industry or labor skill is lost to off-island interest, the ability to replace the industry or capability is difficult at best. Since the early 1990's, the ship repair industry in Hawaii has diversified into critical industrial sectors that insures Hawaii's ship repair industrial base remains robust and viable. It employs over 750 HIGHLY SKILLED TRADE EMPLOYEES and their related support team personnel and TOTAL INDUSTRY REVENUE EXCEEDS \$100M. Vessels repaired include cargo ships delivering goods to the islands, interisland barges for cargo and fuel, workboats including Tugs, Pilot boats, and other specialty boats, USCG ships and boats, US Navy ships and boats, US Army landing craft, State and C&C security patrol and first responder boats, commercial fishing boats and passenger boats. Please note that the US Navy has recently announced that fleet home porting will decline by 30% in the next 7 years. THIS GRANT SUPPORT WILL ALLOW THE LOCAL MARITIME INDUSTRY TO PROVIDE IMPROVED SERVICE TO THE REMAINING COMMERCIAL VESSELS ALREADY LOCATED HERE AND THOSE THAT CALL ON HONOLULU - SUPPORTING AND SUSTAINING LOCAL SHIP REPAIR JOBS AND EXPERTISE AND HELP OUR LOCAL MARITIME INDUSTRY BE COMPETITIVE.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB2475

Submitted on: 3/18/2016

Testimony for JDL/TRE on Mar 22, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Audra White	Individual	Support	No

Comments: I strongly support HB2475.

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HB2475

Submitted on: 3/18/2016

Testimony for JDL/TRE on Mar 22, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Schiff	Individual	Support	No

Comments: I strongly support HB2475.

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HB2475

Submitted on: 3/18/2016

Testimony for JDL/TRE on Mar 22, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kacey Lock	Individual	Support	No

Comments:

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HB2475

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Submitted By	Organization	Testifier Position	Present at Hearing
Mitchel Kagawa	Individual	Support	No

Comments: I strongly support HB2475!

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HB2475

Submitted on: 3/18/2016

Testimony for JDL/TRE on Mar 22, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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