

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Labor & Public Employment
February 13, 2020
9:00 a.m.
State Capitol, Conference Room 309**

**On the following measure:
H.B. 1606, RELATING TO
PROFESSIONAL AND VOCATIONAL LICENSURE**

Chair Johanson and Members of the Committee:

My name is Charlene Tamanaha, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division (PVL). The Department appreciates the intent of and offer comments on this bill.

The purpose of this bill are to: (1) specify the documentation needed for a military spouse to receive a temporary license by endorsement; (2) remove supervision requirements for military spouses; (3) remove the requirement that the applicant hold a license that is substantially equivalent to or that exceeds the licensing requirements of this state; (4) require issuance of the license within 30 days of the application; and (5) require each licensing board to adopt rules necessary to administer the section by August 1, 2020.

The Department appreciates the bill's intent to streamline the process and accelerate the timeline for a military spouse to receive a temporary license by endorsement. However, by requiring the PVL to issue a temporary license to a military spouse within 30 days of receiving the application, based on an attestation by the applicant that supporting documentation will be provided in 90 days, this bill severely compromises the Department's ability to effectively evaluate the qualifications of the applicant and protect this state's consumers. The bill also provides no mechanism to address the situation where the applicant fails to submit supporting documentation timely, or where the supporting documentation reveals a license history that would render the applicant ineligible for licensure by endorsement in this state. Specifically, the bill does not provide sufficient time to determine, among other things, that the applicant has not been disciplined or has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension, or revocation of a license.¹

The Department also has concerns about the bill's deletion of the requirement that the temporary license provide for supervision by a professional licensed by this state, if appropriate. Many license types are designed to work under the supervision of a licensed professional, such as physician assistants, veterinary technicians, and dental hygienists. Removing this requirement for military spouses appears unnecessary, since this requirement applies uniformly to all similarly situated licensees.

In addition, subsection (e) on page 4, lines 19 to 21 requires all licensing areas to adopt rules to administer HRS section 436B-14.7 and to publish these rules on its website and in its application materials by August 1, 2020. The licensing areas attached to PVL will be hard-pressed to meet this statutory mandate.

HRS section 436B-14.7 currently provides a streamlined pathway for professional licensure of military spouses, provided the licensure requirements of the spouse's home jurisdiction are equivalent to or exceed those of the State. This determination has been challenging for many of the 52 licensing areas under the PVL and that lack relatively uniform national standards.

¹ See, Hawaii Revised Statutes (HRS) sections 436B-14.7(a)(1) through 436B-14.7(5).

To ensure the safety of the residents of the State and to address the difficulties that a change in duty station poses for Hawaii's military families, the Department recommends the Committee consider the contents of H.B. 2334, which also provides a streamlined approach to address an expedited process for military spouses. H.B. 2334 separates those professions with uniform national standards and removes the equivalency requirement for these professions. In addition, H.B. 2334 effectuates a more expeditious process for these professions with uniform national standards, yet still ensures consumer safety by ascertaining that the applicant: is not subject to discipline in other jurisdictions; does not have an unresolved pending investigation; and does not have any disqualifying criminal history as determined by the licensing authority. H.B. 2334 also provides the 52 licensing areas ample time to vet the military spouse applicant. Further, for those professions that lack national standards or national licensing requirements, these professions will be subject to the licensing authority's determination that the licensure requirements of the other jurisdiction are equivalent to or exceed those established by the licensing authority of this state.

Thank you for the opportunity to testify on this bill.



HAWAII REGIONAL COUNCIL OF CARPENTERS

The Honorable Aaron Ling Johanson, Chair
The Honorable Stacelynn K.M. Eli, Vice Chair
House Committee on Labor and Public Employment
Thursday, February 13, 2020
9:00 AM, State Capitol Room 309

Statement of the Hawaii Regional Council of Carpenters – Expressing Concerns on HB1606

Dear Chair Johanson, Vice Chair Eli, and Members:

The Hawaii Regional Council of Carpenters would like to express concerns about HB1606, Relating to Professional and Vocational Licensure, which would specify the documentation needed for a military spouse to receive a temporary licensure by endorsement.

We appreciate the intent of the bill, which appears to deal with a longstanding issue which military spouses face when relocating to Hawaii. We note that other bills dealing with this issue, such as HB2334 and SB2890, appear solely focused on a variety of licensed professions ranging from accountants to veterinary technicians. Importantly, those other bills do not include construction contractors.

We believe such an exclusion would be appropriate for HB1606 as well, and thus **recommend an amendment to HB1606 specifically excluding construction contractors from the types of licenses for which licensing authorities shall issue to military spouses. We also suggest that the provision that a military spouse “shall” receive a license (Page 1, Line 9), be changed to “may.”**

The licensing requirements to become a general or specialty construction contractor in Hawaii are rigorous for a reason. As we have seen in numerous high-profile instances over the past several years, unlicensed contractors who are unfamiliar with or disregard standard Hawaii practices – such as safety, building codes, or insurance requirements – have caused significant problems for the local industry.

Thank you for the opportunity to provide these comments expressing concerns on HB1606.

STATE HEADQUARTERS & BUSINESS OFFICES

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MAUI OFFICE: 330 Hookahi Street, Wailuku, Maui 96793-1449 • Ph. (808) 242-6891 Fax (808) 242-5961
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Testimony of
Pacific Resource Partnership

House Committee on Labor & Public Employment
The Honorable Aaron Ling Johanson, Chair
The Honorable Stacelynn K.M. Eli, Vice Chair

HB 1606

Thursday, February 13, 2020
9:00 A.M.
Conference Room 309

Aloha Chair Johanson, Vice Chair Eli, and Members of the Committee:

Pacific Research Partnership (PRP) would like to express concerns about HB1606, Relating to Professional and Vocational Licensure, which would specify the documentation needed for a military spouse to receive a temporary licensure by endorsement.

Pacific Resource Partnership (PRP) is not opposed to military spouses receiving a temporary license from the licensing authority by endorsement or reciprocity to allow the military spouse to perform specific services identified in HB 2334 and SB 2890, ranging from accountants to veterinary technicians. However, we are opposed to the Contractor License Board (CLB) providing military spouses with a temporary contractor's license by endorsement or reciprocity as this process would allow military spouses to bypass State licensing requirements that are specifically designed to ensure that the general public is protected against dishonest, fraudulent, unskilled and unqualified contractors.¹

Applicants must meet strict requirements before obtaining a contractor's license from the CLB including, but not limited to, an understanding of Hawaii's laws related to the construction industry. The applicant must meet strict criteria before even being allowed to take the examination and provide proof of the administrative portion of compliance. For instance, the applicant must provide credit history/background, bonding if applicable and four years of supervisory experience in a particular area within the last 10 years, good reputation for honesty, truthfulness, financial integrity, and fair dealing.² All applicants for a contractor's license are required to pass an examination consisting of two parts: 1) part I is a written examination designed to test the applicant's general knowledge of the building, safety, health, labor, and lien laws of the State and of the basic administrative principles of the contracting business; and 2) part II is a written examination designed to test the applicant's specialized knowledge in the particular classification in which the applicant desires to be licensed.³

¹ Hse. Stand. Comm. Rpt. 618 on H.B. 423, Regular Session of 1957.

² § 16-77-10 & 18, Hawaii Administrative Rules.

³ § 16-77-39 and 40, Hawaii Administrative Rules.



(Continued From Page 1)

In addition, Hawaii law invites the public to comment on applications before the CLB by individuals and companies. This gives the public an opportunity to express their objections to an applicant's experience and background prior to the CLB's final decision on an application.⁴

We have seen numerous instances over the past several years where unlicensed contractors who are unfamiliar with or disregard standard Hawaii practices—such as safety, building codes, labor laws or insurance requirements— have caused significant problems to Hawaii's construction industry and jeopardized the health and safety of the general public.

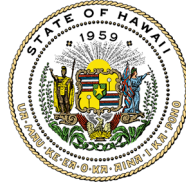
Given the above, PRP respectfully requests that this Committee amend HB1606 to specifically exclude construction contractors from the types of licenses for which licensing authorities shall issue to military spouses. We also recommend that the provision that a military spouse "shall" receive a license (Page 1, Line 9), be changed to "may."

Thank you for this opportunity to submit written testimony.

⁴ §16-77-14, Hawaii Administrative Rules.

Late Testimonies

DAVID Y. IGE
GOVERNOR



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
COLONEL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

TESTIMONY ON
HOUSE BILL 1606, RELATING TO

PRESENTATION TO:
THE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

By

BRIGADIER GENERAL MOSES KAOIWI JR.
DIRECTOR OF JOINT STAFF, HAWAII NATIONAL GUARD
LAND COMPONENT COMMANDER, HAWAII ARMY NATIONAL GUARD

February 13, 2020

Good morning Chairperson Aaron Ling Johanson, Vice Chair Stacelynn K.M. Eli, and members of the Committee on Labor & Public Employment.

I am Brigadier General Moses Kaiwi. Thank you for the opportunity to submit testimony of HB 1606.

The Hawaii National Guard supports the intent expressed in this measure provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget.

The proposal of HB 1606 streamlines the processing of an active duty military spouse application to practice his or her profession or vocation in the State. Streamlining the process to reduce the time it takes to process a license will quickly allow critical professions to contribute to the State of Hawaii in their profession or vocation.

The Hawaii National Guard recommends the Committee consider the contents of H.B. 2334, which also provides a streamlined approach to address an expedited process for military spouses. H.B. 2334 separates those professions with uniform national standards and removes the equivalency requirement for these professions. In addition, H.B. 2334 effectuates a more expeditious process for these professions with uniform national standards, yet still ensures consumer safety by ascertaining that the applicant: is not subject to discipline in other jurisdictions; does not have an unresolved pending investigation; and does not have any disqualifying criminal history as determined by the licensing authority. H.B. 2334 also provides the 52 licensing areas ample time to vet the military spouse applicant.

HING defers to the Department of Commerce and Consumer Affairs for their input on the impacts to the current process and risks associated with streamlining the current system of processing licensure requests.

Thank you for the opportunity to provide testimony to support the intent of HB 1606 with comments.

BG Moses Kaiwi Jr.: moses.kaiwi.mil@mail.mil; 808-844-6005

LATE

HB-1606

Submitted on: 2/12/2020 7:43:01 PM

Testimony for LAB on 2/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kayla Overton	U.S. Army Garrison Hawaii	Support	No

Comments:

TESTIMONY ON

HOUSE BILL 1606, RELATING TO PROFESSIONAL AND VOCATIONAL LICENSURE

PRESENTATION TO:

THE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

By

COLONEL THOMAS BARRETT

COMMANDER, U.S. ARMY GARRISON HAWAII

February 13, 2020

Chairperson Aaron Ling Johanson, Vice Chair Stacelynn K.M. Eli, and members of the Committee on Labor and Public Employment.

I am Colonel Thomas Barrett, Commander, U.S. Army Garrison Hawaii. Thank you for the opportunity to submit testimony of HB 1606.

As the Commander of U.S. Army Garrison Hawaii, I have a great deal of interaction with our military community and our military families. Military spouses make many sacrifices to protect our country. They endure frequent moves, gaps in employment and costly interruptions in their career due to frequent relocations. Not only do some find it difficult to find jobs, they also face the potential for relicensing at every interstate move they make. Streamlining the licensing process will ensure military spouses have the opportunity to expand and continue their professions here in the state of Hawaii.

Any efforts to support the careers of military spouses will increase the quality of life for military families.

Thank you for the opportunity to provide testimony to support HB 1606.

Col. Thomas Barrett, 808-656-0610.

Thomas J. Barrett

Colonel, US Army

Commanding



LATE

Chamber of Commerce HAWAII
The Voice of Business

**Testimony to the House Committee on Labor and Public Employment
Thursday, February 13, 2020 at 9:00 A.M.
Conference Room 309, State Capitol**

RE: HB 1606, RELATING TO PROFESSIONAL AND VOCATIONAL LICENSURE

Chair Johanson, Vice Chair Eli, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** HB 1606, which specifies the documentation needed for a military spouse to receive a temporary licensure by endorsement and requires issuance of the license within 30 days of the application and supporting documentation.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ 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.

Additionally, the Hawaii Military Affairs Council (MAC) was established in 1985 as part of the Chamber, and advocates on behalf of Hawaii's military, and is comprised of business leaders and retired U.S. flag and general officers. The MAC works to support Hawaii's location as a strategic U.S. headquarters in the Indo-Asia-Pacific region. Every May, the MAC holds events for Military Appreciation Month here in Hawaii, including an annual lunch to honor the military spouses who are here on Oahu and thank them for their service to their country and families.

However, many of these spouses who hold vocational licenses struggle to advance their own careers because of frequent reassignment. Data shows that military spouses often struggle to find and maintain employment due to frequent moves, and it's estimated that military spouses experience an underemployment rate of nearly 33 percent, with many being particularly vulnerable to licensing requirements that often vary from state to state. Military spouses must also bear the cost of obtaining a new license, or even must take additional education courses or gain additional experience before meeting requirements in a new state. This bill would be beneficial to our community. It would allow military spouses who are licensed in occupations such as teachers, nurses, and allied health professionals in other states, to be able to pursue meaningful employment during their time in Hawaii and are willing and able to help fill a host of open positions currently in our local workforce.

Thank you for the opportunity to testify on this measure.



Chamber *of* Commerce HAWAII
The Voice of Business

LATE

HB-1606

Submitted on: 2/12/2020 9:09:26 PM
Testimony for LAB on 2/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Williams	Individual	Support	No

Comments:

Dear Chairperson Aaron Ling Johanson, Vice Chair Stacelynn K.M. Eli, and members of the Committee on Labor & Public Employment,

I am a veteran and a spouse of an active-duty soldier assigned to Schofield Barracks, Hawaii. I am writing to encourage your support for House Bill 1606.

Spouses of active-duty servicemembers must typically relocate along with their soldier every 2 to 3 years throughout the course of the soldier's career. This results in significant hardship for those spouses that have professions or vocations requiring state licensure because they face lengthy and costly re-licensure processes with each interstate move. HB1606 streamlines the processing of an active duty military spouse application to practice her or his profession or vocation in the State. Streamlining the process to reduce the time it takes to process a license will quickly allow critical professionals to contribute to the State of Hawaii in their profession or vocation.

Please consider the benefits to the State and the thousands of military spouses residing here and support HB1606.

Thank you for the opportunity to provide testimony

LATE

HB-1606

Submitted on: 2/12/2020 10:18:26 PM

Testimony for LAB on 2/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Kaitlyn Stafford	Individual	Support	No

Comments:

Hello,

I am Dr. Kaitlyn Stafford, a military spouse and practicing clinical social worker here in Hawaii. I have spent the last several years researching the impact of military life on the careers and lives of military spouses, like myself, whose professions require licensure. My own licensure obstacles led me to my current research endeavors. In a recent study I conducted of military spouses who work in behavioral health fields, licensure portability (or obtaining a license in a new place) was noted by participants, more frequently than any other factor, as having the most negative impact on their careers (Stafford, 2018).

While it is not uncommon for spouses to move every two years, or less, these spouses have much to offer the local community in the time they live here. For example, I currently work in Waimanalo in private practice, serving the local community by providing trauma and addiction therapy. It is because of my Hawaii license that I am able to do so, but obtaining licensure can often take months or sometimes years for spouses who are well-qualified, experienced, and already licensed in several other states. This can lead to several issues including underemployment, unemployment, or geobatching (the spouse does not move with his or her service member in order to continue career related goals). This bill will eliminate unnecessary barriers for so many military spouses. These spouses are well-educated and experienced and have skills that will also benefit the local community. As you consider this bill, please understand that spouses like me depend on our licenses to provide for our families and to pursue our own purposes. We just want to do our jobs well wherever we are stationed. This bill will make that very thing just a little easier for all of us. Thank you for your time.

LATE

HB-1606

Submitted on: 2/12/2020 10:30:13 PM
Testimony for LAB on 2/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brittney Leverkusn	Individual	Support	No

Comments:

As a current Speech Pathologist and military spouse of 5 years I support HB1606. This bill will reduce the time it takes for military spouses to receive their licenses, therefore, lessening the amount of time away from work during military moves to the island. Speech pathologists are in demand in the state of Hawaii and there are many job openings. HB1606 would allow qualified military spouses to find and accept jobs faster. I support this bill as it lessens the burden on military spouses that are interested in working in the state of Hawaii.

Late Testimonies



DEPARTMENT OF THE ARMY
U.S. ARMY INSTALLATION MANAGEMENT COMMAND-PACIFIC
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LATE

TESTIMONY ON
HOUSE BILL 1606, RELATING TO PROFESSIONAL AND VOCATIONAL LICENSURE

PRESENTATION TO:
THE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

By

COLONEL THOMAS BARRETT
COMMANDER, U.S. ARMY GARRISON HAWAII

February 13, 2020


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Thank you for the opportunity to provide testimony to support HB 1606.

Col. Thomas Barrett, 808-656-0610.


Thomas J. Barrett
Colonel, US Army
Commanding