

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 1158
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred S.B. No. 1158 entitled:

"A BILL FOR AN ACT RELATING TO THE BOILER AND ELEVATOR SAFETY LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow the Department of Labor and Industrial Relations to revoke or suspend a permit to operate a pressure retaining item, amusement ride, or elevator and kindred equipment, for which the required fees or fines have not been paid; and
- (2) Eliminate the fee schedules for boilers and pressure systems, elevators and kindred equipment, and amusement rides.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations.

Your Committee finds that the Legislature established the Boiler and Elevator Special Fund in 2012, as a mechanism for self-sufficiency for the Boiler and Elevator Inspection Branch (Branch), Hawaii Occupational Safety and Health Division, Department of Labor and Industrial Relations (Department). The



objective was to improve public safety by allowing the Branch to expend the fund to hire and retain the necessary staffing to clear the backlog of critical load tests on elevators, internal inspections of escalators, and inspections of amusement rides. In 2018, the fund was converted into the Boiler and Elevator Revolving Fund (Revolving Fund). Under the law, all fees collected for services rendered under the Boiler and Elevator Safety Law, such as inspection and examination fees and fees for issuance of permits, certificates, and licenses, are required to be paid into the Revolving Fund.

Your Committee finds, however, that the viability of the Revolving Fund is currently threatened, as the Department has been struggling to collect the fees for inspections that have been completed. Due to insufficient resources, the Department has not been able to perform inspections of all elevators and kindred equipment in a timely manner. Your Committee finds it imperative that the Revolving Fund be revitalized for the interest of public safety. This measure, which allows the Department to revoke or suspend permits to operate equipment in the event the required fees are unpaid, will encourage the timely payment of fees, and assist in the revitalization of the Revolving Fund. Your Committee also finds that the fee schedules for boilers and pressure systems, elevators and kindred equipment, and amusement rides are outdated and unnecessary, as they are now set forth in the Department's administrative rules.


Accordingly, your Committee has amended this measure by:

- (1) Making a conforming amendment to section 397-2, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1158, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1158, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,



BRIAN T. TANIGUCHI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* SB 1158	Committee Referral: LCA, WAM/JDC	Date: 2/10/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes