

ACT 165

S.B. NO. 2338

A Bill for an Act Relating to the Certification of Hoisting Machine Operators.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature, in consultation with affected labor organizations, labor/management organizations, and management organizations with expertise in local hoisting operation training and practical testing experience finds that the certification of hoisting machine operators in construction, demolition, or excavation work is necessary to provide public and worker safety as well as for the economic well-being of the employers. Regulation of this profession is best served through the creation of a hoisting machine operators advisory board that will adopt rules for the certification of hoisting machine operators.

The purpose of this Act is to establish a regulatory framework to govern the hoisting machine operator profession.

SECTION 2. Chapter 396, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§396- Hoisting machine operators advisory board. There is created a hoisting machine operators advisory board, to be composed of five members to serve without compensation and without reimbursement for expenses. Members shall be appointed by the governor under section 26-34.

The board shall adopt rules pursuant to chapter 91 for the certification of hoisting machine operators.

§396- Hoisting machine operators' certification revolving fund. (a)

There is established in the state treasury a revolving fund to be known as the hoisting machine operators' certification revolving fund into which shall be deposited all fees, penalties, fines, and interest collected from:

- (1) Certification of hoisting machine operators;
- (2) Interest and investment moneys earned on any moneys in the fund; and
- (3) All moneys received for the fund from any source.

The moneys in the fund may be used to carry out the purposes of this section. The director of finance shall disburse the moneys in the fund in accordance with instructions from the director.

(b) The fund may be used for:

- (1) Personnel and operating expenses for an executive director for the hoisting machine operators advisory board;
- (2) All necessary board costs and reimbursements;
- (3) Preparation and dissemination of public information on hoisting machine operators' certification and training;
- (4) Preparation of annual reports on certification program activities and accomplishments and on the fund; and
- (5) Any reimbursements to the state general fund for funds appropriated by the legislature to establish the revolving fund.

(c) The director shall submit an annual report to the legislature on the status of the fund, including expenditures and program results, not less than twenty days prior to the convening of each regular session."

SECTION 3. Section 396-3, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Certified safety professional” means an individual who is certified by the board of certified safety professionals.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000, or so much thereof as may be necessary for fiscal year 1998-1999, for the expenses of one part-time executive director and one part-time secretary for the hoisting machine operators advisory board.

SECTION 5. The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 6. On July 1, 2000, the director of labor and industrial relations shall authorize the director of finance to disburse the sum of \$50,000 or so much thereof as may be necessary from the hoisting machine operators' certification revolving fund to the credit of the state general fund as reimbursement for funds appropriated by the legislature to establish the hoisting machine operators' certification program established pursuant to this Act.

SECTION 7. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval; provided that sections 4 and 5 of this Act shall take effect on July 1, 1998.

(Approved July 14, 1998.)

Note

1. Edited pursuant to HRS §23G-16.5.