STAND. COM. REP. NO. 1536

Honolulu, Hawaii

RE: H.C.R. No. 124

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Economic Revitalization, Business, & Military Affairs, to which was referred H.C.R. No. 124 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DETERMINE THE PROPER INTERPRETATION AND APPLICATION OF THE TERM "INCIDENTAL AND SUPPLEMENTAL" WITH REGARD TO THE CONTRACTING BUSINESS,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the Department of Commerce and Consumer Affairs (DCCA) to convene a task force to determine the proper interpretation and application of the phrase "incidental and supplemental" to construction project procurement bid proposals.

The Subcontractors Association of Hawaii, Hawaii Flooring Association, Roofing Contractors Association of Hawaii, Hawaii Wall and Ceiling Industries Association, Tile Contractors Promotional Program, Plumbing and Mechanical Contractors Association of Hawaii, Sheetmetal Contractors Association of Hawaii, Painting and Decorating Contractors Association, and Pacific Insulation Contractors Association supported this measure. The Iron Workers Stabilization Fund supported this measure with an amendment. The Building Industry Association of Hawaii, DCCA, Contractors License Board, and General Contractors Association of Hawaii opposed this measure.

Your Committee has amended this concurrent resolution by:

- (1) Replacing the DCCA task force with a study by the Legislative Reference Bureau (LRB);
- (2) Requesting LRB to determine the extent of work that can be performed by a specialty contractor when the specialty contractor is not licensed for that work;
- (3) Requesting LRB to consider the interests and protection of consumers in conducting the study;
- (4) Amending the title of this concurrent resolution to read: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE PROPER INTERPRETATION AND APPLICATION OF THE PHRASE "INCIDENTAL AND SUPPLEMENTAL" WITH REGARD TO THE CONTRACTING BUSINESS"; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization, Business, & Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 124, as amended herein, and recommends that it be referred to the Committee on Consumer Protection & Commerce in the form attached hereto as H.C.R. No. 124, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Economic Revitalization, Business, & Military Affairs,

ANGUS L.K. MCKELVEY, Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Economic Revitalization, Business, & Military Affairs

Bill/Resolution No.:	Committee	Referral:	pc I	Date: 04/02/04	7
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
EBM Members		Ayes	Ayes (WR)) Nays	Excused
1. McKELVEY, Angus L.K. (C)		4			
2 CHON I W (VC)					
2. CHOY, Isaac W. (VC)		-			
3. BERG, Lyla B.		Υ			
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4. EVANS, Cindy		Y			
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5. MANAHAN, Joey					\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \
-6. TAKAI, K. Mark					
7. TOKIOKA, James Kunane		X			
8. TSUJI, Clift		X			
9. WAKAI, Glenn					\
7. WAKAI, Olem					χ
10. WOOLEY, Jessica					X
				in the second se	
11. WARD, Gene]				7
					4
TOTAL (11)		6	0	Ó	4
The recommendation is: Adopted If joint referral, committee acronym(s) Adopted did not support recommendation.					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					