

Hawaii Immigrant Justice Center

(Formerly known as Na Loio)

Serving Hawaii's Immigrant Families and Children

To : Senate Committee on Labor
From : Robin H. Kobayashi, Hawaii Immigrant Justice Center
RE : **Testimony Opposing HB 643**
Tuesday, March 24, 2009 at 2:45 p.m., Room 224

The Hawaii Immigrant Justice Center ("Justice Center"), formerly known as Na Loio, opposes HB 643 HD 2.

- Hawaii has the third largest immigrant population per capita in the United States. One in five Hawaii residents is born outside this country according to the 2000 U.S. Census. A majority of these individuals are entitled to work legally in the U.S. – more than half of all immigrants are naturalized citizens and even more have Green Cards, Visas, or other legal authority to work lawfully. Federation for American Immigration Reform, Extended Immigration Data for Hawaii (2007).
- Hawaii has the second largest immigrant stock, which is immigrants and children born to immigrants in the United States, at 35.7% or about 433,000 individuals of Hawaii's overall population. *Id.*
- Hawaii does not have a large undocumented immigrant population. The Pew Hispanic Center estimates that Hawaii has more undocumented workers than only 9 other states in the Union. The Federation for Immigration Reform estimates that only 3,000 individuals are undocumented immigrants in Hawaii. *Id.*
- HB 643 does not provide any meaningful way for employers to check that employees are truly documented. HB 643 imposes harsh penalties for hiring undocumented workers, but undocumented workers constitute a vast minority of immigrants. The result will only be more pervasive employment discrimination against those who *appear* "foreign," and thereby undocumented, but who actually have a legal right to work in the United States.
- HB 643 is redundant of and preempted by the Federal government's requirement that all employer require every employee to complete and submit an I-9 Employment Verification Form.

- In order to effectively enforce this legislation, additional funds must be provided to the Department of Commerce and Consumer Affairs and the Department of Labor. The Legislature has indicated that needed funds for almost all safety-net services will be cut at this time of severe economic crisis. Allocating funds to enforce this measure that is redundant of federal legislation is a poor use of scarce tax payer dollars during this economic crisis.

Because eligibility is already mandated and the number of undocumented workers is so small in Hawaii, HB 643 levies a heavy hand to a small problem. Consequently, this bill only reeks of an anti-immigrant sentiment that insults this State's rich tradition that is rooted in the immigrant experience. Please do not pass this bill.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

April 2, 2009

Senator Brian Taniguchi, Chair
Committee on Judiciary and Government Operations
State Capitol, Room 016
Honolulu, HI 96813

RE: HB643, HD2, SD1 "Relating to Contractors"

Dear Chair Taniguchi and Members of the Committee on Judiciary and Government Operations:

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). BIA-Hawaii supports the intent of HB643, HD2, SD1 "Relating to Contractors"; **however, we do not believe it is necessary to pass this bill** in order to deter licensed contractors from hiring undocumented or ineligible workers as this hiring practice is already covered by federal law.

If it is the will of the Legislature to pass this bill, the bill in its current form SD1 is an improvement from the previous draft.

Thank you for consideration of our views.



Chief Executive Officer
BIA-Hawaii

**PRESENTATION OF THE
CONTRACTORS LICENSE BOARD**

TO THE SENATE COMMITTEE ON JUDICIARY
AND GOVERNMENT OPERATIONS

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Thursday, April 2, 2009
10:15 a.m.

**WRITTEN COMMENTS ON HOUSE BILL NO. 643, H.D. 2, S.D. 1, RELATING TO
CONTRACTORS.**

TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Contractors License Board ("Board") appreciates the opportunity to submit comments on House Bill No. 643, H.D. 2, S.D. 1, which authorizes the Board to discipline a licensee for knowingly hiring an ineligible worker on a public works project.

The Board supports the intent of the bill, which is to prevent employers from hiring ineligible workers; however, we question the need for specific penalties for contractors. There are federal statutes and enforcement agencies already in place to address this issue, and employers must submit employment verification forms indicating that the individual is authorized to work in the U.S. We feel that any employer using ineligible workers should be dealt with by the proper authorities, whether or not the employer is a contractor, and regardless of whether the employee was hired for a public works project.

Thank you for the opportunity to present comments on House Bill No. 643, H.D. 2, S.D. 1.



Testimony of C. Mike Kido
External Affairs
The Pacific Resource Partnership
Senate Committee on Judiciary & Government Operations
Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair

HB 643, HD2, SD1 – RELATING TO CONTRACTORS
Thursday, April 2, 2009
10:15 a.m.
Conference Room 016

***ADDENDUM**

Chair Taniguchi, Vice Chair Takamine and Members of the Senate Committee on Judiciary & Government Operations:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union.

PRP strongly supports HB 643, HD2, SD1 – Relating to Contractors. The Bill would authorize the Contractors License Board to suspend, revoke, or refuse to renew a contractor's license for employing a worker on a public work project who is ineligible to work in the United States under federal law. We support this bill for the following reasons:

- On May 1, 2007, Governor Lingle signed Act 52 into law prohibiting the State and its counties from hiring illegal and/or undocumented workers.
- In December of the same year, 19 illegal workers were arrested at The Pinnacle condominium located in downtown Honolulu, and another 11 being housed at a warehouse in Halawa Industrial Park.
- In 2008, an additional estimated 150 and illegal or undocumented workers were arrested across our state. Of this number 127 of the illegal workers were employed in the construction industry.
- Since the occurrence of these raids, the DCCA and its licensing entities have been silent on this issue, and have shown no sign of taking any action against the licenses of these unscrupulous contractors who take part in the illegal and morally bankrupt business practice of hiring illegal aliens.
- In 2005, The Pew Hispanic Center produced a study that estimated the illegal immigrant population in Hawaii to be approximately 20-35 thousand. In January of 2009, the U.S. Bureau of Labor Statistics estimated the number of unemployed people in our state to be

approximated 39,000. Therefore, companies who are hiring illegal workers in our state are taking gainful employment away from our local workers who are struggling to keep food on their families tables, pay their bills, and keep their homes.

- HB 643, HD 2, SD1 adds to the list of actionable items given to the DCCA and its licensing boards that can be used to affect the license status of unscrupulous employers.
- HB 643, HD 2, SD1 does not raise issues of federal preemption as this Bill addresses only the ability of the state to affect the business and professional or vocational licenses of unscrupulous employers. A function that rest soundly within the State's powers.
- The intent of HB 643, HD 2, SD1 is not to have negative effect on employers found to have illegal or undocumented workers in their employment, BUT only to affect those employers who INTENTIONALLY OR KNOWINGLY hire these workers.
- HB 643, HD2, SD1 is not intended to require employers test the veracity of the documents presented to them by their employees beyond what is on the face of the documents presented for federal I-9 recordkeeping purposes. However, if a contractor wishes to be sure that his employee is cleared to work in the U.S. it is recommended that the contractor consult the free federal service e-Verify provided online by the Department of Homeland Security.

Thank you for the opportunity to share our views with you and we respectfully ask for your consideration on HB 643, HD2, SD1.

***Please note current effective date in bill description: 7/1/2046. We would like to request effective date to be amended. Thank you.**