

MAR 10 2010

SENATE RESOLUTION

REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO MAKE
RECOMMENDATIONS REGARDING SIMPLIFICATION OF SPECIALTY
LICENSE CLASSIFICATIONS FOR CONTRACTORS.

1 WHEREAS, the purpose of the Contractors License Board as
2 stated in section 444-4(2), Hawaii Revised Statutes, is the
3 protection of the general public; and

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5 WHEREAS, the number of specialty license classifications
6 currently exceeds one hundred ten; and

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8 WHEREAS, each time a new specialty license classification
9 is created it potentially precludes persons who had been hired
10 to do that type of work under another classification from
11 continuing to do that work; and

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13 WHEREAS, complaints from the public against contractors
14 often take months if not years to resolve because of technical
15 issues relating to the scope of work each licensed contractor is
16 licensed to do or which licenses are needed to enter into a
17 construction contract; and

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19 WHEREAS, the public, procurement agencies, and contractors
20 themselves often do not know for certain which contractor can
21 legally do a specific item of work; and

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23 WHEREAS, technical errors relating to which specialty
24 contractor can do specific items of work on public works
25 projects is delaying the award of public works; and

26
27 WHEREAS, technical and clerical errors relating to the
28 listing of specialty subcontractors on construction bid
29 proposals for public works projects submitted pursuant to
30 chapter 103D-302, Hawaii Revised Statutes, cost the public
31 millions of dollars due to disqualifications of otherwise low
32 and responsible bids; and

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34 WHEREAS, protests of bid proposals due to allegations of
35 improper listing of specialty contractors on public works



1 projects is resulting in delaying the awards of public works
2 projects and is jeopardizing Hawaii's receipt of American
3 Recovery and Reinvestment Act funding; and
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5 WHEREAS, there are many provisions in chapter 444, Hawaii
6 Revised Statutes, that are highly restrictive without providing
7 any increase in the protection of the general public; and
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9 WHEREAS, every year there are numerous proposals to modify
10 chapter 444, Hawaii Revised Statutes, indicating that many
11 groups have concerns with chapter 444; now, therefore,
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13 BE IT RESOLVED by the Senate of the Twenty-fifth
14 Legislature of the State of Hawaii, Regular Session of 2010,
15 that the Director of Commerce and Consumer affairs is requested
16 to establish a task force to be named the Contractors Licensure
17 Review Task Force (Task Force); and
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19 BE IT FURTHER RESOLVED that the Task Force consist of the
20 following members to be appointed by the Director of Commerce
21 and Consumer Affairs:
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- 23 (1) Three representatives from the General Contractors
24 Association of Hawaii;
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- 26 (2) Three representatives from the Building Industry
27 Association of Hawaii;
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- 29 (3) Two representatives of specialty contractors;
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- 31 (4) One representative of the specialty trades;
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- 33 (5) One representative of the basic trades;
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- 35 (6) One representative of the Contractors License Board;
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- 37 (7) One representative from the Department of Commerce and
38 Consumer Affairs; and
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- 40 (8) One representative from the State Procurement Office;
41 and
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43 BE IT FURTHER RESOLVED that the purpose of the Task Force
44 is to review chapter 444, Hawaii Revised Statutes, title 16,



1 chapter 77, Hawaii Administrative Rules, and the contractor
2 licensing laws of other states with the intent of significantly
3 reducing the number of contractor classifications and providing
4 a simpler contractor licensing structure. The goal of the Task
5 Force is to protect the public and taxpayers of this State and
6 not the special interests of the contracting community; and
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8 BE IT FURTHER RESOLVED that the members of the Task Force
9 select a chairperson from among themselves, and the chairperson
10 is requested to convene meetings of the Task Force; and
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12 BE IT FURTHER RESOLVED that the members of the Task Force
13 serve without compensation or reimbursement for expenses; and
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15 BE IT FURTHER RESOLVED that the Task Force be situated in
16 the Department of Commerce and Consumer Affairs for
17 administrative purposes; and
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19 BE IT FURTHER RESOLVED that the Legislative Reference
20 Bureau is requested to assist the Task Force in drafting its
21 recommendations and proposed legislation; and
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23 BE IT FURTHER RESOLVED that the Task Force is requested to
24 submit a report of its findings and recommendations, including
25 any implementing legislation, to the Legislature no later than
26 twenty days before the convening of the Regular Session of 2011;
27 and
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29 BE IT FURTHER RESOLVED that the Task Force cease to exist
30 after June 30, 2011; and
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32 BE IT FURTHER RESOLVED that certified copies of this
33 Resolution be transmitted to the Director of Commerce and
34 Consumer Affairs, the Contractors License Board, the General
35 Contractors Association of Hawaii, the Building Industry
36 Association of Hawaii, the Legislative Reference Bureau, and the
37 State Procurement Office.
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OFFERED BY: _____

