STAND. COM. REP. NO. 510

Honolulu, Hawaii MAN 15, 2013.

RE: H.B. No. 846 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committees on Water & Land and Agriculture, to which was referred H.B. No. 846 entitled:

"A BILL FOR AN ACT RELATING TO THE OWNER-BUILDER EXEMPTION, "

beg leave to report as follows:

The purpose of this measure is to clarify the responsibilities of and add protections for owner-builders exempt from the licensing requirements of Hawaii's contractor laws.

The Department of Commerce and Consumer Affairs, Pacific Resource Partnership, and General Contractors Association of Hawaii testified in support of this measure. The Contractors License Board, Building Industry Association of Hawaii, Subcontractors Association of Hawaii, and one individual testified in support of this measure with amendments. The Hawaii Farm Bureau Federation opposed this measure. The Hawaii Association of Realtors submitted comments.

Your Committees have amended this measure by:

- Preventing owner-builders from recovering from the Contractors Recovery Fund set up in section 444-26, Hawaii Revised Statutes;
- (2) Adding an exception to the owner-builder law for agricultural structures that are exempt from the building code or do not require a building permit;

HB846 HD1 HSCR WAL-AGR HMS 2013-2107

STAND. COM. REP. NO. Page 2

- 576
- (3) Clarifying when a licensed contractor must explain and disclose to the homeowner certain rights and information regarding the contract for services;
- (4) Adding a fee structure to fund the processing of applications and the field and investigation process regarding the owner-builder scheme; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Water & Land and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 846, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 846, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

> Respectfully submitted on behalf of the members of the Committees on Water & Land and Agriculture,

CINDY EVANS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature



## Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB 846	ee Referral:	Date:	2/13	13		
$\frac{HB846}{D} \frac{WAL/AGR, CPC}{D} = \frac{2}{13}$						
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)						
WAL Members	Ayes	Ayes (WR)	Nays	Excused		
1. EVANS, Cindy (C)			·····			
2. LOWEN, Nicole E. (VC)						
3. COFFMAN, Denny				$\checkmark$		
4. CULLEN, Ty J.K.						
5. HANOHANO, Faye P.	$\checkmark$					
6. KAWAKAMI, Derek S.K.				V		
7. LEE, Chris				V		
8. FALE, Richard Lee			—			
9. THIELEN, Cynthia						
TOTAL (9)	5			4		
The recommendation is: Adopted If joint referral, did not support recommendation.						
Vice Chair's or designee's signature: Mitcle Er Lucen						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						

State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 516

## **Record of Votes of the Committee on Agriculture**

Bill/Resolution No.:Committee Referral:Date:HB846VAL/AGR, CPC2/13/13						
□ The committee is reconsidering its previous decision on the measure.						
The recommendation is to:       Image: Pass, unamended (as is)       Image: Pass, with amendments (HD)       Image: Hold         Image: Pass short form bill with HD to recommit for future public hearing (recommit)						
AGR Members	Ayes	Ayes (WR)	Nays	Excused		
1. WOOLEY, Jessica (C)						
2. ONISHI, Richard H.K. (VC)	$\checkmark$					
3. BROWER, Tom						
4. CACHOLA, Romy M.						
5. CHOY, Isaac W.				~		
6. OHNO, Takashi	$\checkmark$					
7. TAKAYAMA, Gregg						
8. TOKIOKA, James Kunane						
9. TSUJI, Clift						
10. CHEAPE, Lauren Kealohilani						
11. WARD, Gene	$\checkmark$					
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TOTAL (11)	8			3		
The recommendation is:       Adopted       Not Adopted         If joint referral,						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						