

**PRESENTATION OF THE
CONTRACTORS LICENSE BOARD**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Wednesday, February 10, 2016
2:10 p.m.

TESTIMONY ON HOUSE BILL NO. 129, H.D. 1, RELATING TO CONTRACTORS.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Peter H.M. Lee, and I am the Chair of the Contractors License Board's ("Board") Legislation Committee. Thank you for this opportunity to testify in opposition to House Bill No. 129, H.D. 1, Relating to Contractors, which proposes to add a new section to Hawaii Revised Statutes ("**HRS**") chapter 444, authorizing the Board to accept reasonably equivalent experience in lieu of the specific experience requirement for licensure.

The Board is not clear on the intent of this measure, as its current rules already include similar language, as follows:

§16-77-20 Power of board to accept equivalent knowledge. The board in its discretion may accept any reasonably equivalent knowledge, training, or experience of the applicant in lieu of a specific experience requirement if upon investigation it makes a detailed finding to that effect.

Therefore, the Board already has the authority to accept equivalent knowledge, and creating a new section in the statute for that purpose is unnecessary and unwarranted.

If the purpose of this bill is to make written findings available for public inspection, please note that the Board makes all of its information available to the public in

compliance with the Uniform Information Practices Act under HRS chapter 92F.

Furthermore, the Board has serious concerns about providing detailed findings regarding an applicant's experience to the public. HRS section 92F-14 states that applicants for licensure have a significant privacy interest in the information they submit for consideration by the Board. Therefore, pursuant to that law, divulging details regarding an applicant's knowledge, training, and experience may constitute a clearly unwarranted invasion of personal privacy.

In summary, amending our law to accept equivalent knowledge, training, and experience is unnecessary, as the Board already has this authority, and requiring disclosure of detailed information regarding an applicant's qualifications may violate HRS chapter 92F. For these reasons, the Board is opposed to House Bill No. 129, H.D. 1, and respectfully requests that it be **held**.

Thank you for the opportunity to testify on House Bill No. 129, H.D. 1.

Testimony of Brooke Wilson
The Pacific Resource Partnership

State of Hawaii
House of Representatives
COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Representative Angus L.K. McKelvey, Chair
Representative. Justin H. Woodson, Vice Chair

HB 129, HD1 – Relating to Contractors
Wednesday, February 10, 2016
2:10 p.m.
Conference Room 325

Aloha Chair McKelvey, Vice Chair Woodson and Members of the Committee:

We are in **opposition** of HB 129, HD1. This bill allows the Contractors License Board (CLB), for contracting positions excluding elevator mechanics, to accept in lieu of a specific experience requirement for licensure, equivalent knowledge, training, or experience, including self-employed or unlicensed experience, if the board investigates and makes a detailed written finding available for public inspection.

Amending the law to accept equivalent knowledge, training, or experience is unnecessary as the CLB already has the authority to do so and creating a new section in the statute for that purpose is unnecessary and unwarranted.

Thank you for the opportunity to share our opinion and we respectfully request HB 129, HD1 be held in committee.

About PRP

Pacific Resource Partnership (PRP) is a not-for-profit organization that represents the Hawaii Regional Council of Carpenters, the largest construction union in the state, and more than 240 of Hawaii's top contractors. Through this unique partnership, PRP has become an influential voice for responsible construction and an advocate for creating a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs and enhances the quality of life for all residents.



IRONWORKERS STABILIZATION FUND

February 8, 2016

Angus McKelvey, Chair
Committee on Consumer Protection & Commerce
House of Representatives
State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Honorable Chair McKelvey and Members of the Committee on Consumer Protection & Commerce:

Re: Strong Support for HB 129 – Relating to Contracts

We are in strong support of HB 129, Relating to Contractors. Under present practices, the Contractors License Board (CLB) is not required to make public its finding as to why it is granting an applicant a license even if said applicant does **not** possess the necessary experience called for in Hawaii Administrative Rules (HAR) Section 16-77-18.

For public safety reasons, we believe the public has a **right** to know **why** an exception is being made, leading to an applicant being granted a license without meeting the experience requirement found in HAR Section 16-77-18. The Board should be mandated to make its findings public.

We cite an example to highlight this issue. Within the past few years, a vice president of a large construction company applied for five (5) separate specialty contractors licenses. Under HAR Section 16-77-18, every individual applicant must have at least four (4) years of “hands on” experience in that particular specialty applied for.

Had the CLB required said VP to follow section 16-77-18, it would have demanded that said VP show he had the necessary four (4) years of “hands on” experience in **each** of the five (5) specialty licenses applied for. Needless to say, this requirement was not met.

Again we strongly support this measure for the safety of the working men and women of Hawaii. Thank you for your time and consideration.

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Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 10, 2016

TO: HONORABLE ANGUS MCKELVEY, CHAIR, HONORABLE JUSTIN WOODSON,
VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON CONSUMER
PROTECTION & COMMERCE

SUBJECT: **OPPOSITION TO H.B. 129, HD1 RELATING TO CONTRACTORS.** Allows the
Contractors License Board, for contracting positions excluding elevator
mechanics, to accept in lieu of a specific experience requirement for licensure,
equivalent knowledge, training, or experience, including self-employed or
unlicensed experience, if the board investigates and makes a detailed written
finding available for public inspection.

HEARING

DATE: Wednesday, February 10, 2016
TIME: 2:10 p.m.
PLACE: Conference Room 325

Dear Chair McKelvey, Vice Chair Woodson, and Members of the Committee,

The General Contractors Association (GCA) is an organization comprised of over five hundred seventy general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

H.B. 129, HD1, Relating to Contractors, proposes to add a new section to Chapter 444, Hawaii Revised Statutes (HRS) to further expand the Contractors License Board authority to accept equivalent knowledge, training, or experience in lieu of specific experience requirement, including self-employed or unlicensed experience and making those findings available for public inspection.

The GCA is **opposed** to this measure because existing statute already allows the Contractors License Board (Board) to accept equivalent knowledge, training or experience in lieu of specific experience under Section 444-11(a)(2), HRS, which may include self-employed or unlicensed experience, as long as such can be verified, while excluding elevator mechanics from such. The difference between existing statute and the proposed measure is that this bill would require the Board to declare in writing how and what their findings were when using in lieu experience. Such declarations in writing would subject the Board and its' staff to more administrative burden and increased exposure to private applicant information. The current application process is rigid and involves close scrutiny by the Applications Committee of the Board and final approval by the entire membership of the Board.

Furthermore, pursuant to section 444-16, HRS and section 16-77-14, HAR, the Board posts a list of contractor license applicants and allows any member of the public to comment on those applicants. Under Uniform Information Practices Act (UIPA) codified as Chapter 92F, HRS, the Board may not disclose certain information regarding an applicant because of .significant privacy interest the applicant has in the information.

The GCA respectfully requests that this bill be held. GCA appreciates the opportunity to provide comments in opposition to H.B. 129. HD1

Testimony to the House Committee on Consumer Protection & Commerce
Wednesday, February 10, 2016
2:10 PM.
State Capitol - Conference Room 325

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RE: HB 129 HD1, RELATING TO CONTRACTORS. Allows the contractors license board to accept in lieu of a specific experience requirement for licensure, equivalent knowledge, training, or experience, including self-employed or unlicensed experience, if the board investigates and makes a detailed written finding available for public inspection.

Dear Chair McKelvey, Vice-Chair Woodson, and members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-Hawaii opposes HB 129 HD1, because it is not needed. The current rules of the Contractors License Board already contain similar language. The Board currently has the authority to accept equivalent knowledge, so it is not necessary to create a new section in the HRS to establish this.

In regards to the section which makes written findings available for public inspection, this is already done in compliance with the Uniform Information Practices Act. If the intent of this bill is to broaden the scope of the information made available to the public, there would be serious concerns with regards to the privacy of the applicant.

Thank you for the opportunity to express our views on this matter.

woodson2-Shingai

From: woodson2-Shingai on behalf of CPCtestimony
Sent: Tuesday, February 09, 2016 3:04 PM
To: CPCtestimony
Cc: chayashi@hawaiiilecet.org
Subject: RE: Submitted testimony for HB129 on Feb 10, 2016 14:10PM

Aloha,

Thank you for your email. Unfortunately, this testimony was not included in the packet to the committee. Should you want your testimony to be noted for the record, please come to the hearing with twenty-two (22) hard copies for members and staff offices. We will not make copies for you.

For future testimony to the committee, please follow the directions on the hearing notice . An email confirmation is received when testimony is successfully transmitted.

Mahalo.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 09, 2016 2:47 PM
To: CPCtestimony <cpctestimony@capitol.hawaii.gov>
Cc: chayashi@hawaiiilecet.org
Subject: Submitted testimony for HB129 on Feb 10, 2016 14:10PM

LATE

HB129

Submitted on: 2/9/2016

Testimony for CPC on Feb 10, 2016 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Clyde Hayashi	Hawaii LECET	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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