

STAND. COM. REP. NO.

366

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1040
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1040 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY
AND HEALTH LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to change the civil
penalty amounts and additional criminal fines to unspecified
amounts for violations of the Hawaii Occupational Safety and
Health Law (HIOSH).

Your Committee received testimony in support of this measure
from the Department of Labor and Industrial Relations, ILWU Local
142, and the Hawaii Laborers' Union. Your Committee received
comments on this measure from the Roofing Contractors Association
of Hawaii.

Your Committee finds the current penalties for violations of
HIOSH were last increased in 1992, under a Congressional mandate.
As noted in the testimony submitted by the Department of Labor and
Industrial Relations, Congressional and state intent is for
penalties to be sufficient to provide deterrence for employers who
choose to disregard their obligations to provide a safe and
healthy workplace. While the Department has been seeking to
prevent workplace accidents through a mix of incentives for those
employers who want to but cannot comply with HIOSH and
disincentives for employers who repeatedly choose to disregard

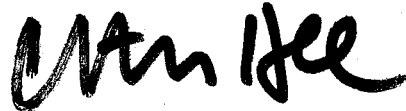


HIOSH, the amount of penalties should be updated to adequately fulfill that disincentive function.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to facilitate further discussion on this measure particularly the appropriate penalty amounts.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1040, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1040, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

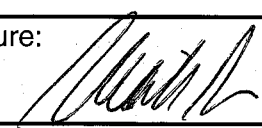


CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1040	JDL, WAM	2/8/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
TOTAL	3	0	1	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes