

Honolulu, Hawaii

April 27, 2012

RE: H.B. No. 1295
H.D. 3
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1295, H.D. 3, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BUSINESS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to deter unlicensed contracting activity.

Specifically, the measure:

- (1) Adds a new part to Chapter 708, Hawaii Revised Statutes, that establishes:
 - (A) Misdemeanor and felony offenses relating to unlicensed contracting activity;



- (B) Felony offenses relating to unlicensed contractor fraud; and
 - (C) A method for valuation of property in unlicensed contractor fraud cases; and
- (2) Amends the Uniform Professional and Vocational Licensing Act, Chapter 436B, Hawaii Revised Statutes, to clarify a provision relating to penalties for unlicensed contracting activity.

Upon further consideration, your Committee on Conference has amended this measure by:

- (1) Clarifying that the offense of unlicensed contracting activity does not apply when the person is unlicensed only because of an inadvertent failure to renew a previously existing license;
- (2) Separating the offense of unlicensed contractor fraud into first and second degree offenses based upon the total value of the property obtained by commission of the fraud;
- (3) Changing the effective date to July 1, 2012; and
- (4) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1295, H.D. 3, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1295, H.D. 3, S.D. 2, C.D. 1.

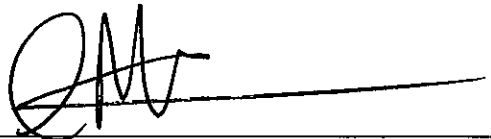
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE



CLAYTON HEE, Chair

ON THE PART OF THE HOUSE



ANGUS L.K. MCKELVEY, Co-Chair

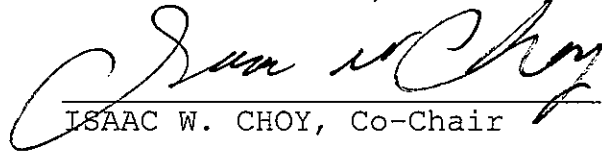



MICHELLE KIDANI, Co-Chair


ROSALYN H. BAKER, Co-Chair


GILBERT KEITH-AGARAN, Co-Chair


ROBERT N. HERKES, Co-Chair


ISAAC W. CHOY, Co-Chair



Hawaii State Legislature

CCR 59-12

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 1295, HD 3, SD 2	Date/Time: April 26, 2012 / 3:45 p.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).



The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HBE, Clayton, Chr.	✓				MCKELVEY, Angus L.K., Co-Chr.	✓			
KIDANI, Michelle N., Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			B ^u
BAKER, Rosalyn H., Co-Chr.	✓				HERKES, Robert N., Co-Chr.	✓			
SLOM, Sam				✓	CHOY, Isaac W., Co-Chr.	✓			
					PINE, Kymberly Marcos	✓			
TOTAL	3			1	TOTAL	5			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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