

STAND. COM. REP. NO. 1636

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 1004  
H.D. 1  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred H.B. No. 1004, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE BOILER AND ELEVATOR SAFETY LAW,"

beg leave to report as follows:

The purpose and intent of this measure is to facilitate the administration of the boiler and elevator safety law.

More specifically, the measure:

- (1) Authorizes the Director of Labor and Industrial Relations to prohibit the operation of pressure retaining items, amusement rides, and elevators and kindred equipment if inspection fees or fines are not timely paid;
- (2) Replaces the statutory boiler and elevator fee schedule and with a requirement that the Director of Labor and Industrial Relations prescribe the fees; and
- (3) Replaces certain terms throughout chapter 397, Hawaii Revised Statutes.



Your Committees received written comments in support of this measure from the Department of Labor and Industrial Relations.

Your Committees recognize that the Department of Labor and Industrial Relations lacks sufficient resources to timely perform inspections of elevators and other equipment subject to the boiler and elevator safety law. Your Committees also recognize that the fee schedules under the law are outdated and unnecessary. Your Committees believe that by authorizing the Department to prohibit the operation of pressure retaining items, amusement rides, and elevators and other equipment if fees and fines are not timely paid, and by authorizing the Director of Labor and Industrial Relations to establish fees by the adoption of administrative rules, the Department will be able to better administer the boiler and elevator safety law.

Your Committees have amended this measure by:

- (1) Authorizing, rather than requiring, the Department of Labor and Industrial Relations to rescind certain restrictive orders under certain circumstances;
- (2) Clarifying that a restrictive order may be rescinded when an owner, user, or contractor either has complied with the order by taking corrective action or has paid all fees and fines imposed by the Department;
- (3) Specifying that the Director of Labor and Industrial Relations shall prescribe fees by rules adopted pursuant to chapter 91, Hawaii Revised Statutes; and
- (4) Amending section 397-10, Hawaii Revised Statutes, to conform with other provisions of this measure.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1004, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1004, H.D. 1, S.D. 2.




Respectfully submitted on  
behalf of the members of the  
Committees on Ways and Means  
and Judiciary,



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KARL RHOADS, Chair



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DONOVAN M. DELA CRUZ, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 1004, HD 1, SD 1</i>	<i>LCA, WAM/JDC</i>	<i>4/6/21</i>		
<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
DELA CRUZ, Donovan M. (C)	<i>X</i>			
KEITH-AGARAN, Gilbert S.C. (VC)	<i>X</i>			
ENGLISH, J. Kalani				<i>X</i>
INOUYE, Lorraine R.	<i>X</i>			
KANUHA, Dru Mamo	<i>X</i>			
KIDANI, Michelle N.	<i>X</i>			
MORIWAKI, Sharon Y.				<i>X</i>
SHIMABUKURO, Maile S.L.				<i>X</i>
TANIGUCHI, Brian T.	<i>X</i>			
WAKAI, Glenn	<i>X</i>			
FEVELLA, Kurt	<i>X</i>			
<b>TOTAL</b>	<i>8</i>			<i>3</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>[Handwritten Signature]</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes  
 Committee on Judiciary  
 JDC**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1004, HD1, SD1	LCA, WAM/JDC	4/6/2021

The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     
  Pass, with amendments 2311     
 Hold 2310     
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	7	0	0	0

Recommendation:  Adopted       Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

**Distribution:**      Original      Yellow      Pink      Goldenrod  
 File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy

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