

ELEVATOR MECHANICS LICENSING BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Friday, February 17, 2017

Time: 1:00 p.m.

Place: Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Lawrence T. Morinaga, Industry Member, Chairperson
James Wilburn, Jr., Industry Member, Vice Chairperson
Jammie Garcia-Paahana, Industry Member
Steve Tsunemoto, Industry Member
Constance Cabral, Executive Officer
Rodney J. Tam, Deputy Attorney General ("DAG")
Ronni-Ann Bumgarner, Secretary

Excused: Ronald H. Nakamine, Department of Labor and Industrial Relations ("DLIR")
Designee

Guest: Marc Yamane – International Union of Elevator Constructors ("IUEC") Local
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Agenda: The agenda for this meeting was filed with the Office of the
Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS")
section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at
1:30 p.m. by Chairperson Morinaga.

Approval of Minutes: It was moved by Mr. Tsunemoto, seconded by Vice Chairperson Wilburn,
and unanimously carried to approve the Board meeting minutes of the
January 6, 2017 meeting as circulated.

Legislation
H.B. No. 1381: H.B. No. 1381, Relating to Elevator Mechanics

This bill expands or clarifies various aspects of statutes regarding elevator
mechanic licensing and apprentice registration.

The Executive Officer advised the Board that she had met with Mr. Yamane
and representatives from the Department of Labor and Industrial Relations
("DLIR") on February 10 to discuss the bill. While she was able to address
the administrative issues, she told Mr. Yamane and DLIR that the
substantive issues would need to be determined by the Board. With that,
the Board began discussing the bill.

Regarding the new examination section, the Board recommends deleting subsection (b) and paragraphs (1), (2) and (3). Since the Professional and Vocational Licensing Department ("PVL") provides for the elevator mechanic fees (as well as the fees for all other boards, commissions and programs) in Chapter 53, Hawaii Administrative Rules, paragraph (1) is unnecessary. Paragraph (2) is also unnecessary as the passing score is currently provided for in section 448H-5, relating to the powers and duties of the Board. While this bill proposes to remove the provision on passing score in paragraph 448H-5(3), the Board prefers and recommends retaining the current language and removing the proposed paragraph (2). Paragraph (3) is too restrictive and therefore, should be removed.

Regarding the new apprentice registration section of the bill, the Board agrees with DLIR's recommendation to remove the section on apprentice registration with the Board as apprentices register with DLIR when entering DLIR's apprenticeship program. The Board also recommends that the definition for apprentice elevator mechanic be removed since it would be unnecessary.

Regarding SECTION 4, the Board recommends amending the number of meetings to at least four a year, which is its current schedule, finding that quarterly meetings are sufficient in attending to Board business. More meetings may be scheduled on an as needed basis.

Regarding SECTION 5, the Board recommends removing the language that a Board member shall serve as an advisor to Regulated Industries Complaints Office ("RICO") provided the member is a licensed elevator mechanic. The board holds an important adjudicatory role that is distinct from the prosecutorial role of the RICO, and board members cannot provide advice to RICO on matters that may come before the board for discipline. The Board has already approved and sent to RICO, a list of licensed elevator mechanics to serve on RICO's advisory committee pursuant to section 26-9(s), HRS.

At 3:30 p.m. DAG Tam arrived at the meeting.

Regarding SECTION 7, the bill proposes to allow the Board to issue temporary licenses to apprentices. The Board is not in favor of this as it is potentially harmful and therefore, recommends that it be removed. Currently, a temporary permit is given to elevator mechanics that are licensed in other states for the purpose of engaging in elevator mechanic services in Hawaii due to shortage issues. Allowing apprentices who are in training programs to perform as licensed elevator mechanics puts the public at risk.

The Board was unable to take a position on the proposed subsection 448H-(b). It appeared that a licensed C-16 elevator mechanic may not be necessary in order to preserve the hoistway.

The Board was also unable to take a position on SECTION 6, relating to the proposed qualifications for licensure. The bill proposes that all

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applicants complete a nationally recognized training program such as the National Elevator Industry Educational Program. Currently, applicants may either complete a formal training program or obtain training under a licensed elevator mechanic. As proposed, the bill would eliminate one avenue of training.

It was pointed out to the Board that there needs to be strong justification, such as safety issues, when limiting or tightening qualifications. In deciding on this issue, the Board would look at adjudicatory matters and whether those being disciplined were trained in a formal program or by an elevator mechanic. No one could recall when an adjudicatory issue was last presented to the Board.

Should the bill be moved out of Committee, the Board will meet again to discuss these issues.

Next Meeting: Friday, April 7, 2017
2:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting was adjourned at 4:15 p.m.

Taken and recorded by,

/s/ Ronni-Ann Bumgarner

Ronni-Ann Bumgarner, Secretary

Reviewed and approved by:

/s/ Constance Cabral

Constance Cabral, Executive Officer

CK:rb

3/7/17

[X] Minutes approved as is.
[] Minutes approved with changes; see minutes of _____.