

Honolulu, Hawaii

Ag: 128, 2006

RE: H.B. No. 2692
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2692, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC WORKS,"

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 bill is to enhance the enforcement of Hawaii's prevailing wage law by providing that a violation of Hawaii's prevailing wage law (Chapter 104, Hawaii Revised Statutes (HRS)) arises with each separate project in which the Department of Labor and Industrial Relations (DLIR) finds that a contractor has failed to comply with the law.

Your Committee on Conference finds that under current law, employers must pay prevailing wages to employees working on public works projects. However, lack of information, as well as uncertainty as to what constitutes a public works project, especially a project that is not directly caused by a governmental

HB2692 CD1 HCCR HMS 2006-3810



contracting agency, can and does result in the failure of employers to pay prevailing wages on public work projects. However, your Committee on Conference recognizes that failure to pay prevailing wages may be inadvertent and that penalizing a company for each violation in such cases would be unfair.

Accordingly, your Committee on Conference has amended this measure by replacing its contents with language that ensures that parties involved in public work projects, not directly caused by a governmental contracting agency, comply with Hawaii's prevailing wage law by:

- (1) Making it the responsibility of DLIR to ensure that parties involved in public work projects, not directly caused by a governmental contracting agency, comply with the state prevailing wage law;
- (2) Requiring that any issuance of special purpose revenue bonds (SPRBs) for these projects be promptly reported to DLIR to allow DLIR to carry out its duties of ensuring that projects financed through SPRBs comply with the state prevailing wage law; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

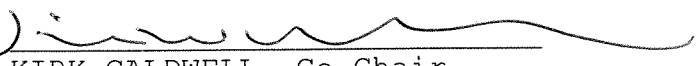
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2692, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2692, H.D. 1, S.D. 1, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


BRIAN KANNO, Chair

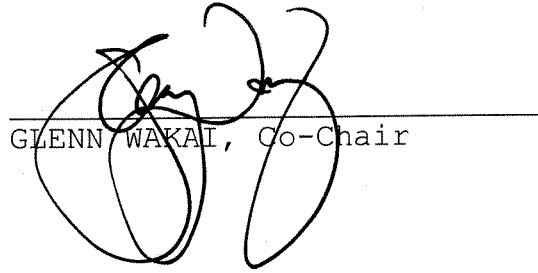

KIRK CALDWELL, Co-Chair


WILL ESPERO, Co-Chair


JOE RIKI KARAMATSU, Co-Chair




BRIAN T. TANIGUCHI, Co-Chair


GLENN WAKAI, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2692, HD 1, SD 1	Date/Time: 4/28/06 5:40
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The recommendation of the House and Senate managers is to pass with amendments (CD).

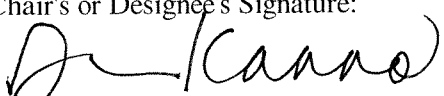
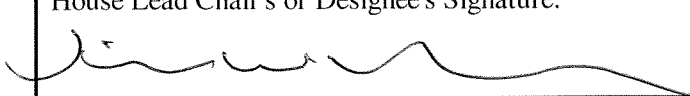
The Committee is reconsidering its previous decision.

<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
KANNO, Brian, Chr.	✓				CALDWELL, Kirk, Co-Chr.	✓			
ESPERO, Will, Co-Chr.				✓	KARAMATSU, Jon Riki, Co-Chr.				✓
TANIGUCHI, Brian, Co-Chr.	✓				WAKAI, Glenn, Co-Chr.	✓			
					HALFORD, Chris		✓		
TOTAL	20	0	1		TOTAL	21	0	1	

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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