

Honolulu, Hawaii

MAR 16 2006

RE: H.B. No. 2691  
S.D. 1

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

Sir:

Your Committee on Labor, to which was referred H.B. No. 2691  
entitled:

"A BILL FOR AN ACT RELATING TO PREVAILING WAGES,"

begs leave to report as follows:

The purpose of this measure is to allow civil actions under  
chapter 104, Hawaii Revised Statutes (HRS), for injunctive and  
other relief to be instituted by a joint labor-management  
committee established pursuant to the federal Labor Management  
Cooperation Act of 1978.

Testimony in support of this measure was submitted by the  
Hawaii Carpenters Union. Testimony in opposition to this measure  
was submitted by the Department of Labor and Industrial Relations,  
the Hawaii Chapter of Associated Builders and Contractors, Inc.,  
and the Hawaii Island Contractors' Association.

Your Committee finds that, under the current law, laborers or  
mechanics may bring suit to recover wages or overtime compensation  
under chapter 104, HRS. However, the law fails to contemplate  
situations wherein an aggrieved individual is essentially  
prevented from seeking redress due to a lack of information and  
resources, the fear of retaliation, or the inability to obtain  
injunctive relief against an employer who is continuously in  
violation of the law. Your Committee further finds that in other  
jurisdictions labor organizations have been successful in  
assisting aggrieved laborers in exposing, and enjoining from  
further violative behavior, contractors who are continuously



violating the law. Your Committee believes that the extension of the right to bring suit for injunctive and other relief against an employer in violation of chapter 104, HRS, will provide an additional remedy as well as an additional safeguard within the system to ensure that prevailing wages laws are followed and enforced. Furthermore, the limitation of the extension of this right to joint labor-management committees, as established by the federal Labor Management Cooperation Act of 1978, will ensure that suits are only brought by cooperative committees comprised of an equal number of representatives from labor and management.

Your Committee has amended this measure by making technical, nonsubstantive changes to reflect preferred drafting style and for purposes of clarity.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2691, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2691, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

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



BRIAN KANNO, Chair



**The Senate  
Twenty-Third Legislature  
State of Hawaii**

**Record of Votes of the  
Committee on Labor  
(Bills and Resolutions)**

Measure:* <b>HB 2691</b>	Committee Referral: <b>LBR, JHW</b>	Date: <b>3-13-06</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <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	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)				✓
TANIGUCHI, Brian T.	✓			
SLOM, Sam			✓	
TOTAL	2		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				

\*Do not list more than one measure per Record of Votes.