

STAND. COM. REP. NO.

2287

Honolulu, Hawaii

FEB 17

, 2006

RE: S.B. No. 3016
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 S.B. No. 3016
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
and the Hawaii Chapter of Associated Builders and Contractors,
Inc.

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 also ensure that suits are only brought by cooperative committees comprised of an equal number of representatives from laborers 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 S.B. No. 3016, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3016, 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:* SB 3016	Committee Referral: LBR, JHW	Date: 2/10/06
<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
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
Distribution:	Original File with Committee Report	Yellow Clerk's Office
	Pink Drafting Agency	Goldenrod Committee File Copy

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