

Honolulu, Hawaii

MAR - 2 2006

RE: S.B. No. 3016  
S.D. 2

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

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 3016, S.D. 1, 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, 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.

Your Committee received testimony in support of this measure from the Hawaii Carpenters Union, the International Brotherhood of Electrical Workers Local 1186, and the International Brotherhood of Electrical Workers Local 1260. 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 Boss Communication Technologies.

Under the current law, laborers or mechanics may bring suit to recover wages or overtime compensation under chapter 104, HRS. Your Committee finds that the law fails to contemplate the situation in which an aggrieved individual is essentially prevented from seeking redress due to a lack of information and resources, a fear of retaliation, or an 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, Hawaii Revised Statutes, 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 brought only by cooperative committees comprised of an equal number of representatives from laborers and management.

Your Committee has amended this measure by changing the effective date to July 1, 2050 to continue discussions on this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3016, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3016, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Hawaiian Affairs,



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COLLEEN HANABUSA, Chair



