

STAND. COM. REP. NO.

1035

Honolulu, Hawaii

MAR 13 2007

RE: H.B. No. 853  
H.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 853, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS,"

begs leave to report as follows:

The purpose of this measure is to clarify that a prevailing wage law violation by a contractor on one project counts as one violation of chapter 104, Hawaii Revised Statutes (HRS), and that each prevailing wage law violation by the same contractor on one or more different projects will each count as another violation so that multiple prevailing wage law violations can occur on a single project or on multiple projects, even though the projects were all occurring at about the same time.

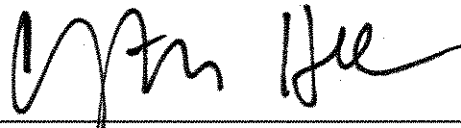
Testimony in support of this measure was received from the Hawaii Building and Construction Trades Council, Hawaii State AFL-CIO, International Union of Elevator Constructors, Laborers' Union Local 368, Iron Workers, Plumbers-Fitters Local 675 and one individual. Testimony in opposition was received from the Department of Labor and Industrial Relations, Building Industry Association, Healy Tibbitts Builders, Inc., King & Neel, Inc., Rons Construction Corporation, KAIKOR Construction Company, Inc., S&M Sakamoto, Inc., Koga Engineering & Construction, Inc., Hawaiian Dredging Construction Company, Royal Contracting Co., Ltd., Ralph S. Inouye Co., Ltd., General Contractor, A-1 Electrician, Inc., and MEI Corp.



All testifiers agreed that no contractor should be allowed to skirt the prevailing wage law that is intended to protect the worker on the same or on different projects. Therefore, your Committee finds that amending the law to clarify that one violation on a single project will constitute the first violation and that further violations on the same or on another project by the same contractor will constitute the second, third, or more violations by the same contractor for purposes of enforcement and increased penalties. Thus, even if the contractor has more than one project that is subject to the prevailing wage law requirements, and violates the law on each project, even though the violation may occur on the same day, each violation will be counted as a separate violation and be used against the contractor as a repeat violator of the prevailing wage law for enforcement purposes.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, Your Committee is in accord with the intent and purpose of H.B. No. 853, H.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



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CLAYTON HEE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:
<i>HB 853 HD2</i>	<i>JDL</i>	<i>3-12-07</i>
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
HEE, Clayton (C)	✓	
KOKUBUN, Russell S. (VC)		✓
INOUE, Lorraine R.		✓
NISHIHARA, Clarence K.	✓	
GABBARD, Mike	✓	
<b>TOTAL</b>	<b>3</b>	<b>2</b>
Recommendation:		
<input checked="" type="checkbox"/> Adopted	<input type="checkbox"/> Not Adopted	
Chair's or Designee's Signature:		
<i>Clarence K. Nishihara</i>		
Distribution:	Original File with Committee Report	Yellow Clerk's Office
		Pink Drafting Agency

\*Only one measure per Record of Votes