

STAND. COM. REP. NO.

875

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 957

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  
S.B. No. 957 entitled:

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

begs leave to report as follows:

The purpose of this measure is to ensure that a violation  
under chapter 104, Hawaii Revised Statutes (HRS), is limited to a  
violation that occurs within a single contract, regardless of the  
close proximity in time of other violations on simultaneous  
projects.

Testimony in support of this measure was received from the  
Hawaii Building and Construction Trades Council, AFL-CIO,  
International Union of Elevator Constructors, Laborers' Union  
Local 368, Iron Workers, and one individual. Testimony in  
opposition was received from the Department of Labor and  
Industrial Relations (DLIR).

Your Committee is troubled with the DLIR's testimony as  
stated in the following: "For example, if a contractor failed to  
pay overtime on March 26, Kuhio Day, to laborers or mechanics on  
three projects, because the contractor's employees would rather  
work on that State holiday than take the day off, the Department  
would have to suspend the contractor from any State work for three  
years. Even if the contractor corrected the mistake within 20  
days and paid back wages and penalties, the Department would still  
have to suspend the contractor." The fact that DLIR finds this  
example acceptable under chapter 104, HRS, proves why this measure  
is needed.

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Your Committee finds that the State should enforce laws that are created to protect the worker and taking a cavalier attitude toward violations under chapter 104, HRS, should not be condoned.

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 S.B. No. 957 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.:* <b>SB 957</b>	Committee Referral: <b>JDL</b>	Date: <b>2/28/07</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:  
 Pass, unamended 2312   
  Pass, with amendments 2311   
  Hold 2310   
  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>4</b>			<b>1</b>

Recommendation:   
 Adopted   
 Not Adopted

Chair's or Designee's Signature:  
*Russell S. Kook / [Signature]*

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