

STAND. COM. REP. NO. 377

Honolulu, Hawaii
Feb 18, 2009

RE: H.B. No. 643
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 643, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONTRACTORS,"

begs leave to report as follows:

The purpose of this bill is to prohibit the employment of workers on public work projects who are ineligible to work in the United States under federal law.

The Pacific Resource Partnership testified in support of this bill. The Department of Labor and Industrial Relations, the Hawaii Civil Rights Commission, the Hawaii Immigrant Justice Center, the Building Industry Association of Hawaii, and a concerned individual opposed this measure. The Attorney General (AG) offered comments on this bill.

Your Committee notes that the AG testified persuasively that, in cases of employment of ineligible non-citizens, the imposition of fines or penalties other than license revocation is pre-empted by federal law.

Accordingly, your Committee has amended this measure by deleting the imposition of fines and penalties for violations and retaining only that portion relating to license revocation, suspension, and renewal. Your Committee finds that "knowingly or intentionally" is an appropriate standard to use for the state of mind required to result in license revocation, suspension, or

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nonrenewal in these cases, but notes that reckless disregard by a contractor might also be considered as a standard in future discussion.

Your Committee has also amended this measure by:

- (1) Changing the effective date to January 1, 2046, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 643, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 643, H.D. 2.

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



JON RIKI KARAMATSU, Chair



