



**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.labor.hawaii.gov](http://www.labor.hawaii.gov)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dliir.director@hawaii.gov](mailto:dliir.director@hawaii.gov)

March 28, 2014

To: The Honorable David Y. Ige, Chair,  
The Honorable Michelle N. Kidani, Vice Chair, and  
Members of the Senate Committee on Ways & Means

Date: Friday, March 28, 2014  
Time: 9:25 a.m.  
Place: Conference Room 211, State Capitol

From: Dwight Y. Takamine, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: H.B. No. 2413, H.D. 1 Relating to Labor**

**I. OVERVIEW OF PROPOSED LEGISLATION**

The proposal amends the Hawaii prevailing wage law to include public-private partnerships in the definition of a contracting agency and within the coverage of Chapter 104, Hawaii Revised Statutes, Wages and Hours of Employees on Public Works.

The Department supports this proposal and notes there will be no fiscal impact.

**II. CURRENT LAW**

The current definition of a "Governmental contracting agency" does not contain language specifically addressing public-private agreements.

**III. COMMENTS ON THE HOUSE BILL**

Chapter 104 applies to "every contract in excess of \$2,000 for construction of a public work project to which a governmental contracting agency is a party; provided that this chapter shall not apply to experimental and demonstration housing developed pursuant to section 46-15 or housing developed pursuant to chapter 201H if the cost of the project is less than \$500,000 and the eligible bidder or eligible developer is a private nonprofit corporation.

The department lends its support if this provision makes it clearer that a governmental contracting agency includes any public-private partnership. The DLIR notes that the existing definition for "Public work" is quite broad:

"Public work" means any project, including development of any housing pursuant to section 46-15 or chapter 201H and development, construction, renovation, and maintenance related to refurbishment of any real or personal property, where the funds or resources required to undertake the project are to any extent derived, either directly or indirectly, from public revenues of the State or any county, or from the sale of securities or bonds whose interest or dividends are exempt from state or federal taxes."



**HAWAII OPERATING ENGINEERS  
INDUSTRY STABILIZATION FUND**



*Uniting our strengths and working together  
Aiea e haka ka haka.*

Affiliated AFL-CIO  
CPEIU - E - AFL-CIO (E)

March 26, 2014

Honorable David Y. Ige, Chair  
Senate Committee on Ways and Means  
Hawaii State Capitol  
415 South Beretania Street, Room 208  
Honolulu, HI 96813

Dear Chair Ige:

RE: Support of House Bill 2413, HD1, SD1 – Relating to Labor

My name is Kimberly Ribellia, Government Liaison, of the Hawaii Operating Engineers Industry Stabilization Fund (HOEISF), a labor management fund representing 4000 unionized members in heavy engineering site work and 500 general contractors specializing in heavy site and vertical construction.

On behalf of HOEISF, I am testifying in **support** of House Bill 2413, HD1, SD1, which applies provisions relating to prevailing wages for public construction work to public-private partnerships.

House Bill 2413, HD1, SD1, clarifies the law to state that prevailing wages will be paid when a governmental agency enters into a public-private partnership.

HOEISF is in **support** House Bill 2413, HD1, SD1. Thank you for your consideration in this matter.

Sincerely,

Kimberly Ribellia  
Government Liaison  
Hawaii Operating Engineers  
Industry Stabilization Fund

# Hawai'i Construction Alliance

P.O. Box 179441  
Honolulu, HI 96817  
(808) 348-8885

---

March 25, 2014

The Honorable David Ige, Chair  
The Honorable Michelle Kidani, Vice Chair  
and members  
Senate Committee on Ways and Means  
State Capitol  
Honolulu, Hawai'i 96813

**RE: Support for HB2413 HD1 SD1, relating to labor**

Dear Chair Ige, Vice Chair Kidani, and members:

The Hawai'i Construction Alliance is in **support** of HB2413 HD1 SD1, relating to labor. HB2413 HD1 SD1 would apply provisions relating to prevailing wages for public construction work to public-private partnerships.

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Hawai'i Masons Union, Local 1 and Local 630; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local 3. Together, the four member unions of the Hawai'i Construction Alliance represent over 15,000 working men and women in the four basic crafts of Hawai'i's construction industry.

HB2413 HD1 SD1 inserts "public-private partnerships" into the definition of "governmental contracting agency" in HRS §104-2. Many state and county agencies are exploring public-private partnerships to carry out much-needed projects, and we find this clarification to be an important step toward ensuring that prevailing wages are paid to workers involved in public-private partnerships. This clarification is also consistent with the purpose of Chapter 104, which includes leveling the playing field for bidders on public works projects and ensuring that public works spending does not push wages down here in the State of Hawai'i.

Mahalo for the opportunity to submit these comments in support of HB2413 HD1 SD1.

Aloha,



Tyler Dos Santos-Tam  
Executive Director  
Hawai'i Construction Alliance  
execdir@hawaiiconstructionalliance.org