

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
JUDICIARY AND LABOR

Wednesday, February 3, 2016
9:30 A.M.
State Capitol, Conference Room 016

In consideration of
SENATE BILL NO. 2724
RELATING TO PREVAILING WAGES

Senate Bill 2724 broadens Chapter 104 (wages and hours of employees on public works), Hawaii Revised Statutes, to include private businesses that lease state or county lands without any involvement or interest of the state or county in the businesses. **The Department of Land and Natural Resources (Department) strongly opposes this bill.**

The current law applies to projects built by or for, or funded by, the state or county, such as government offices, schools, libraries, courthouses and other government facilities. Senate Bill 2724 expands the law to include private projects located on leases of public lands under the jurisdiction of the Department. The Department currently has leases issued to lessees for private operations such as hotels, industrial and warehouse operations and retail centers. Examples of these leases include the Sand Island Industrial Park and West Ridge Mall on Oahu, and the Naniloa and Hilo Hawaiian hotels and HPM hardware store in Hilo, which are all leases of public lands. If private businesses on public land are going to be subject to this legislation, then perhaps all projects, whether located on public or private land, should be made subject to the law. Otherwise, public lands will be placed at a significant disadvantage in the marketplace for resort, industrial and commercial operations. Business may choose to locate their operations on private land, which will ultimately lead to a reduction in ceded land revenues for the State as well as the Office of Hawaiian Affairs.

Furthermore, the bill would require the Department to have oversight over lessees and sublessees above and beyond any rights afforded to and responsibilities required of landlords. The Department's land management staff would have to ensure that its lessees and any sublessees are

complying with labor law requirements.¹ The Department does not even have the expertise or staff to evaluate payroll data for compliance with Chapter 104.²

Senate Bill 2724 raises legal, economic and implementation issues for the Department. The Department respectfully requests that this bill be deferred.

1 This could be problematic and require a reorganization and consultation with the union for the land management division because the staff are land managers and not labor law specialists. Position descriptions and class specifications may need to be changed, which may make it difficult for current staffers to qualify for the position with the added labor law requirements.

2 With the impact of reduced revenues, it will be very difficult financially for the land management division to afford adding new positions or contracting for labor law specialists.

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

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

830 PUNCHBOWL STREET, ROOM 321
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February 2, 2016

To: The Honorable Gilbert S.C. Keith-Agaran, Chair,
The Honorable Maile S.L. Shimabukuro, Vice Chair, and
Members of the Senate Committee on Judiciary and Labor

Date: Wednesday, February 3, 2016
Time: 9:30 a.m.
Place: Conference Room 016, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 2724 Relating to Prevailing Wages

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. 2724 proposes to amend chapter 104, Hawaii Revised Statutes (HRS) by requiring Hawaii's prevailing wage law apply to construction on lands the State or a county leases to private entities, or where public land is used as collateral in financing. The measure also defines the lessor agency as the governmental contracting agency for the purposes of chapter 104, HRS. The proposal also exempts residential construction less than \$100,000, or construction costing less than \$500,000 for certain agricultural construction.

Section 171-35, HRS, Public Lands, Management and Disposition of, Part 2, Dispositions Generally, is amended to require that all leases issued by the Board of Land and Natural Resources contain a provision that requires construction be subject to the requirements of chapter 104, HRS.

DLIR, in consultation with counsel, believes that the very broad, existing definition in chapter 104 already covers the intended purpose of the measure, but also believes dialogue pertaining to this matter is beneficial for the public good and is eager to participate in the discussions if the measure moves through the legislative process.

II. CURRENT LAW

Chapter 104, HRS, currently applies to the construction of all public works in excess of \$2,000, and construction financed by special purpose revenue bonds.

The definition of public work in section 104-1, HRS, reads as follows:

"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.

The Hawaii Administrative Rules (HAR) Title 12, Chapter 22, refines this definition of public work as follows:

"Public work" shall be as defined in section 104-2(a)*, Hawaii Revised Statutes, and includes without limitation: (1) Any building, structure, road, or real property, the construction of which is undertaken:

(A) By authority of; and

(B) Through the use of funds, grants, loans, bonds, **land**, or other resources of the State or any county, board, bureau, authority, commission, or other agency or instrumentality thereof, to serve the interest of the general public, regardless of whether title thereof is held by a state or county agency. However, subsequent construction to fixtures or appurtenances attached to the assigned space of an individual occupant, lessee, or tenant of the building or structure, contracted by other than a state or county agency or instrumentality thereof, shall not be subject to chapter 104, Hawaii Revised Statutes.

* *Note: The definition for "Public Work" was recently moved from §104-2(a), HRS, to the main definition section (§104-1, HRS). [See Act 130, 2014]*

III. COMMENTS ON THE SENATE BILL

- 1) Construction undertaken through the use of State or county land is already subject to the requirements of chapter 104. However, there has been a lack of resolution with land holding agencies regarding administration of these requirements, hindering uniform implementation.

Although the payment of the prevailing wage has traditionally been required for construction on State or County land leased to private parties, there may have been multiple resources of the State involved in these cases, so that the use of State or county land was not specifically at issue. However, the land holding agencies raise concerns surrounding the ownership and/or control of land that they

will lease to a private party.

Whether or not amending this particular statute is the best way to implement the legislatively imposed requirements of chapter 104, HRS, arguments over ownership and/or control of leased land appears to be an impediment. Further, as in other cases where State or county resources provide a benefit realized through construction, the following need to be clarified or otherwise established:

- The government contracting agency, due to the actual contracting for construction work being done by private persons, as in 104-2.5 HRS.
 - Documented notice of the requirements, such as specifying lease provisions in the prevailing wage requirements.
 - The method of reporting and filing of the requirement documentation, i.e. the submittal of the certified payroll records.
- 2) Section 3 of the bill, by amending subsection 104 2(g), inadvertently deletes existing implementation and enforcement for other public works not directly contracted by a government agency, such as contracts between private persons for construction to be leased back or turned over to agencies of the State or county. Unless that is intended, the “director” must be retained as responsible for enforcement of other provisions of the chapter.
- 3). Section 4 of the measure specifically applies to only one agency holding title to public land, while others exist.

Without recovery of lost staff positions after 2009, the department is unable to investigate a number of the complaints related to chapter 104, HRS, filed each year, resulting in a backlog for investigation and further proceedings. Without information on the lands and public works these proposed amendments would apply to, it is difficult to quantify a request for additional staffing at this time.



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

The Twenty-Eighth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary and Labor

Telephone: (808) 597-1441

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Testimony by
Hawaii State AFL-CIO
February 3, 2016

S.B. 2724 – RELATING TO
PREVAILING WAGES

The Hawaii State AFL-CIO strongly supports S.B. 2724 which requires contracts for construction on public lands to comply with wage and hour requirements set forth in Chapter 104, HRS.

Prevailing wages ensure, at a minimum, construction workers including other workers are paid appropriate wages and benefits in their local jurisdiction. Prevailing wages encourage a more productive workforce which helps ensure projects are constructed efficiently, safely and with quality craftsmanship. At a time with lower wages and fewer benefits, prevailing wages help keep the economy moving forward by guaranteeing workers are provided with above-average wages which in turn leads to more economic spending.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 3, 2016

TO: HONORABLE GILBERT KEITH-AGARAN, CHAIR, HONORABLE MAILE SHIMABUKURO, VICE CHAIR, SENATE COMMITTEE ON JUDICIARY AND LABOR

SUBJECT: **GRAVE CONCERNS REGARDING S.B. 2724, RELATING TO PREVAILING WAGE.** Requires contracts for construction on public lands to comply with wage and hour requirements set forth in chapter 104, HRS.

HEARING

DATE: Wednesday, February 3, 2016
TIME: 9:30 a.m.
PLACE: Conference Room 016

Dear Chair Keith-Agaran and Vice Chair Shimabukuro and Members,

The General Contractors Association of Hawaii (GCA) is an organization comprised of over hundred five hundred seventy general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

S.B. 2724 proposes to expand the application of prevailing wage rates for laborers and mechanics, also known as “Little Davis Bacon” to all projects built on state lands, including residential dwelling units and agricultural farm dwellings or accessory improvements.

Under federal law the Davis Bacon Act requires that “each contract over \$2,000 to which the United States or the District of Columbia is a party for construction, alteration, and/or repair of **public buildings or public works shall contain a clause setting forth the minimum wages to be paid to various classification of laborers and mechanics employed under contract.**” 21 U.S.C. 113. Hawaii’s law defines “public work” in Section 104-1, Hawaii Revised Statute similar to federal law as:

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 and bonds whose interest or dividends are exempt from state or federal taxes.

While GCA agrees that the prevailing wage should be paid when applicable, GCA cannot support this proposal as it exceeds the reach of what the prevailing wage law was intended to cover.

This measure has a far reaching impact and could escalate costs for State lease holders, many of whom are small businesses. Currently, those that are required to comply with Chapter 104, Hawaii Revised Statute, are required to submit certified payroll affidavits and are punishable by fines for violations. Will these leaseholders be subject to same?

GCA remains gravely concerned about this proposal and objects to the potentially detrimental and far reaching effect this measure will have, particularly to those leaseholders, including Hawaii's small businesses and farmers that may be on state leased lands.

For these reasons, we respectfully request this measure be held.

Testimony of Brooke Wilson
Pacific Resource Partnership

Hawaii State Senate
Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

SB 2724 – Prevailing Wages
Wednesday, February 03, 2016
9:30 A.M.
State Capitol – Room 016

Aloha Chair Keith-Agaran, Vice Chair Shimabukuro and members of the Committee:

By way of background, the administrative rules of the Department of Labor and Industrial Relations (DLIR) provides for the payment of prevailing wages when there is construction undertaken through the use of "... land, or other resources of the state or any county." And while the Department's Administrative rules are clear and aligned with the spirit and intent of Hawaii's Little Davis-Bacon law, there remains a grey area in HRS 104; and it is the intent of this bill to close this loop hole which developers are currently using to avoid the payment of prevailing wage on construction projects that take place on public lands that are leased privately.

Prevailing wages lead to a larger, stronger, property tax base for government, and reduce the reliance on safety net services like food stamps, healthcare, and subsidized housing. Additionally, prevailing wages help grow the middle class and make it harder for cheaters to operate in the underground economy, a sector known for unsafe working conditions and evasion of taxes and mandatory health coverage for workers.

At a time when the middle class is slipping further away from the 1%, it is critical that policies are in place to protect living wages from degradation. Clarifying that prevailing wages must be applied to private projects which take place on State and County owned land is good for construction workers, union and non-union, and beneficial to other sectors as it shores up the wage floor for all.

The spirit of the federal Davis-Bacon Act and locally Hawaii's Little-Davis Bacon law is based on the principal that State and County resources and assets should not be used in a manner which degrades living wages of a community. Put simply, public lands shouldn't be used to impoverish local workers.

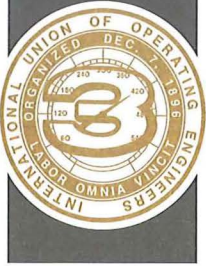


(Continued From Page 1)

Thank you for the opportunity to share our views with you and we respectfully ask for your support on SB 2724.

About PRP

Pacific Resource Partnership (PRP) is a not-for-profit organization that represents the Hawaii Regional Council of Carpenters, the largest construction union in the state, and more than 240 of Hawaii's top contractors. Through this unique partnership, PRP has become an influential voice for responsible construction and an advocate for creating a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs and enhances the quality of life for all residents.



OPERATING ENGINEERS LOCAL UNION No. 3

1075 OPAKAPAKA STREET, KAPOLEI, HI 96707 • (808) 845-7871 • FAX (808) 682-0906

Jurisdiction: Northern California, Northern Nevada, Utah, Hawaii, and the Mid-Pacific Islands

February 2, 2016

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
and members
Committee on Judiciary and Labor
Hawai'i State Senate
Honolulu, Hawai'i 96813

RE: Strong Support for SB2724, Relating to Prevailing Wages

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and members:

The Operating Engineers, Local Union No. 3 strongly supports SB2724. There is a need to clarify the requirements for the payment of prevailing wages on public works situated on state or county land. The Hawaii Administrative Rules clearly provide for the payment of prevailing wages when there is construction undertaken through the use of "...land, or other resources of the state or any county..." This bill will clarify the language in HRS 104 to apply prevailing wages on state and county lands that are leased privately for development.

Your support of this bill will help Hawaii's construction industry address an unresolved question of how to treat state lands that are leased to private developers. This loophole has been exploited by private developers who have received leases to construct and operate projects on state lands and profit off the backs of skilled labor who are paid less than the area-standard wage. We must protect Hawaii's middle class by protecting their wages.

In the past, Operating Engineers, Local Union No. 3 has worked to clarify provisions of Chapter 104 such as we did last year with HB391, regarding overtime provisions. As such, we support SB2724, which seeks to clarify that prevailing wages do apply to public works on lands leased by the state to private developers.

Mahalo,

Pane Meatoga
District Representative
Operating Engineers, Local Union No. 3



HAWAII REGIONAL COUNCIL OF CARPENTERS

February 1, 2016

The Honorable Senator Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair, and
Members of the Hawaii State Senate Committee on Judiciary and Labor

Statement of the Hawaii Regional Council of Carpenters on SB 2724 – Prevailing Wages

Wednesday, February 3, 2016
9:30 a.m., State Capitol, Room 016

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Committee,

The Hawaii Regional Council of Carpenters (HRCC) strongly supports SB 2724, which requires contracts for construction on public lands to comply with wage and hour requirements set forth in Chapter 104, HRS.

Currently, the administrative rules provide that prevailing wages are to be paid for construction undertaken through the use of "...land or other resources of the State or any county..." State land is used for a variety of private activities, calling for SB 2724 to provide the clarification that is needed for enforcement.

In the example of the Naniloa Hotel on Banyan Drive in Hilo, the benefit of using State oceanfront land should not become a part of depressing area standard wages and benefits for construction workers. Prevailing wages are not being required for construction work in that case, including construction required by the State in the agreement for the use of the land.

Hawaii contractors who contribute to skilled craft training are at a disadvantage when prevailing wages are not required to "level the playing field." Hawaii contractors that lessen the burdens on government and the community by providing fringe benefits and fair wages are at a huge disadvantage.

The fact that agreements are reached and documented prior to the use of the land, and prior to the start of construction, provides the mechanism for the administration of the Chapter 104 provision.

Thank you for your consideration of our support for the passage of SB 2724.

STATE HEADQUARTERS & BUSINESS OFFICES

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HILO OFFICE: 525 Kilauea Avenue, Room 205, Hilo, Hawaii 96720-3050 • Ph. (808) 935-8575 Fax (808) 935-8576
KONA OFFICE: 75-126 Lunapule Road, Kailua-Kona, Hawaii 96740-2106 • Ph. (808) 329-7355 Fax (808) 326-9376
MAUI OFFICE: 330 Hookahi Street, Wailuku, Maui 96793-1449 • Ph. (808) 242-6891 Fax (808) 242-5961
KAUAI OFFICE: Kuhio Medical Ctr. Bldg., 3-3295 Kuhio Hwy., Suite 201, Lihue, Kauai 96766-1040 • Ph. (808) 245-8511 Fax (808) 245-8911



International Union of Bricklayers and Allied Craftworkers Local #1 of Hawaii

2251 North School St. * Honolulu, HI 96819 * Phone (808) 841-0491 * Fax (808) 847-4782

February 2, 2016

Statement of Nolan G. Moriwaki, Financial Secretary-Treasurer/Business Manager
International Union of Bricklayers and Allied Craftworkers, (IUBAC) Local #1 HI
To the Senate committee on Judiciary and Labor,
In strong support of SB2724, relating to prevailing wages

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The IUBAC, Local #1 HI strongly supports SB2724, relating to prevailing wages. In the spirit of Hawaii's Little-Davis Bacon law, there is a need to clarify that state and county land leased for private development is indeed subject to the laws and requirements of HRS 104. The "grey area" that exists in the language of HRS 104 has allowed private developers and unscrupulous contractors to access a loophole which they use to pay less than the area standard wages for Hawaii.

Our International organization has taken a strong stance in regard to prevailing wage laws, stating "Protecting federal, state and local prevailing wage laws from repeal or dilution...is one of IUBAC's highest legislative and political priorities". In this vein, we do not want prevailing wages laws in Hawaii to allow contractors to do work on public lands without paying prevailing wages.

At this lime when the middle class is struggling to keep up with the rising cost of living in Hawaii, we must take every opportunity to protect wages for local people.

Mahalo.

Hawai'i Construction Alliance

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

February 2, 2016

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
and members
Committee on Judiciary and Labor
Hawai'i State Senate
Honolulu, Hawai'i 96813

RE: Strong Support for SB2724, Relating to Prevailing Wages

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

We **strongly support SB2724, relating to prevailing wages**, and propose two amendments to the bill. SB2724 would clarify that all development, construction, renovation, and maintenance upon state land or the use of state land to secure financing for development, construction, renovation, or maintenance shall constitute a "public work" for which HRS Chapter 104 prevailing wages will apply, by:

- Amending the definition of "public work" in HRS Chapter 104-1;
- Adding an exemption for construction of single-family and multi-family homes where the work is de minimis in nature and does not exceed \$100,000;
- Adding an exemption for farm dwellings and accessory improvements on state-owned agricultural properties/parks where the total cost of the project is less than \$500,000;
- Adding a definition of "private lessee" and "public lands;"
- Clarifying that prevailing wage requirements apply to private parties who lease public lands for public work projects;
- Clarifying that prevailing wage requirements apply to contractors of public works projects who have entered into a collective bargaining agreement with a bona fide labor union; and
- Requiring that all leases issued by BLNR shall contain a provision indicating that all construction on leased lands shall be subject to Chapter 104.

This bill is necessary, as it clarifies a gray area that exists between HAR and HRS in regard to where and when prevailing wages should be paid. Currently, HAR §12-22-1 defines a “public work” for which prevailing wages apply as:

*“Any building, structure, road, or real property, the construction of which is undertaken by authority of; and through the use of funds, grants, loans, bonds, **land**, or other resources of the State or any county, board, bureau, authority, commission, or other agency or instrumentality thereof, to serve the interest of the general public, **regardless of whether title thereof is held by a state or county agency.**”*

However, HRS §104-1 does not discuss the question of state-owned land or who owns the title to the land. HRS §104-1 simply defines a “public work” as:

*“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.”*

Given that HAR discusses lands, but HRS currently does not, there has been an unresolved question of how to treat state lands that are leased to private developers. This loophole has been exploited by private developers who have received leases to construct and operate projects on state lands, to the detriment of Hawai‘i workers who are receiving less than what they are due for their skills and labor. SB2724 seeks to close this loophole and seeks to strengthen Hawai‘i’s prevailing wage or “Little Davis-Bacon” standards.

Prevailing wages are important, as they ensure that local construction workers are paid properly for their skills and labor. Because of the reporting requirements in Chapter 104, it’s more difficult for unscrupulous contractors to cheat on worker protections like licensing, insurance, and workers compensation coverage. Additionally, local contractors benefit when it comes to bidding on jobs, because they can’t be undercut by mainland contractors and their out-of-state workers who are paid at a lower rate.

We would also request that the committee consider two further amendments to the bill.

The first amendment would be to Section 3 of the bill, specifically page 5, lines 1-5: Unstrike the phrase “Any public-private partnership,” so that the definition of “Governmental contracting agency” includes “(1) Any person or entity that causes either directly or indirectly the building or development of a public work or holds title to public lands; and (2) Any public-private partnership.”

This amendment would re-clarify that public-private partnerships are indeed subject to the provisions of Chapter 104, as was the legislature’s intent in passing HB2413/Act 216 in 2014.

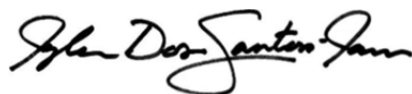
The second amendment would be to Section 3 of the bill, specifically page 6, lines 7-20:

Replace these lines with: *“(g) For any public work that is subject to this chapter but not directly caused by a governmental contracting agency, including but not limited to a public work caused, initiated, or contracted for by a private lessee of the State, or the private lessee’s contractor, for the development, construction, renovation, or maintenance of any real or personal property located on public lands, the state or county department, agency, or public corporation holding title to the public lands upon which the property is located shall be responsible for the collection and maintenance of certified copies of all payrolls that are subject to this chapter. The director shall be responsible for enforcement of this chapter and shall adopt rules pursuant to chapter 91 to effectuate the purposes of this section.”*

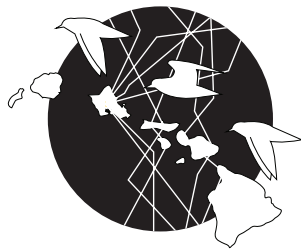
The original version of the bill specifies that the state or county department, agency, or public corporation holding title to the public lands is responsible for enforcement. This amendment would clarify instead that the department, agency, or public corporation holding title to the public lands is only responsible for the collection and maintenance of certified copies of all payrolls that are subject to this chapter. It would further clarify that the director of the Department of Labor and Industrial Relations is responsible for enforcement of this chapter.

We thank you for the opportunity to provide this testimony, and respectfully request that your committee pass **SB2724, relating to prevailing wages, with the amendments listed above.**

Mahalo,



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



HAWAI'I COALITION FOR
IMMIGRANT RIGHTS

To: Hon. Gilbert Keith-Agaran, Chair
and Members of the House Committee on Higher Education
From: Khara Jabola-Carolus
Hrg: Weds., February 3, 2016, at 9:30 a.m. in Rm. 016
Re: **Testimony in Support of S.B. 2724, Relating to Prevailing
Wages**

Dear Chair Keith-Agaran,

S.B. 2724, if enacted, would require contracts for construction on public lands to comply with wage and hour requirements set forth in H.R.S. Chapter 104. On behalf of the Hawai'i Coalition for Immigrant Rights, the immigration arm of Faith Action for Community Equity (FACE), I would like to thank the Committee for this opportunity to testify. The Coalition strongly supports S.B. 2724 and urges favorable consideration of this measure.

The Hawai'i Coalition for Immigrant Rights is the only organization in the State that is devoted to providing systemic advocacy to advance immigrant rights. We know that foreign-born, full-time, year-round workers are more likely to be paid low or poverty wages than their U.S.-born counterparts. To improve the economic status of immigrants, we should eliminate opportunities for companies to pay unfair wages. We thank you again for this opportunity to testify in support of S.B. 2724.

Aloha,

Khara Jabola-Carolus
Lead Organizer
Faith Action for Community Equity & Hawai'i Coalition for Immigrant Rights

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB2724 on Feb 3, 2016 09:30AM*
Date: Monday, February 01, 2016 12:28:42 PM

SB2724

Submitted on: 2/1/2016

Testimony for JDL on Feb 3, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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