

STAND. COM. REP. NO.

2203

Honolulu, Hawaii

APR 05 , 2019

RE: S.B. No. 1082  
S.D. 2  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1082, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WAGES,"

begs leave to report as follows:

The purpose of this measure is to hold a general contractor entering into a private construction contract in the State liable for any debt for unpaid wages owed by a subcontractor due to claimants for performance of labor included in the contract between the general contractor and the owner; provided that the liability does not extend to penalties, liquidated damages, or any wage, benefit, fringe benefit, or contribution claims resulting from the percentage withheld by the general contractor until construction of the project has been completed according to the contract.

Pacific Resource Partnership; Hawaii Laborers Union, Local 368; Hawaii Regional Council of Carpenters; Hawaii Laborers-Employers Cooperation and Education Trust; Hawai'i Construction Alliance; and General Contractors Association of Hawaii testified in support of this measure. The Building Industry Association of Hawaii; Chamber of Commerce Hawaii; Gentry Homes, Ltd.; Complete Construction Services Corp.; Loeffler Construction, Inc.; Ozzy's Construction, Inc.; Homeworks Construction Inc.; Servco Home and

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Commercial Products; and many individuals testified in opposition to this measure. The Department of Labor and Industrial Relations; Hawaiian Electric Company, Inc., Maui Electric Company, Limited, and Hawai'i Electric Light Company, Inc.; and Subcontractors Association of Hawaii provided comments.

Your Committee has amended this measure by:

- (1) Removing the provision exempting the general contractor from liability for unpaid wages and associated costs resulting from retainage; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 1082, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1082, S.D. 2, H.D. 2.

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



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CHRIS LEE, Chair



