

Honolulu, Hawaii

MAR 04 , 2022

RE: H.B. No. 2440
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2440, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC WORKS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Impose penalties on both the person and firm for violations of state law governing wages and hours of employees on public works; and
- (2) Define "person" and "firm" for these purposes.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawai'i State AFL-CIO; Hawaii Operating Engineers Local Union No. 3; Hawaii Nurses' Association-OPEIU Local 50; United Public Workers, AFSCME Local 646, AFL-CIO; and Pride at Work - Hawai'i. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that when firms violate Chapter 104, Hawaii Revised Statutes, the Wages and Hours of Employees on Public Works Law, these actions not only harm the employees who perform their duties but the actions also detract from the intent



of the law, which is to protect the standards of workers on state and county public works construction projects and ensure the payment of prevailing wages and overtime to laborers and mechanics working on projects. This measure would impose progressively increasing penalties on both the person and the firm for repeat violations of the state law, thereby ensuring compliance with the law.

Your Committee has amended this measure by:

- (1) Deleting the definition of "firm";
- (2) Amending the definition of "person" to include a sole proprietor and the responsible managing employee and holder of the construction license as provided under chapter 444, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2440, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2440, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



