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; Hawaii 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 - Hawaii. 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

## State of Hawaii

## Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: +113 2440, HDI	Committee Referral:	Date:	2-23	ן גו
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The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
A MATTAYOGH C 7 (VO)				
2. MATAYOSHI, Scot Z. (VC)				
3. ICHIYAMA, Linda				
4. KOBAYASHI, Dale T.				
5 L. DDECTE 15 (4)				
5. LoPRESTI, Matthew S.				
6. LOWEN, Nicole E.		Zurawura zantaraiinihmizaranazaranzantza za u	A fine-temminate milione-in associancementine utilities	
7. McKELVEY, Angus L.K.				
Q NAKAMIDA Nadina K		in the control of the second of the control of the second		
8. NAKAMURA, Nadine K.				
9. TAKUMI, Roy M.				
10. TOKIOKA, James Kunane				
11. WARD, Gene				
TOTAL (11)	11	Q	Ø	Ø
The recommendation is:  Adopted  If joint referral,  committee acronym(s)  Adopted  did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				