

STAND. COM. REP. NO. 1913-22

Honolulu, Hawaii

APR 08 , 2022

RE: S.B. No. 3223
S.D. 1
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 S.B. No. 3223, S.D. 1, 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 impose a penalty on both the person and firm upon finding certain violations governing wages and hours of employees on public work projects.

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

Your Committee finds that when firms violate the Wages and Hours of Employees on Public Works Law, these actions not only harm the employees who perform their duties, but 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

2022-2904 SB3223 HD2 HSCR HMSO



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) Clarifying that no contract shall be awarded to a person and firm, or to any firm, corporation, partnership, or association in which the person or firm has an interest, whose suspension is extended beyond three years; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes the concerns raised by the General Contractors Association of Hawaii and is aware of ongoing negotiations between the stakeholders to address those concerns. In the spirit of compromise, your Committee is moving this measure forward to allow these negotiations to continue. However, your Committee notes that should your Committee on Conference further deliberate on this measure, that your Committee on Conference examine those concerns.

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 S.B. No. 3223, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3223, S.D. 1, H.D. 2.

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



MARK I. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB3223, SD1, HD1	Committee Referral: LAT, JHA	Date: 4-4-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> 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)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene	✓			
TOTAL (11)	11	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				