

STAND. COM. REP. NO.

17

Honolulu, Hawaii

FEB 02 , 2023

RE: H.B. No. 168  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Labor & Government Operations, to which was referred H.B. No. 168 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, including suspension, on the person and the firm upon a finding of violation of state law governing wages and hours of employees on public work projects; and
- (2) Define "person" and "proper notice" for these purposes.

Your Committee received testimony in support of this measure from the Hawaii Operating Engineers Industry Stabilization Fund Political Action Committee. Your Committee received comments on this measure from the Department of Labor and Industrial Relations and General Contractors Association of Hawaii.

Your Committee finds that state law requires that laborers and mechanics performing on-site construction work for any public work project be paid no less than prevailing wages and keep certain hours, subject to conditions. These requirements and others apply to every contract in excess of \$2,000 for public work

2023-1038 HB168 HD1 HSCR HMSO



17


projects to which a governmental contracting agency is a party, with limited exceptions.

Your Committee further finds that violations of chapter 104, Hawaii Revised Statutes, result in monetary penalties or suspension against the person or firm found to be in violation. This measure makes the person or firm in violation jointly and severally liable for penalties and, for a third violation, suspends the person and firm. In this manner, this measure prohibits a contractor or other person from avoiding the suspension by simply forming another company. This measure also imposes progressively increasing penalties for repeat violations of the state law.

Your Committee has amended this measure by changing the effective date to June 30, 3000, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor & Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 168, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 168, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Government  
Operations,



---

SCOT Z. MATSUMOTO, Chair



