

STAND. COM. REP. NO.

530

Honolulu, Hawaii

FEB 16 , 2023

RE: H.B. No. 168  
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 168, 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 penalties, including suspension, on the person and firm for violations of state law governing wages and hours of employees on public works projects.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Hawaii Operating Engineers Industry Stabilization Fund Political Action Committee, and Hawai'i State AFL-CIO. Your Committee received testimony in opposition to this measure from the Subcontractors Association of Hawaii. Your Committee received comments on this measure from the General Contractors Association of Hawaii.

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 penalties on the

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person and firm for violations of the state law, thereby ensuring compliance with the law.

Your Committee has amended this measure by:

- (1) Clarifying that the definition of "person" applies to a sole proprietor and the principal responsible managing employee for the project being investigated and holders of the contractor's license as provided under chapter 444, Hawaii Revised Statutes; and
- (2) Deleting language that would have included subordinate responsible managing employees for purposes of suspension penalties and proper notice.

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. 168, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 168, H.D. 2.

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



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DAVID A. TARNAS, Chair



