

Honolulu, Hawaii

MAY 02 2023

RE: S.B. No. 435  
S.D. 1  
H.D. 2  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 435, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Order the person or firm found to be in violation of the state law governing wages and hours of employees on public works to be jointly and severally liable for the penalty, with the penalty increasing for repeat violations;
- (2) Require each notice of violation to contain the names of the person and firm;



- (3) Define a "person" for purposes of violations of the state law governing wages and hours of employees on public works, and related penalties and suspension; and
- (4) Require the Director of Labor and Industrial Relations to suspend the person and firm under specified conditions.

Your Committee on Conference finds that this measure is intended to prevent persons and firms that violate chapter 104, Hawaii Revised Statutes (HRS), relating to the prevailing wage and hours of employees for public work projects, from circumventing the three-year suspension from work provision of the chapter by transferring key personnel to a separate company and continuing business under a new name. Your Committee on Conference notes that this measure is not meant to cause unintended consequences to persons who are connected to the firm but are not responsible for the violations of chapter 104, HRS.

Accordingly, your Committee on Conference has amended this measure by:


- (1) Inserting a definition of "firm", which includes a corporation, limited liability company, partnership, and limited partnership;
- (2) Removing subordinate responsible managing employees from the definition of "person"; and
- (3) Making it effective upon its approval.

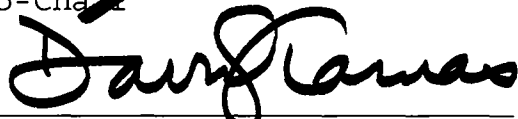
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 435, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 435, S.D. 1, H.D. 2, C.D. 1.



Respectfully submitted on behalf  
of the managers:


ON THE PART OF THE HOUSE


  
\_\_\_\_\_  
SCOT Z. MATAYOSHI  
Co-Chair

  
\_\_\_\_\_  
DAVID A. TARNAS  
Co-Chair

  
\_\_\_\_\_  
ANDREW GARRETT  
Co-Chair

ON THE PART OF THE SENATE

  
\_\_\_\_\_  
SHARON MORIWAI  
Chair

  
\_\_\_\_\_  
KARL RHOADS  
Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>SB 435, SD 1, HD 2</b>	Date/Time: <b>4/28/23 4:30 pm</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
MORIWAKI, Sharon Y., Chr.	X				MATAYOSHI, Scot Z., Co-Chr.	X			
RHOADS, Karl, Co-Chr.	X				TARNAS, David A., Co-Chr.	X			
FEVELLA, Kurt	X				GARRETT, Andrew Takuya, Co-Chr.	X			
					ALCOS III, David	X			
<b>TOTAL</b>	<b>3</b>				<b>TOTAL</b>	<b>4</b>			

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**

<b>Original</b> <i>File with Conference Committee Report</i>	<b>Yellow</b> <i>House Clerk's Office</i>	<b>Pink</b> <i>Senate Clerk's Office</i>	<b>Goldenrod</b> <i>Drafting Agency</i>
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