STAND. COM. REP. NO. 785

Honolulu, Hawaii

March 8, 2011

RE: H.B. No. 1434

H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 1434, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS,"

begs leave to report as follows:

The purpose of this bill, as received by your Committee, is to specify that:

- (1) A first, second, third, fourth, fifth, or sixth violation refers to each project in which the Department of Labor and Industrial Relations (DLIR) finds that a contractor has failed to comply with the prevailing wage law; and
- (2) A contractor who commits a violation has a right to file a written notice of appeal, which shall be an affirmative defense that the violation occurred unintentionally.

International Longshore and Warehouse Union Local 142 and the International Brotherhood of Electrical Workers Local 1260 testified in support of this bill. The General Contractors Association of Hawaii opposed this measure. DLIR, the International Brotherhood of Electrical Workers Local Union 1186, and Hawaii State AFL-CIO submitted comments.

Upon consideration, your Committee has amended this bill by deleting its substance and inserting the contents of H.B. No. 1134, which specifies that a first, second, or third violation refers to each project in which DLIR finds that a contractor has failed to comply with the prevailing wage law.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1434, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1434, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Finance.

MARCUS R. OSHIRO, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Finance

Bill/Resolution No.:	Committee Referral:	Date:	2/-04	/
HB 1434, HDI	LAB, FIN		4/28/	///
☐ 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)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	V			
2. LEE, Marilyn B. (VC)	i			
3. CHONG, Pono	i-			
4. CHOY, Isaac W.	V			• •
5. COFFMAN, Denny	V			
6. CULLEN, Ty	V			
7. HAR, Sharon E.	V			
8. HASHEM, Mark J.	V			-
9. ICHIYAMA, Linda	V			
10. JORDAN, Jo	<i>V</i>			
11. LEE, Chris	<i>\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</i>			:
12. MORIKAWA, Dee				
13. TOKIOKA, James Kunane				
14. YAMASHITA, Kyle T.	~			
15. MARUMOTO, Barbara C.				
16. RIVIERE, Gil				
17. WARD, Gene				
April				
		-		
TOTAL (17)	15		1	0
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: Marily 3. Lea				
Distribution: Original (White) Committee Duplicate (Yellow) Chief Clerk's Office Duplicate (Pink) HMSO				