STAND. COM. REP. NO.

Honolulu, Hawaii

### FEB 1 3 2015

RE: S.B. No. 728 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Eighth State Legislature Regular Session of 2015 State of Hawaii

Madam:

Your Committees on Government Operations and Judiciary and Labor, to which was referred S.B. No. 728 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS,"

beg leave to report as follows:

The purpose and intent of this measure is to encourage improvements in pay equity between men and women by:

- Prohibiting public contractors from retaliating against employees for inquiring about, discussing, or disclosing wage information; and
- (2) Requiring public contractors and subcontractors who are awarded certain contracts to pay men and women equally for similar work and to report wages paid to employees by gender.

Your Committees received testimony in support of this measure from the Hawaii Civil Rights Commission. Your Committees received testimony in opposition to this measure from the Department of Accounting and General Services. Your Committees received comments on this measure from the Chamber of Commerce Hawaii and General Contractors Association of Hawaii.

Your Committees find that this measure creates a mode of enforcing law against discriminatory wage practices under certain public contracts. This measure is similar to the federal model implemented to combat wage discrimination under federal government



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contracts. The reporting requirements coupled with sanctions available under this measure will work to ensure pay equality under public contracts subject to this measure.

Your Committees have amended this measure by:

- Removing language that provides an exception from mandated equal pay for similar work where such payment is made pursuant to a differential based on any factor other than gender; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 728, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 728, S.D. 1, and be referred to the Committee on Ways and Means.

> Respectfully submitted on behalf of the members of the Committees on Government Operations and Judiciary and Labor,

GILBERT S.C. KEITH AGABAN, Chair

DONOVAN M. DELA CRUZ



### The Senate Twenty-Eighth Legislature State of Hawai'i

## Record of Votes Committee on Government Operations GVO

Bill / Resolution No.:*	Committee Referral:			Date:				
SB728	Grojjoc, WAM			2-10-15				
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
DELA CRUZ, Donovan M. (C)								
NISHIHARA, Clarence K. (VC)		$\checkmark$						
IHARA, Jr., Les		$\checkmark$						
TOKUDA, JIII N.					V			
SLOM, Sam								
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Recommendation:								
Adopted Not Adopted								
Chair's or Designee's Signature:								
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Distribution: Original File with Committee Re								

\*Only one measure per Record of Votes

### The Senate Twenty-Eighth Legislature State of Hawai'i

# Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date:							
58728	GVO/JDL, WAM 2/10/15							
The Committee is reconsidering its previous decision on this measure.								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
KEITH-AGARAN, Gilbert S.C. (C)		V.						
SHIMABUKURO, Maile S.L. (VC)								
ESPERO, Will								
GABBARD, Mike					レ			
IHARA, Jr., Les								
THIELEN, Laura H.				>				
SLOM, Sam				>				
TOTAL		4		2	/			
Recommendation:								
Chair's or Designee's Signature:								
Distribution: Original V V Pink Goldenrod   File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

\*Only one measure per Record of Votes