

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 435  
S.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 435, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Impose the penalty on both the person and the firm upon the finding of repeat violation of the state law governing wages and hours of employees on public works; and
- (2) Require each notice of violation to contain the names of the firm and the person, including sole proprietors, principle responsible managing employees, and all subordinate responsible managing employees.

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



Your Committee finds that this measure seeks to prevent the circumvention of the law by entities that transfer key personnel to a separate company and continue bidding on new public works projects under a new name though they have been suspended from such bidding due to violations of chapter 104, Hawaii Revised Statutes. Your Committee notes concerns raised in the testimony of the Department of Labor and Industrial Relations regarding the definition of "person", and your Committee respectfully requests that this concern be considered as this measure moves forward in the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 435, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 435 SD1</b>	Committee Referral: <b>LBT, JDC</b>	Date: <b>2/24/23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes