

LINDA LINGLE
GOVERNOR



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**STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES**
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TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
FINANCE
ON
March 26, 2008

S.B. 2779, H.D. 1

RELATING TO LABOR

Chair Oshiro and members of the Committee, thank you for the opportunity to testify on S.B. 2779, H.D. 1.

The Department of Accounting and General Services (DAGS) opposes S.B. 2779, H.D. 1, because it is unnecessary. The amendment to 104-32 on page 1, lines 7-9, is the negative way of saying what 104-32 already says. Following the semi colon in line 9, lines 9-11, require that the emergency proclamation references the statute under which the emergency is declared. The Governor would exercise the Governor's emergency power under the authority of Chapter 127 and 128.

DAGS recommends that this bill be held.

Thank you for the opportunity to testify on this matter.

Testimony from Alfred C. Lardizabal
Government and Community Relations Director
Laborers' Union Local 368

On

SB2779, HD1, RELATING TO LABOR

To the Committee on Finance
Wednesday, March 26, 2008, 2:00 p.m.
Conference Room 308
State Capitol

Honorable Representative Marcus R. Oshiro; Representative Marilyn B. Lee, Vice Chair and Members of the Committee:

There is a need to clarify when the governor may suspend by executive order the payment of prevailing wages on public works projects.

We humbly suggest the following amendments to SB2779, HD1 as follows:

“104-32 Suspension during emergency. During a national emergency declared by the President or the Congress of the United States, or a state of emergency declared by the governor, subject to the provisions of section 127-10- or 128-7, the governor, by executive order in writing may suspend this chapter provided that the governor may not suspend this chapter except in the event such an emergency occurs and is so proclaimed.”

We request that the bill become effective upon approval.

Thank you for the opportunity to submit this testimony.

The House of Representatives
The Twenty-Fourth Legislature
Committee on Finance
March 26, 2008, 2:00 a.m.
Conference Room 308

Statement of the Hawaii Carpenters Union on SB 2779, HD1

The Hawaii Carpenters union urges the passage of SB 2779 **with amendments** that restore the language of SB 2779. The HD1 does not reflect the intent of the original Bill.

The original SB 2779, identical to HB 3030 passed by the House of Representatives, provides a statutory reference to an emergency declared by the governor that may result in the suspension of Chapter 104, HRS. An erroneous suspension of prevailing wages on public works projects due to a non-specified definition of "emergency" can be avoided.

We do not object to referring to Chapter 128-7, in addition to 127-10, if there is any question that civil defense emergencies due to enemy attack are not otherwise covered. Chapter 104-32 would be amended to read:

"104-32 Suspension during emergency. During a national emergency declared by the President or the Congress of the United States, or a state of emergency declared by the governor, subject to the provisions of section 127-10 or 128-7, the governor, by executive order in writing may suspend this chapter provided that the governor may not suspend this chapter except in the event such an emergency occurs and is so proclaimed."

The Bill does not change Chapter 127 or 128, which state the conditions under which a governor may proclaim a state of emergency and exercise emergency powers. Clarifications may or may not be addressed by other Bills during this legislative session.

Thank you for your consideration of our testimony.