



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 20, 2008

To: The Honorable Rosalyn Baker, Chair
and Members of the Senate Committee on Ways and Means

Date: February 22, 2008

Time: 11:00 a.m.

Place: Conference Room 211, State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

**Testimony in Opposition
to
S.B. 2779 Relating to Labor**

I. OVERVIEW OF PROPOSED LEGISLATION

S. B. No. 2779 limits the ability of the Governor to waive the requirements of the Wages and Hours of Employees on Public Works, Chapter 104, Hawaii Revised Statutes (HRS), to "other disaster relief" as authorized under section 127-10, HRS.

II. CURRENT LAW

The Governor has the authority during a national or state emergency to suspend the requirements of the Wages and Hours of Employees on Public Works, Chapter 104, HRS, by executive order.

III. SENATE BILL

The Department is concerned for the public welfare and can not support limitations to the Governor's power in a disaster or emergency situations. The Department opposes this bill for the following reasons:

1. It is unclear as to the intent of this measure, but by including one specific section of authority to suspend Chapter 104, HRS, it can be construed that the Governor is limited in the authority to suspend requirements under any other disaster statutes, for example the current Civil Defense and Emergency Act, Chapter 128, HRS.

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2. If this measure is *not* meant to limit the Governor's authority, then the amendment is not necessary. Including this provision may put the health and safety of the people of Hawaii in jeopardy if it presents litigious questions that delay the progress of needed repairs and construction.

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller
BARBARA A. ANNIS
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

WRITTEN COMMENTS
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE
ON
WAYS AND MEANS
ON
February 22, 2008

S.B. 2779

RELATING TO LABOR

Chair Baker and members of the Committee, thank you for the opportunity to testify on S.B. 2779.

DAGS opposes S.B. 2779. The Governor has the authority during a national or state emergency to suspend the requirements of Chapter 104, HRS, as well as other chapters of the HRS, by Executive Order. If this bill is allowed to limit the Governor's authority in one Chapter of the HRS, it may lead to limitations in other chapters. This may put the health and safety of the people of Hawaii at risk. The Governor should be allowed to use the full discretion allowed Chapter 128, HRS to ensure the health and safety of the people in the State.

DAGS recommends that this bill be held

Thank you for the opportunity to comment on this matter.