



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 854

July 11, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith HB2691 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB2691 SD2 CD1

A BILL FOR AN ACT RELATING TO PREVAILING
WAGES.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

VETO

A BILL FOR AN ACT

RELATING TO PREVAILING WAGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 104-28, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) ~~[Action]~~ The following civil actions may be
4 instituted in any court of competent jurisdiction:

5 (1) An action to recover unpaid wages or overtime
6 compensation may be maintained ~~[in any court of~~
7 ~~competent jurisdiction]~~ by any one or more laborers or
8 mechanics for and on behalf of oneself or themselves
9 and others similarly situated~~[+]~~; and

10 (2) An action for injunctive and other relief against an
11 employer that fails to pay the prevailing wage to its
12 employees as required by this chapter by a joint
13 labor-management committee established pursuant to the
14 federal Labor Management Cooperation Act of 1978 (29
15 U.S.C. 175a)."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

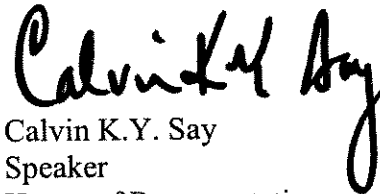


HB No. 2691 SD 2 CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda
President of the Senate



Paul Kawaguchi
Clerk of the Senate

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2691, entitled "A Bill for an Act Relating to Prevailing Wages," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2691 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2691 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day
of June, 2006.



LINDA LINGLE
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2691

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2691, entitled "A Bill for an Act Relating to Prevailing Wages."

The purpose of this bill is to allow a joint labor-management committee established under the federal Labor Management Cooperation Act of 1978 to file a lawsuit against an employer who fails to pay the prevailing wage required by chapter 104, Hawaii Revised Statutes, Hawaii's Wages and Hours of Employees on Public Works law, to its laborers and mechanics working on a governmental construction project.

This bill is objectionable because the Department of Labor and Industrial Relations currently conducts both complaint-generated and random routine investigations of public works projects for compliance with chapter 104. The Department's improved educational and outreach programs have focused in a positive manner in ensuring employers understand their obligations under the law. There is no demonstrated need to allow for the enforcement of chapter 104 by labor-management committees that may have personal interests in singling out certain contractors. Lawsuits against these contractors may also deter other contractors from bidding on public works projects, limiting the competition for these types of projects.

Moreover, this bill may require the Department to devote more resources to litigation, since the Department may have to intervene as an interested party to ensure that chapter 104 is being interpreted correctly. This will divert attention from what should be the primary focus, which is consistent,

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 2691
Page 2

vigilant enforcement by the responsible government agency of the existing statute.

For the foregoing reasons, I am returning House Bill No. 2691 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii