



GOV. MSG. NO. 701

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 1, 2008

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2779 HD2, without my approval, and with the statement of objections relating to the measure.

SB2779 HD2

A BILL FOR AN ACT RELATING TO LABOR.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

May 1, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2779

Honorable Members  
Twenty-Fourth 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, Senate Bill No. 2779, entitled "A Bill for an Act Relating to Labor."

The stated purpose of this bill is to clarify the types of circumstance under which the Governor, by executive order, may suspend the statutes relating to prevailing wages and hours for public works projects.

Current law provides that during a national emergency declared by the President or the Congress of the United States, or a state of emergency declared by the Governor, the Governor by executive order may suspend the provisions of chapter 104, titled, "Wages and Hours of Employees on Public Works," of the Hawaii Revised Statutes. Under this bill, the circumstances under which a state of emergency may be declared by the Governor appear to be limited to circumstances designated in section 127-10 or 128-7, Hawaii Revised Statutes.

This bill is objectionable because if this bill is intended as a mere clarification of the existing powers of the governor, it is unnecessary. The current law already provides the necessary provisions that enable the Governor to act quickly in addressing the needs of our people during times of emergency.

This bill is also objectionable because it adds unnecessary and confusing wording that may restrict a Governor's

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ability to suspend rules that protect the health and safety of Hawaii residents. I cannot allow our residents to be jeopardized if delays are encountered in emergency repairs and construction. Finally, this bill is redundant in the manner in which it is worded and obfuscates a section of the statutes where there should be unquestioned clarity--the powers of a Governor during times of emergency.

For the foregoing reasons, I am returning Senate Bill No. 2779 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

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## A BILL FOR AN ACT

RELATING TO LABOR.

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

1           SECTION 1. Section 104-32, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§104-32 Suspension during emergency.** During a national  
4 emergency declared by the President or the Congress of the  
5 United States, or a state of emergency declared by the governor,  
6 subject to the provisions of section 127-10 or 128-7, the  
7 governor, by executive order in writing, may suspend this  
8 chapter[-]; provided that the governor may not suspend this  
9 chapter except in the event such an emergency occurs and is so  
10 proclaimed."

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

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

