



**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dlir.director@hawaii.gov](mailto:dlir.director@hawaii.gov)

**LATE TESTIMONY**

February 11, 2008

To: The Honorable Alex Sonson, Chair  
and Members of the House Committee on Labor and Public Employment

Date: February 12, 2008

Time: 8:45 a.m.

Place: Conference Room 309, State Capitol

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

**Testimony in Opposition  
to  
H.B. 3030 Relating to Labor**

**I. OVERVIEW OF PROPOSED LEGISLATION**

House Bill 3030 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. HOUSE 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.

February 11, 2008

H.B. 3030

Page 2

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.