

LINDA LINGLE
GOVERNOR



LATE

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Testimony of Linda L. Smith
Senior Policy Advisor to the Governor

Before the

SENATE COMMITTEE ON JUDICIARY AND LABOR

on

SENATE BILL No. 2779

Tuesday, February 05, 2008
9:00 A.M.

Chair Taniguchi, and members of the committee, thank you for the opportunity to testify.

The Administration strongly opposes Senate Bill 2779.

This bill places limitations on the Governor's authority during a disaster or emergency situation. This bill, if enacted, may place the health and safety of the people of Hawaii in jeopardy if the Governor is not allowed to respond quickly to emergency situations.

Under this existing authority, the Governor was able to issue an emergency proclamation on September 8, 2006 related to the homeless crisis on the Leeward Coast. During this period the Governor declared the areas of the Leeward Coast where more than 2,500 were homeless to be a disaster area and created shelters to provide the needed health and social services for those individuals. As a result temporary shelters were in place within six months to accommodate many of the individuals displaced from beach parks as a result of the City and County of Honolulu closures for scheduled improvements. If the Legislature removes this authority for the Governor, the State will not be able to respond to disasters or emergency situations in as timely a manner.

We ask the committee to hold this bill.

LATE TESTIMONY

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
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TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE
ON
JUDICIARY AND LABOR
ON
February 5, 2008

S.B. 2779

RELATING TO LABOR

Chair Taniguchi 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 testify on this matter.

LATE TESTIMONY

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2779
A BILL RELATING TO LABOR

PRESENTATION TO THE
COMMITTEE ON JUDICIARY AND LABOR

BY

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

February 5, 2008

Chair Taniguchi and Committee Members:

I am Major General Bob Lee, Director of Civil Defense, State Department of Defense. I am providing written testimony in opposition to Senate Bill 2779.

Senate Bill 2779 clarifies that the Governor may not suspend statutes relating to wages and hours on public works projects unless a state of emergency is declared under the provisions of section 127-10.

From a State Civil Defense perspective Senate Bill 2779 is not necessary. The proposed bill will limit the Governor's emergency powers by restricting her ability to take action when immediate action may be needed regardless of the cause of the emergency.

Thank you for the opportunity to provide written testimony that opposes this measure.



STATE OF HAWAII

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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February 4, 2008

LATE TESTIMONY

To: The Honorable Brain T. Taniguchi, Chair
and Members of the Senate Committee on Judiciary and Labor

Date: February 5, 2008

Time: 9:00 a.m.

Place: Conference Room 016, 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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S. B. No. 2779

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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.