



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

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March 17, 2008

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

Date: March 18, 2008

Time: 9:00 a.m.

Place: Conference Room 309, 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.

The House of Representatives
The Twenty-Fourth Legislature
Committees on Labor and Public Employment and
Public Safety and Military Affairs.
March 18, 2008, 9:00 a.m.
Conference Room 309

Statement of the Hawaii Carpenters Union on SB 2779

The Hawaii Carpenters union is in support of SB 2779 and urges its passage.

This Bill, identical to HB 3030 passed by the House of Representatives, simply clarifies that an emergency declared by the governor that may result in the suspension of Chapter 104, HRS, refers to an emergency as provided by section 127-10, HRS. It does not change Chapter 127. It does not change the intent of section 104-32.

Currently Chapter 104 is lacking a statutory reference for a state of emergency declared by the governor. The clarification should help prevent an erroneous suspension of prevailing wages on public works projects based on a non-specific usage of "emergency".

Thank you for your consideration of our testimony.