EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

April 14, 2007

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:

Re: House Bill No. 1081

On April 13, 2007, House Bill No. 1081, entitled "A Bill for an Act Relating to Public Works" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill allows 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. This is Hawaii's law on Wages and Hours of Employees on Public Works. It covers laborers and mechanics working on a governmental construction project.

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. In addition, the Department's improved educational and outreach programs have decreased the number of violations. Thus, there is no demonstratable need for the enforcement of chapter 104 by labor-management committees. Lawsuits against certain contractors may delay existing public works projects and deter contractors from bidding on such projects, increasing potential costs to governmental contracting agencies and the taxpayers of the State.

Joint labor-management committees were created under the federal Labor Management Cooperation Act of 1978 to negotiate and resolve disputes between labor and management. This is a legitimate and important role for them to play. It is not wise to turn these committees into enforcement vehicles. This turns over to an outside party functions handled by the State under chapter 104, Hawaii Revised Statutes, and may adversely impact the Department of Labor and Industrial Relations' ability to control the proper enforcement of State statutes.

For the foregoing reasons, I allowed House Bill No. 1081 to become law as Act 16 effective April 13, 2007 without my signature.

Sincerely,

LINDA LINGLE