



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 1041

July 11, 2005

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith SB55 SD1 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB55 SD1 HD2 CD1

A BILL FOR AN ACT RELATING TO
MEAL BREAKS.

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

June 11, 2005

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 55

Honorable Members
Twenty-Third 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. 55, entitled "A Bill for an Act Relating to Meal Breaks."

The purpose of this bill is to provide employees who work five or more continuous hours at least a thirty consecutive minute rest or meal break where the employer is permitted to select the timing of the rest or meal break.

This bill is objectionable because it would only apply to a narrow segment of the business community in Hawaii. Chapter 387, Hawaii Revised Statutes, which this bill would amend, does not cover employers governed by the federal Fair Labor Standards Act. This federal law establishes legal obligations on employers who engage in interstate commerce or have an annual sales volume in excess of \$500,000. As such, this proposed bill would only apply to businesses who do not engage in interstate commerce or whose annual sales volume is \$500,000 or less. Therefore this bill would exclude a significant portion of Hawaii's businesses and a sizable percentage of the workforce.

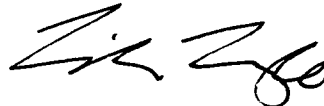
With the exception of Child Labor Laws, neither Federal nor State labor statutes require meal or other break periods. Testimony on this bill failed to provide any demonstrable information or firm data regarding the need for the State to regulate meal breaks. An employer and employee should have the flexibility to structure and schedule meal and other breaks in a way that is reasonable under the circumstances to both parties involved, instead of having specific breaks mandated by State

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law. Additionally, the bill lacks a penalty provision for non-compliance and therefore fails to contain a means of enforcement by the Department of Labor and Industrial Relations or a remedy for an employee who is not provided a rest or meal break.

For the foregoing reasons, I am returning Senate Bill No. 55 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