

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 29

Honorable Members  
Twenty-Second 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, House Bill No. 29, entitled "A Bill for an Act Relating to Meal Breaks."

The purpose of this bill is to require employers to provide employees with at least a thirty-minute meal break after more than eight hours of work, except when the employer is: (1) subject to a collective bargaining agreement that expressly provides for employee meal breaks; (2) a carrier of passengers or property by motor vehicle or a power generating utility regulated under chapter 269, Hawaii Revised Statutes (HRS); or (3) the operator of a continuously operating facility that is regulated by environmental permits.

The impetus for the bill was the Hawaii Civil Rights Commission's concern that, because state law does not require a meal period or other break, enforcing section 378-10, HRS, would be problematic. This law, enacted in 1999, prohibits an employer from preventing an employee from expressing breast milk during any meal or other break period required by law or by a collective bargaining agreement. The Commission, however, has never received a complaint on this issue.

This bill also provides that no employer shall prohibit an employee from expressing breast milk during any meal break or other break that is required by law, required by a collective bargaining agreement, or provided by the employer on a voluntary basis. In addition, an employer is prohibited from

discriminating against an employee for expressing milk during the meal break or any other break.

This bill is objectionable because it applies only to small businesses that do not engage in business outside of Hawaii. Chapter 387, Hawaii Revised Statutes, which this bill would amend, does not cover employers subject to the federal Fair Labor Standards Acts (i.e., employers with gross receipts of \$500,000 or more and those engaged in interstate commerce).

In short, there has been no demonstrated need for this bill. In those cases where employees work more than eight hours at a time, the employee and employer should have the flexibility to structure meal and other breaks in ways that make sense under the circumstances, rather than to have breaks mandated by law.

In sum, it makes no sense to burden businesses in Hawaii with a new regulation of this kind in the absence of a demonstrated need. It makes even less sense to target only small, local businesses.

For the foregoing reasons, I am returning House Bill No. 29 without my approval.

Respectfully,

LINDA LINGLE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 29, entitled "A Bill for an Act Relating to Meal Breaks," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 29 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 29 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th day  
of June, 2003.



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LINDA LINGLE  
Governor of Hawaii