



GOV. MSG. NO. 788

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 6, 2008

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:

This is to inform you that on June 6, 2008, the following bill was signed into law:

SB3087 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO CONTRACTOR
SUSPENSION ON PUBLIC WORKS PROJECTS.
(ACT 146)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on JUN 6 2008

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

ACT 146
S.B. NO. 3087
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CONTRACTOR SUSPENSION ON PUBLIC WORKS PROJECTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Currently, contractors can be suspended for
2 failure to pay back wages and penalties, or after the third
3 notice of violation if the second violation is within two years
4 of the first violation and the third violation is within two
5 years of the second violation. There is currently no method to
6 debar contractors who cheat and get caught unless they fail to
7 pay back wages, which rarely happens. State or county
8 government agencies should not be in business with those who
9 falsify payrolls or do not cooperate. Attaching suspension to
10 the penalty provisions of section 104-22(b), Hawaii Revised
11 Statutes, will create a clear line for those who are not willing
12 to comply with the law. Chapter 104, Hawaii Revised Statutes,
13 is a law imposed to even the playing field in bidding for public
14 works jobs and pay a prevailing wage to workers. It is not
15 unreasonable to impose a three-year suspension for those who are
16 not willing to comply.

17 The purpose of this Act is to provide the department of
18 labor and industrial relations with the ability to immediately



1 suspend and begin debarment proceedings against contractors that
2 purposely defraud the State on a public works project or do not
3 cooperate with the department of labor and industrial relations
4 in determining if there has been a violation of the prevailing
5 wage law.

6 SECTION 2. Section 104-25, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) The director shall suspend a person or firm as
9 follows:

10 (1) For a first or second violation, if a person or firm
11 fails to pay wages found due, any penalty assessed, or
12 both, the person or firm shall be immediately
13 suspended from doing any work on any public work of a
14 governmental contracting agency until all wages and
15 penalties are paid in full; ~~and~~

16 (2) For a third violation, the suspension shall be as
17 prescribed in section 104-24(c); provided that, if the
18 person or firm continues to violate this chapter or
19 fails to pay wages found due or any penalty assessed,
20 or both, then the contractor shall immediately be
21 suspended from doing any work on any public work of a
22 governmental contracting agency for a mandatory three-



1 year period. If after the three-year suspension
2 period the wages found due or penalties assessed are
3 still unpaid, the suspension shall remain in force
4 until payment is made in full [-]; or

5 (3) For falsification of records, or for delay or
6 interference with an investigation pursuant to section
7 104-22, the contractor shall be suspended for a period
8 of three years."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 6 day of JUN , 2008



GOVERNOR OF THE STATE OF HAWAII

