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# A BILL FOR AN ACT

RELATING TO CONTRACTORS.

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

1 SECTION 1. Section 104-22, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§104-22 Investigation; penalties.** (a) The department  
4 may conduct investigations to determine compliance with this  
5 chapter. The department may enter the job site, examine records  
6 of any contractor, either during or after the performance of any  
7 contract, or subpoena the records. The department may also  
8 interview employees during working hours on the job.

9 (b) If any contractor interferes with or delays any  
10 investigation by the department, the governmental contracting  
11 agency, on receipt of written notice from the director of the  
12 interference or delay, shall withhold from the contractor all  
13 further payments until the director has notified the  
14 governmental contracting agency in writing that the interference  
15 or delay has ceased. Interference or delay includes failure to  
16 provide requested records under section 104-3; failure to allow  
17 employees to be interviewed during working hours on the job; and



1 falsification of records required under this chapter. The  
2 department shall assess a penalty of \$10,000 per project for  
3 interference or delay. For each day thereafter that the  
4 employer fails to cooperate, the director shall assess a penalty  
5 of \$1,000 per project.

6 (c) The department may provide training for and deputize  
7 no fewer than persons to serve as volunteer investigators  
8 to conduct investigations pursuant to this section. Any  
9 volunteer investigator deputized by the department who, in good  
10 faith, provides services pursuant to this chapter shall not be  
11 liable in any civil action for damages as a result of any acts  
12 or omissions in conducting or participating in an investigation;  
13 provided that the skill and care given is that ordinarily  
14 required and exercised by an investigator.

15 (d) The department shall adopt rules in accordance with  
16 chapter 91 to implement this section."

17 SECTION 2. The department of labor and industrial  
18 relations shall submit reports of its findings and  
19 recommendations, including any proposed legislation, to the  
20 legislature not less than twenty days prior to the convening of  
21 the regular sessions of 2016, 2017, and 2018, on the



1 effectiveness of the training and deputizing of the volunteer  
2 investigators within public work projects.

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2015-2016 and the  
6 same sum or so much thereof as may be necessary for fiscal year  
7 2016-2017 for the training and deputizing of volunteer  
8 investigators investigating in public work projects.

9 The sums appropriated shall be expended by the department  
10 of labor and industrial relations for the purposes of this Act.

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2112.



**Report Title:**

Volunteer Investigators; Public Works Projects; Appropriations

**Description:**

Allows the Department of Labor and Industrial Relations to train and deputize volunteer investigators investigating public work projects. Requires the Department of Labor and Industrial Relations to submit reports and adopt rules. Appropriates moneys. (HB713 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

