

---

---

# A BILL FOR AN ACT

RELATING TO PUBLIC WORKS.

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

1 SECTION 1. Section 104-2.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~§~~104-2.5~~§~~ **Public work requirements; private**  
4 **construction contracts.** (a) Section 104-2 notwithstanding, for  
5 purposes of this chapter, public work shall also include a  
6 construction contract between private persons if more than fifty  
7 per cent of the assignable square feet of a project is leased or  
8 assigned for use by the State, any county, or any agency of the  
9 State or any county, whether or not the property is privately  
10 owned, and:

11 (1) The lease or other agreement is entered into prior to  
12 the construction contract becoming effective; or

13 (2) Construction work is performed according to a plan,  
14 specifications, or criteria established by the State,  
15 any county, or any agency of the State or any county.

16 (b) Prior to the start of construction on a project, the  
17 construction project owner shall sign a lease or other agreement



1 with the governmental leasing agency or the governmental agency  
2 accepting the construction project for its use to certify the  
3 construction project owner's compliance with this chapter,  
4 including payment of prevailing wages.

5 (c) Copies of the lease or other agreement under  
6 subsection (b) shall be filed with the department and the  
7 department of accounting and general services. The construction  
8 project owner shall submit weekly certified payrolls to the  
9 governmental leasing agency or the governmental agency accepting  
10 the construction project for its use, which shall be the  
11 governmental contracting agency for the construction project.

12 (d) Public work shall also include a construction contract  
13 valued at \$500 or more between private persons using state or  
14 county land for commercial, profit making activity. The  
15 requirement of a public work shall be included in the lease or  
16 other agreement for the use of the state or county land. Copies  
17 of the lease or other agreement shall be filed with the  
18 department of accounting and general services. The construction  
19 project owner shall submit weekly certified payrolls to the  
20 governmental agency entering into the agreement for the use of  
21 state or county land, which shall be the governmental  
22 contracting agency for the construction project."



1 SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Public Works; Construction Contracts

**Description:**

Includes as public works, construction contracts using public lands for commercial, for-profit activity. (SB2780 SD1)

