
A BILL FOR AN ACT

RELATING TO PUBLIC WORKS ON HAWAIIAN HOME LANDS.

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

1 SECTION 1. The legislature finds that the Davis Bacon Act
2 is a federal statute passed in 1931 that requires federal
3 contracts to meet local prevailing wage standards. Although the
4 Act initially passed as a tool to ensure fair wages, it
5 sometimes overly burdens local businesses, especially those
6 performing unique projects.

7 The legislature further finds states have enacted "Little
8 Davis Bacon Act" statutes that serve a similar function.
9 However, these state laws hinder development for many local and
10 alternative projects, such as those pursued by the department of
11 hawaiian home lands.

12 The purpose of this act is to allow for an exemption from
13 the state prevailing wage statutes, also known as "Little Davis
14 Bacon Act" statute, for projects administered by the department
15 of hawaiian home lands.

16 SECTION 2. Section 104-2, Hawaii Revised statutes, is
17 amended by amending subsection (a) to read as follows:



1 "§104-2 Applicability; wages, hours, and other
2 requirements. (a) This chapter shall apply to every contract
3 in excess of \$2,000 for construction of a public work project to
4 which a governmental contracting agency is a party; provided
5 that this chapter shall not apply to department of hawaiian home
6 lands projects, or experimental and demonstration housing
7 developed pursuant to section 46-15 or housing developed
8 pursuant to chapter 201H if the cost of the project is less than
9 \$500,000 and the eligible bidder or eligible developer is a
10 private nonprofit corporation.

11 For the purposes of this subsection:

12 "Contract" includes but is not limited to any agreement,
13 purchase order, or voucher in excess of \$2,000 for construction
14 of a public work project.

15 "Governmental contracting agency" includes:

16 (1) Any person or entity that causes either directly or
17 indirectly the building or development of a public
18 work; and

19 (2) Any public-private partnership.

20 "Party" includes eligible bidders for and eligible
21 developers of any public work and any housing under chapter



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1 201H; provided that this subsection shall not apply to any
 2 housing developed under section 46-15 or chapter 201H if the
 3 entire cost of the project is less than \$500,000 and the
 4 eligible bidder or eligible developer is a private nonprofit
 5 corporation."

6 SECTION 3. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 4. This act shall take effect upon its approval.
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INTRODUCED BY:

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[Handwritten signature: John M. ...]
 JAN 17 2020



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Report Title:

Davis Bacon Act; DHHL; Exempt

Description:

Exempts DHHL projects from the Davis Bacon Act.

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