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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. Chapter 196, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§196- Project labor standards for large-scale  
5 renewable energy projects; attestation or declaration; project  
6 labor agreement. (a) A person who constructs a large-scale  
7 covered project sited in the State shall, within thirty days  
8 from the date construction begins, provide a signed attestation  
9 or declaration to the department of labor and industrial  
10 relations stating to the best of their knowledge and belief,  
11 under penalty of perjury, that during all periods of  
12 construction all contractors and subcontractors working on the  
13 covered project shall:

- 14 (1) Use apprentices enrolled in or graduated from an  
15 apprenticeship pursuant to chapter 372;  
16 (2) Have policies in place that are designed to limit or  
17 prevent workplace harassment and discrimination and



- 1           that promote workplace diversity, equity and  
2           inclusion;
- 3           (3) Maintain a license, be in good standing to perform the  
4           work, and remain eligible to receive a contract or  
5           subcontract for public works under chapter 104;
- 6           (4) Demonstrate a history of material compliance in the  
7           previous seven years, or provide available history for  
8           new businesses, with the rules and other requirements  
9           of state agencies with oversight regarding workers'  
10          compensation, building codes, and occupational safety  
11          and health;
- 12          (5) Demonstrate a history of compliance, in the previous  
13          seven years, or provide available history for new  
14          businesses, with federal and state wage and hour laws;
- 15          (6) Provide quarterly reporting and recordkeeping to the  
16          covered project's owner or applicable electric utility  
17          and respond to records requests and verification;
- 18          (7) Pay no less than the prevailing wage rate reflected in  
19          the Hawaii prevailing wage statute set forth in  
20          chapter 104 for an hour's work in the same trade or



1           occupation in the county where the labor is performed;  
2           and  
3           (8) Offer health care and retirement benefits to the  
4           employees performing the labor on the covered project.  
5           (b) In addition to the requirements described in  
6 subsection (a), the attestation or declaration shall include the  
7 following information:  
8           (1) The megawatt capacity and physical footprint in acres  
9           of the project;  
10          (2) The geographic location of the project;  
11          (3) The estimated workforce requirements of the project;  
12          (4) A collated list of good faith effort documentation;  
13          and  
14          (5) A description of any policies in place for ensuring  
15          the person meets the requirements in this section.  
16          (c) A person shall be exempt from the requirements of  
17 subsection (a) if the person provides the department of labor  
18 and industrial relations with a copy of a project labor  
19 agreement for the covered project.  
20          (d) A person constructing a covered project shall notify  
21 the purchaser of the project or the purchaser of the energy from



1 the project of the signed attestation or declaration required  
2 pursuant to subsection (a) or of the existence of a project  
3 labor agreement under subsection (c), the notice of which shall  
4 identify the signatories to the agreement.

5 (e) The department of labor and industrial relations shall  
6 retain in a manner consistent with the department's record  
7 retention rules an attestation or declaration and, if  
8 applicable, a project labor agreement filed with the department.

9 (f) An attestation or declaration and, if applicable, a  
10 project labor agreement provided to the department of labor and  
11 industrial relations pursuant to this section shall be subject  
12 to public records disclosure pursuant to chapter 92F and the  
13 department shall provide a copy of the attestation or  
14 declaration upon request.

15 (g) An attestation or declaration and, if applicable, a  
16 project labor agreement filed under this section shall be for  
17 reporting purposes only and the department of labor and  
18 industrial relations shall not use an attestation or declaration  
19 and, if applicable, a project labor agreement to investigate,  
20 regulate, or enforce matters addressed in the attestation or  
21 declaration.



- 1        (h) Nothing in this section shall prohibit:
- 2        (1) The inclusion of labor standards in addition to those  
3        required by subsection (a) in contracts that are  
4        subject to this section;
- 5        (2) A person from using a project labor agreement to meet  
6        the minimum requirements of subsection (a); or
- 7        (3) A project labor agreement from including additional  
8        provisions that:
- 9            (A) Permit qualified contractors and subcontractors  
10           to bid for and be awarded work on the project  
11           without regard to whether they are otherwise  
12           parties to a collective bargaining agreement; and
- 13           (B) Guarantee against work stoppages, strikes,  
14           lockouts and similar disruptions of the project.
- 15        (i) As used in this section:
- 16        "Apprentice" shall have the same meaning as that term is  
17 defined in section 372-2.
- 18        "Construction" includes on-site and off-site construction  
19 and fabrication and covers thirty days after project completion.



1       "Covered project" means a renewable energy generation,  
2 sequestration, or storage facility with a capacity rating  
3 of \_\_\_\_\_ megawatts or greater.

4       "Project labor agreement" means a prehire collective  
5 bargaining agreement as described in title 29 United States Code  
6 section 158(f) that establishes the terms and conditions of  
7 employment for a specific construction project or contract."

8       SECTION 2. New statutory material is underscored.

9       SECTION 3. This Act shall take effect on June 30, 3000.



**Report Title:**

Renewable Energy Projects; Labor Standards; Union Labor

**Description:**

Establishes labor requirements for the construction of renewable energy projects with a capacity rating of \_\_\_\_\_ megawatts or greater. Effective 6/30/3000. (HD1)

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

