

ACT 62

H.B. NO. 863

A Bill for an Act Relating to Public Work Projects.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 104, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§104- Public work requirements; private construction contracts.**

(a) Section 104-2 notwithstanding, for purposes of this chapter, public work shall also include a construction contract between private persons if more than fifty per cent of the assignable square feet of a project is leased or assigned for use by the State, any county, or any agency of the State or any county, whether or not the property is privately owned, and:

- (1) The lease or other agreement is entered into prior to the construction contract becoming effective; or
- (2) Construction work is performed according to a plan, specifications, or criteria established by the State, any county, or any agency of the State or any county.

(b) Prior to the start of construction on a project, the construction project owner shall sign a lease or other agreement with the governmental leasing agency or the governmental agency accepting the construction project for its use to certify the construction project owner’s compliance with this chapter, including payment of prevailing wages.

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

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Vetoed by Governor and veto overridden by Legislature on May 3, 2007.)

**Note**

1. Edited pursuant to HRS §23G-16.5.