
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 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 for an
19 hour's work in the same trade or occupation in the
20 county where the labor is performed; and



1 (8) Offer health care and retirement benefits to the
2 employees performing the labor on the covered project.

3 (b) In addition to the requirements described in
4 subsection (a), the attestation or declaration shall include the
5 following information:

6 (1) The megawatt capacity and physical footprint in acres
7 of the project;

8 (2) The geographic location of the project;

9 (3) The estimated workforce requirements of the project;

10 (4) A collated list of good faith effort documentation;

11 and

12 (5) A description of any policies in place for ensuring
13 the person meets the requirements in this section.

14 (c) A person shall be exempted from the requirements of
15 subsection (a) if the person provides the department of labor
16 and industrial relations with a copy of a project labor
17 agreement for the covered project.

18 (d) A person constructing a covered project shall notify
19 the purchaser of the project or the purchaser of the energy from
20 the project of the signed attestation or declaration required
21 pursuant to subsection (a) or of the existence of a project



1 labor agreement under subsection (c), the notice of which shall
2 identify the signatories to the agreement.

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

7 (f) Notwithstanding chapter 91, an attestation or
8 declaration and, if applicable, a project labor agreement
9 provided to the department of labor and industrial relations
10 pursuant to this section shall be subject to public records
11 disclosure and the department shall provide a copy of the
12 attestation or declaration upon request.

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

20 (h) Nothing in this section shall prohibit:



1 (1) The inclusion of labor standards in addition to those
2 required by subsection (a) in contracts that are
3 subject to this section;

4 (2) A person from using a project labor agreement to meet
5 the minimum requirements of subsection (a); or

6 (3) A project labor agreement from including additional
7 provisions that:

8 (A) Permit qualified contractors and subcontractors
9 to bid for and be awarded work on the project
10 without regard to whether they are otherwise
11 parties to a collective bargaining agreement; and

12 (B) Guarantee against work stoppages, strikes,
13 lockouts and similar disruptions of the project.

14 (i) As used in this section:

15 "Apprentice" shall have the same meaning as that term is
16 defined in section 372-2.

17 "Construction" includes on-site and off-site construction
18 and fabrication and covers thirty days after project completion.

19 "Covered project" means a renewable energy generation,
20 sequestration, or storage facility with a capacity rating of ten
21 megawatts or greater.



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

5 SECTION 2. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY: *Musle E. Lower*

JAN 18 2023



H.B. NO. 187

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 ten megawatts or greater.

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