
A BILL FOR AN ACT

RELATING TO PUBLIC WORK PROJECTS.

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

1 SECTION 1. Chapter 104, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§104- Private public work construction contract
5 requirements. (a) Prior to the start of construction on a
6 project contracted between private persons covered by this
7 chapter, the construction project owner shall sign a lease or
8 other agreement with the State, county, or any agency of the
9 State or county that includes provisions that require compliance
10 with this chapter and a certification by the construction
11 project owner that prevailing wages shall be paid as provided
12 under this chapter.
13 (b) Copies of the lease or other agreement under
14 subsection (a) shall be filed with the department and the
15 department of accounting and general services. The construction
16 project owner shall submit weekly certified payrolls to the
17 government leasing agency or the governmental agency accepting



1 the construction project for its use, which shall be the
2 governmental contracting agency for the construction project."

3 SECTION 2. Section 104-2, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) This chapter shall apply to every contract in excess
6 of \$2,000 for construction of a public work project [~~to which a~~
7 ~~governmental contracting agency is a party~~]; provided that this
8 chapter shall not apply to experimental and demonstration
9 housing developed pursuant to section 46-15 or housing developed
10 pursuant to chapter 201G if the cost of the project is less than
11 \$500,000 and the eligible bidder or eligible developer is a
12 private nonprofit corporation.

13 For the purposes of this subsection:

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

17 "Governmental contracting agency" includes any person or
18 entity that causes either directly or indirectly the building or
19 development of a public work.

20 "Party" includes eligible bidders for and eligible
21 developers of any public work and any housing under chapter
22 201G; provided that this subsection shall not apply to any



1 housing developed under section 46-15 or chapter 201G if the
2 entire cost of the project is less than \$500,000 and the
3 eligible bidder or eligible developer is a private nonprofit
4 corporation.

5 "Public work" means any project^[7] under a construction
6 contract to which a governmental contracting agency is a party,
7 including development of any housing pursuant to section 46-15
8 or chapter 201G, and development, construction, renovation, and
9 maintenance related to refurbishment of any real or personal
10 property, where the funds or resources required to undertake the
11 project are to any extent derived either directly or indirectly
12 from public revenues of the State or any county, or from the
13 sale of securities or bonds whose interest or dividends are
14 exempt from state or federal taxes. The term includes a
15 construction contract between private persons if more than fifty
16 per cent of the assignable square feet of the project is leased
17 or assigned for use by the State, any county, or any agency of
18 the State or any county, whether or not the property is
19 privately owned, and either:

- 20 (1) The lease or other agreement is entered into before
21 the construction contract becomes effective; or



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

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun, before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. Boy
JAN 22 2007



Report Title:

Prevailing Wages; Indirect Public Works Projects; Compliance

Description:

Requires a construction project owner who undertakes a construction project to be used by the State or a county to sign a lease agreement that certifies compliance with the State's public works prevailing wage law. Requires that copies of the lease agreement be filed with the departments of labor and industrial relations and accounting and general services.

