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# A BILL FOR AN ACT

RELATING TO 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 part III to be appropriately  
3 designated and to read as follows:

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

13 (1) Use apprentices who are enrolled in or have graduated  
14 from an apprenticeship program pursuant to chapter  
15 372;

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) Be licensed, be in good standing to perform the work,
- 4           and remain eligible to receive a contract or
- 5           subcontract for public works under chapter 104;
- 6           (4) Demonstrate a history of compliance in the previous
- 7           seven years or, for new businesses, provide available
- 8           history, with the rules and other requirements of
- 9           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, for new businesses, provide available
- 14           history, 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) Comply with chapter 104; and
- 19           (8) Offer health care and retirement benefits to the
- 20           employees performing the labor on the covered project.



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

4        (1) The megawatt capacity and physical footprint in acres  
5        of the covered project;

6        (2) The geographic location of the covered project;

7        (3) The estimated workforce requirements of the covered  
8        project;

9        (4) A collated list of good faith effort documentation  
10       regarding use of apprentices; and

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

13       (c) A person constructing a covered project shall notify  
14 the purchaser of the covered project or the purchaser of the  
15 energy from the covered project of the existence of the signed  
16 attestation or declaration required pursuant to subsection (a).

17       (d) The department shall retain the attestation or  
18 declaration required under this section in a manner consistent  
19 with the department's record retention rules.

20       (e) The attestation or declaration provided to the  
21 department pursuant to this section shall be subject to public



1 records disclosure pursuant to chapter 92F, and the department  
2 shall provide a copy of the attestation or declaration upon  
3 request.

4 (f) An attestation or declaration filed under this section  
5 shall be for reporting purposes only, and the department shall  
6 not use an attestation or declaration to investigate, regulate,  
7 or enforce matters addressed in the attestation or declaration.

8 (g) Nothing in this section shall prohibit the inclusion  
9 of labor standards in addition to those required by subsection

10 (a) in contracts that are subject to this section.

11 (h) If:

12 (1) Contractors and subcontractors are unable or unwilling  
13 to meet the requirements under subsection (a);

14 (2) Enforcing these requirements will prevent the  
15 completion of the covered project in accordance with  
16 an existing or a new contract; and

17 (3) All reasonable attempts have been made to procure  
18 contractors and subcontractors who are able and  
19 willing to meet the requirements under subsection (a),

20 then the person completing the covered project may be exempt  
21 from the requirements of subsection (a).



1        (i) As used in this section:

2        "Apprentice" has the same meaning as in section 372-2.

3        "Construction" includes on-site construction and  
4 fabrication, excludes post-construction equipment testing or  
5 inspection, and shall be effective thirty days after covered  
6 project completion.

7        "Contractor" means any person furnishing construction under  
8 a contract with any person, governmental contracting agency,  
9 general contractor, subcontractor, individual, partnership,  
10 firm, corporation, joint venture, or other legal entity, acting  
11 directly or through an agent, employee, consultant, corporate  
12 officer, or corporate director.

13        "Covered project" means a facility for renewable energy  
14 generation, renewable energy storage, or carbon sequestration  
15 with a capacity rating of one megawatt or greater.

16        "Department" means the department of business, economic  
17 development, and tourism.

18        "Renewable energy" has the same meaning as in section 269-  
19 91."

20        SECTION 2. New statutory material is underscored.



**1** SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

Renewable Energy Projects; Labor Standards; Covered Projects

**Description:**

Requires an attestation or declaration regarding project labor standards, including adherence to state-approved apprenticeship programs and prevailing wage requirements, for large-scale renewable energy generation covered projects. Effective 7/1/3000. (HD2)

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

