

---

---

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

12           (1) Use apprentices enrolled in, or graduated from, an  
13           apprenticeship program pursuant to chapter 372;

14           (2) Have policies in place that are designed to limit or  
15           prevent workplace harassment and discrimination and  
16           that promote workplace diversity, equity and  
17           inclusion;



- 1       (3) Be licensed, be in good standing to perform the work,
- 2           and remain eligible to receive a contract or
- 3           subcontract for public works under chapter 104;
- 4       (4) Demonstrate a history of compliance in the previous
- 5           seven years, or provide available history for new
- 6           businesses, with the rules and other requirements of
- 7           state agencies with oversight regarding workers'
- 8           compensation, building codes, and occupational safety
- 9           and health;
- 10       (5) Demonstrate a history of compliance in the previous
- 11           seven years, or provide available history for new
- 12           businesses, with federal and state wage and hour laws;
- 13       (6) Provide quarterly reporting and recordkeeping to the
- 14           covered project's owner or applicable electric utility
- 15           and respond to records requests and verification;
- 16       (7) Comply with chapter 104; and
- 17       (8) Offer health care and retirement benefits to the
- 18           employees performing the labor on the covered project.
- 19       (b) In addition to the requirements described in
- 20       subsection (a), the attestation or declaration shall include the
- 21       following information:



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

3        (2) The geographic location of the project;

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

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

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

9        (c) A contractor constructing a covered project shall  
10       notify the purchaser of the project or the purchaser of the  
11       energy from the project of the existence of the signed  
12       attestation or declaration required pursuant to subsection (a).

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

16       (e) The attestation or declaration provided to the  
17       department pursuant to this section shall be subject to public  
18       records disclosure pursuant to chapter 92F, and the department  
19       shall provide a copy of the attestation or declaration upon  
20       request.



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

5        (g) Nothing in this section shall prohibit the inclusion  
6 of labor standards in addition to those required by subsection  
7 (a) in contracts that are subject to this section.

8        (h) As used in this section:

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

11        "Construction" includes on-site and off-site construction  
12 and fabrication, and shall be effective thirty days after  
13 project completion.

14        "Contractor" means any person furnishing construction under  
15 a contract with any person, governmental contracting agency,  
16 general contractor, subcontractor, individual, partnership,  
17 firm, corporation, joint venture, or other legal entity, acting  
18 directly or through an agent, employee, consultant, corporate  
19 officer, or corporate director.



1        "Covered project" means a renewable energy generation, such  
2 as carbon sequestration, or storage facility with a capacity  
3 rating of one megawatt or greater.

4        "Department" means the department of business, economic  
5 development, and tourism."

6        SECTION 2. New statutory material is underscored.

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



**Report Title:**

Renewable Energy Projects; Labor Standards

**Description:**

Requires attestation or declaration regarding project labor standards for large-scale renewable energy projects, including state-approved apprenticeship programs and prevailing wage requirements. (SD1)

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

