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# 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 covered project  
7 sited in the State shall, within thirty days from the date  
8 construction begins, provide a signed attestation or declaration  
9 to the department of labor and industrial relations stating to  
10 the best of the person's knowledge and belief, under penalty of  
11 perjury, that during all periods of construction all contractors  
12 and subcontractors working on the covered project shall:

- 13 (1) Use apprentices enrolled in or graduated from an  
14 apprenticeship program pursuant to chapter 372;  
15 (2) Have policies in place that are designed to limit or  
16 prevent workplace harassment and discrimination and



- 1           that promote workplace diversity, equity and
- 2           inclusion;
- 3       (3) Maintain a license, be in 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 reflected in
- 19          the Hawaii prevailing wage statute set forth in
- 20          chapter 104 for an hour's work in the same trade or



1           occupation in the county where the labor is performed;

2           and

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

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

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

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

11          (3) The estimated workforce requirements of the covered  
12          project;

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

14          and

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

17          (c) A person shall be exempt from the requirements of  
18          subsection (a) if the person provides the department of labor  
19          and industrial relations with a copy of a project labor  
20          agreement for the covered project.



1       (d) A person constructing a covered project shall notify  
2 the purchaser of the covered project or the purchaser of the  
3 energy from the covered project of the signed attestation or  
4 declaration required pursuant to subsection (a) or of the  
5 existence of a project labor agreement under subsection (c), the  
6 notice of which shall identify the signatories to the agreement.

7       (e) The department of labor and industrial relations shall  
8 retain in a manner consistent with the department's record  
9 retention rules the attestation or declaration and, if  
10 applicable, the project labor agreement filed with the  
11 department.

12       (f) An attestation or declaration and, if applicable, a  
13 project labor agreement provided to the department of labor and  
14 industrial relations pursuant to this section shall be subject  
15 to public records disclosure pursuant to chapter 92F and the  
16 department shall provide a copy of the attestation or  
17 declaration and, if applicable, the project labor agreement upon  
18 request.

19       (g) An attestation or declaration and, if applicable, a  
20 project labor agreement filed under this section shall be for  
21 reporting purposes only and the department of labor and



1 industrial relations shall not use an attestation or declaration  
2 and, if applicable, a project labor agreement to investigate,  
3 regulate, or enforce matters addressed in the attestation,  
4 declaration, or project labor agreement.

5 (h) Nothing in this section shall prohibit:

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

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

11 (3) A project labor agreement from including additional  
12 provisions that:

13 (A) Permit qualified contractors and subcontractors  
14 to bid for and be awarded work on the covered  
15 project without regard to whether they are  
16 otherwise parties to a collective bargaining  
17 agreement; and

18 (B) Guarantee against work stoppages, strikes,  
19 lockouts, and similar disruptions of the covered  
20 project.

21 (i) As used in this section:



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

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

5       "Covered project" means a renewable energy generation,  
6 sequestration, or storage facility with a capacity rating of ten  
7 megawatts or greater.

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

12       SECTION 2. New statutory material is underscored.

13       SECTION 3. This Act shall take effect on June 30, 3000.



**Report Title:**

Renewable Energy Projects; Large-Scale 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. Effective 6/30/3000. (HD2)

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

