

## ACT 281

H.B. NO. 3400

A Bill for an Act Relating to the Wages and Hours.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§46- Limitation of application.** This chapter shall not be construed to exempt counties from the application of chapter 104 to experimental and demonstration housing projects pursuant to section 46-15.”

SECTION 2. Section 104-2, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) [Every] Except as otherwise provided, the specifications of every contract in excess of \$2,000 to which a governmental contracting agency is a party, for construction of any public work, [and the specifications for the contract,] shall state the minimum wages [which] that shall be paid to the various classes of laborers and mechanics engaged in the performance of the contract on the job site[.], and that the minimum wages shall be periodically increased during the performance of the contract in an amount equal to the increase in the prevailing wages for those kinds of work as periodically determined by the director of labor and industrial relations; provided that this subsection shall be applied individually and on a case by case basis to each public work project, including development of housing under section 46-15 or chapter 201E, for which a contract is required under this section, and that specific terms of each contract shall be mutually exclusive of the terms of any other public work contract; and provided further that this subsection shall not apply to experimental and demonstration housing developed pursuant to section 46-15 or housing developed pursuant to chapter 201E if the cost of the project is less than \$500,000 and the eligible bidder or eligible developer is a private nonprofit corporation.

For the purposes of this subsection[, “party”]:

“Governmental contracting agency” includes any person or entity that causes either directly or indirectly the building or development of a public work.

“Party” [shall include, but not be limited to, the housing finance and development corporation,] includes eligible bidders[, for and eligible developers of any public work and any housing [projects developed] under chapter 201E; provided that[, with respect to a housing project developed under chapter 201E, this subsection shall only apply to the laborers and mechanics working on that particular housing project; provided further that] this subsection shall not apply to [a] any housing [project] developed under section 46-15 or chapter 201E if the entire cost of the project is less than \$500,000 and the eligible bidder or eligible developer is a private nonprofit corporation.

“Public work” means any project, including development of any housing pursuant to section 46-15 or chapter 201E, and development, construction, renovation, and maintenance related to refurbishment of any real or personal property, where the funds or resources required to undertake the project are to any extent derived either directly or indirectly from public revenues of the State or any county, or from the sale of securities or bonds whose interest or dividends are exempt from state or federal taxes.

(b) The minimum wages shall be not less than the wages [which] that the director of labor and industrial relations, under the [regulations<sup>1</sup>] rules, shall have determined to be the prevailing wages for corresponding classes of laborers and mechanics on projects of similar character in the State. The prevailing wages shall be not less than the wages payable under federal law to corresponding classes of laborers and mechanics employed on public works in the State [which] that are prosecuted under ~~contract~~ or agreement with the government of the United States. Notwithstanding the provisions of the original ~~contract~~, if the director determines that the prevailing wage has increased, the rate of pay of laborers and mechanics on a public work project shall be raised accordingly."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>2</sup>

SECTION 4. This Act shall take effect upon its approval, and shall apply to any public work project under consideration on that date for which a contract has not been finally executed.

(Approved June 19, 1992.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.