
HOUSE RESOLUTION

REQUESTING THE OWNER AND OPERATOR OF HILO'S NANILOA VOLCANOES
RESORT TO PAY WORKERS RENOVATING THE RESORT THE PREVAILING
WAGE REQUIRED BY CHAPTER 104, HAWAII REVISED STATUTES.

1 WHEREAS, chapter 104, Hawaii Revised Statutes, requires
2 workers on public works construction projects to be paid
3 prevailing wages; and
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5 WHEREAS, "public work" includes those projects on which
6 funds or resources required to undertake the project are to any
7 extent derived either directly or indirectly from public
8 revenues of the State; and
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10 WHEREAS, the prevailing wage requirement binds a
11 governmental contracting agency that is a party to a public
12 works construction contract; and
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14 WHEREAS, "governmental contracting agency" is defined as
15 any person or entity that causes either directly or indirectly
16 the building of a public work; and
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18 WHEREAS, the failure to include the prevailing wage
19 provisions in any agreement governed by chapter 104, Hawaii
20 Revised Statutes, is not a defense to a contractor's failure to
21 pay the prevailing wage required by law; and
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23 WHEREAS, the Naniloa Volcanoes Resort is located on land
24 owned by the State and leased from the Department of Land and
25 Natural Resources; and
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27 WHEREAS, in 2005, the Department of Land and Natural
28 Resources conducted an auction for the lease of the property and
29 the winning bidder agreed to pay the State a minimum of
30 \$500,000, to pay the previous owner and operator of the hotel
31 \$6,100,000 for its leasehold interest in the property, and to
32 spend at least \$5,000,000 over three years to renovate the
33 property; and
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1 WHEREAS, the renovation of the Naniloa Volcanoes Resort is
2 a "public work" because the renovations will be paid for with
3 revenues derived from the operation of a business located on
4 public land owned by the State; and
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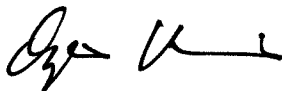
6 WHEREAS, the renovation of the Hawaii Volcanoes Resort
7 involves a "governmental contracting agency" because the
8 renovations are mandated by the lease between the operator and
9 the Department of Land and Natural Resources; now, therefore,
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11 BE IT RESOLVED by the House of Representatives of the
12 Twenty-fourth Legislature of the State of Hawaii, Regular
13 Session of 2007, that the owner and operator of the Naniloa
14 Volcanoes Resort is requested to pay workers renovating the
15 property the prevailing wage mandated by chapter 104, Hawaii
16 Revised Statutes; and
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18 BE IT FURTHER RESOLVED that the Department of Labor and
19 Industrial Relations is requested to discharge its duties under
20 chapter 104, Hawaii Revised Statutes, by determining the
21 prevailing wage for the renovations and enforcing payment of
22 those wages; and
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24 BE IT FURTHER RESOLVED that certified copies of this
25 Resolution be transmitted to the Chairperson of the Board of
26 Land and Natural Resources, the Director of Labor and Industrial
27 Relations, and to the owner and operator of the Naniloa
28 Volcanoes Resort.
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OFFERED BY: LS:RC Caldwell



MAR 14 2007



