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## HOUSE CONCURRENT 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



1 spend at least \$5,000,000 over three years to renovate the  
2 property; and  
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4 WHEREAS, the renovation of the Naniloa Volcanoes Resort is  
5 a "public work" because the renovations will be paid for with  
6 revenues derived from the operation of a business located on  
7 public land owned by the State; and  
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9 WHEREAS, the renovation of the Hawaii Volcanoes Resort  
10 involves a "governmental contracting agency" because the  
11 renovations are mandated by the lease between the operator and  
12 the Department of Land and Natural Resources; now, therefore,  
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14 BE IT RESOLVED by the House of Representatives of the  
15 Twenty-fourth Legislature of the State of Hawaii, Regular  
16 Session of 2007, the Senate concurring, that the owner and  
17 operator of the Naniloa Volcanoes Resort is requested to pay  
18 workers renovating the property the prevailing wage mandated by  
19 chapter 104, Hawaii Revised Statutes; and  
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21 BE IT FURTHER RESOLVED that the Department of Labor and  
22 Industrial Relations is requested to discharge its duties under  
23 chapter 104, Hawaii Revised Statutes, by determining the  
24 prevailing wage for the renovations and enforcing payment of  
25 those wages; and  
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27 BE IT FURTHER RESOLVED that certified copies of this  
28 Concurrent Resolution be transmitted to the Chairperson of the  
29 Board of Land and Natural Resources, the Director of Labor and  
30 Industrial Relations, and to the owner and operator of the  
31 Naniloa Volcanoes Resort.  
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OFFERED BY: Kirk Caldwell

*[Handwritten signatures and dates]*  
MAR 14 2007  
*[Handwritten signature: Kirk Caldwell]*