
SENATE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR A NEW SYSTEM OF CORRECTIONAL FACILITIES THAT MAY INCLUDE REENTRY CENTERS, REPORTING CENTERS, TREATMENT CENTERS, PRISONS, JAILS, AND HALFWAY HOMES, TO BE OWNED AND OPERATED BY THE STATE AND ITS COUNTIES.

1 WHEREAS, part of the mission of the Department of Public
2 Safety (Department) is to operate a statewide system of
3 correctional facilities with professionalism, integrity, and
4 fairness; and

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6 WHEREAS, Hawaii currently employs and operates a system of
7 prisons and jails that are overcrowded and in some cases old and
8 dilapidated; and

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10 WHEREAS, inadequate facilities have forced Hawaii to send
11 prisoners to private mainland prisons; and

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13 WHEREAS, the State's current prison population, including
14 those incarcerated on the mainland, is over 5,000 and is
15 estimated to exceed 6,000 in the foreseeable future; and

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17 WHEREAS, the practice of sending Hawaii's prisoners to
18 private mainland prisons is a temporary solution that is no
19 longer viable or in the best interests of prisoners, their
20 families, or society as a whole; and

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22 WHEREAS, the Legislature believes that returning inmates to
23 Hawaii from facilities the State sends them to in other states
24 would be in the best interest of Hawaii and would serve the
25 economic and social interests of Hawaii's residents; and

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27 WHEREAS, the Department operates seven correctional
28 facilities on four major Hawaiian islands; and
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1 WHEREAS, the Department's seven correctional facilities are
2 in need of modernization or expansion to meet the State's
3 current correctional needs; and
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5 WHEREAS, if the current situation continues, prison
6 conditions will only worsen and potentially lead to federal
7 intervention that will financially burden the State, as seen in
8 California, which resulted in the costly federal oversight of
9 California's prison health care system; and
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11 WHEREAS, federal intervention threatens all other parts of
12 government service, including but not limited to education,
13 welfare, and other aspects of public safety; and
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15 WHEREAS, the Department has not provided a concrete plan to
16 rebuild our prisons and jails in response to the burgeoning
17 prison system crisis; and
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19 WHEREAS, pursuant to section 353-16.36, Hawaii Revised
20 Statutes, the Governor may enter into and execute contracts with
21 a private entity to construct correctional facilities to be
22 leased or purchased for the benefit of the State; and
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24 WHEREAS, the State is interested in entering into a public-
25 private partnership to plan, design, construct, prepare, and
26 provide the financing for new, expanded, or renovated
27 correctional facilities statewide, as permitted under chapter
28 37D, Hawaii Revised Statutes; and
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30 WHEREAS, the State has used the type of financing agreement
31 envisioned for the correctional facilities on other projects;
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34 WHEREAS, future appropriations may be necessary for the
35 Department to meet payment obligations under this type of
36 public-private partnership agreement; and
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38 WHEREAS, financing agreements or private financing for the
39 development of correctional facilities on state lands are not
40 likely to provide better interest rates or financing costs than
41 general obligation bonds; and
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43 WHEREAS, the State could capitalize on the equity value of
44 existing assets and may desire to enter into land or property



1 agreements that may entail a sale, exchange, lease, or any
2 combination thereof, to reduce or improve future costs or
3 payment obligations of the State through a public-private
4 partnership agreement; and
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6 WHEREAS, a developer could develop lands or property sold,
7 exchanged, leased, or any combination thereof, and construct
8 improvements other than correctional facilities in the public-
9 private partnership agreement; and
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11 WHEREAS, a request for proposals to enter into a public-
12 private partnership to plan, design, construct, finance, and
13 prepare for operation, expanded, renovated, or new facilities is
14 anticipated; now, therefore,
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16 BE IT RESOLVED by the Senate of the Twenty-seventh
17 Legislature of the State of Hawaii, Regular Session of 2014, the
18 House of Representatives concurring, that the Governor is urged
19 to enter into a public-private partnership agreement for the
20 planning, design, construction, and financing of a new system of
21 correctional facilities that may include reentry centers,
22 reporting centers, treatment centers, prisons, jails, and
23 halfway homes, to be owned and operated by the State and its
24 counties; and
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26 BE IT FURTHER RESOLVED that the Legislature supports the
27 construction of correctional facilities statewide and expresses
28 its support for future appropriations and land or property
29 agreements that may include sales, exchanges, leases, or any
30 combination thereof that may be necessary for the Department to
31 meet future payment obligations under the agreement; and
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33 BE IT FURTHER RESOLVED that the Governor is urged to
34 achieve the goal of bringing home all of the State's prisoners
35 that are incarcerated on the mainland no later than July 1,
36 2018; and
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38 BE IT FURTHER RESOLVED that the public-private partnership
39 be in accordance with the Justice Reinvestment Act and that a
40 minimum of seventy percent of the repayment costs for the new
41 system be paid for through cost savings and efficiencies, as
42 compared to the existing system; and
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1 BE IT FURTHER RESOLVED that the public-private partnership
2 thoroughly evaluate refurbishment and expansion of any existing
3 facilities that may have remaining useful life and can be
4 extended for a minimum of thirty years; and
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6 BE IT FURTHER RESOLVED that all proposals include a total
7 cost of ownership analysis, including but not limited to: first
8 cost of capital, all land and infrastructure costs, building
9 operating costs and maintenance, managerial operating costs
10 including all staff costs, and remaining useful life beyond the
11 thirty-year period; and
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13 BE IT FURTHER RESOLVED that no later than May 31, 2014, the
14 relevant state departments put out a request for proposals to
15 the prison building industry; and
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17 BE IT FURTHER RESOLVED that no later than December 31,
18 2014, the State select a private partner to accomplish the goal
19 of providing Hawaii with a new, state of the art, system of
20 correctional facilities; and
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22 BE IT FURTHER RESOLVED that the Department complete a
23 thorough evaluation of all inmates in prison and the status of
24 their reentry plans, the effectiveness of rehabilitation
25 services and programs, or lack thereof, and alternatives to
26 incarceration; and
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28 BE IT FURTHER RESOLVED that certified copies of this
29 Concurrent Resolution be transmitted to the Governor, the
30 Comptroller, the Director of Finance, the Director of Public
31 Safety, the Chairperson of the Board of Land and Natural
32 Resources, the Attorney General, the Chairperson of the Hawaiian
33 Homes Commission, and the Mayors and County Council members of
34 each county.
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