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# HOUSE CONCURRENT RESOLUTION

ENCOURAGING THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR THE PLANNING, DESIGN, CONSTRUCTION, TURNKEY, AND FINANCING OF EXPANDED, RENOVATED, OR NEW CORRECTIONAL FACILITIES STATEWIDE.

1 WHEREAS, part of the mission of the Department of Public  
2 Safety is to promote public safety in Hawaii's communities by  
3 providing correctional services with professionalism, integrity,  
4 and fairness; and

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6 WHEREAS, the Legislature believes that transferring back to  
7 Hawaii persons who are in Hawaii's correctional system but  
8 incarcerated in mainland facilities is in the best interest of  
9 the State as it serves and benefits the economic, social, and  
10 public safety interests of its citizens; and

11  
12 WHEREAS, the Department of Public Safety currently operates  
13 a total of seven correctional facilities on the islands of  
14 Hawaii, Kauai, Maui, and Oahu, all of which are in need of  
15 modernization or expansion to meet the State's current  
16 correctional needs, including the return of Hawaii prisoners  
17 from mainland facilities; 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 in  
21 the name of the State with any private entity to construct and  
22 then lease or purchase correctional facilities on public or  
23 private lands for the benefit of the State; and

24  
25 WHEREAS, the State is interested in promoting a public-  
26 private partnership to plan, design, construct, and finance  
27 expanded, renovated, turnkey, or new correctional facilities  
28 statewide, as permitted under chapter 37D, Hawaii Revised  
29 Statutes; and



1 WHEREAS, similar financing agreements have been used by the  
2 State for other projects as an alternative funding mechanism  
3 permitted under chapter 37D; and  
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5 WHEREAS, the Legislature recognizes that ultimately, future  
6 appropriations will likely be necessary for the Department of  
7 Public Safety to meet future payment obligations under the  
8 public-private partnership agreement; and  
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10 WHEREAS, the Legislature further recognizes that financing  
11 agreements or private financing for the development of  
12 correctional facilities on state lands will likely not provide  
13 better interest rates or financing costs than general obligation  
14 bonds; and  
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16 WHEREAS, the Legislature further recognizes that the State  
17 could capitalize on the equity value of its assets and may  
18 desire to enter into land or property agreements entailing the  
19 sale, exchange, or lease, or any combination thereof, of lands  
20 or property to reduce or improve future costs or payment  
21 obligations of the State through a public-private partnership  
22 agreement; and  
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24 WHEREAS, the Legislature further recognizes that the  
25 developer could develop such lands or property sold, exchanged,  
26 or leased, or any combination thereof, for something other than  
27 correctional facilities in the public-private partnership  
28 agreement; and  
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30 WHEREAS, a request for proposals for the Department of  
31 Public Safety to enter into a public-private partnership to  
32 plan, design, construct, and finance the development of  
33 expanded, renovated, turnkey, or new facilities should be  
34 encouraged; now, therefore,  
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36 BE IT RESOLVED by the House of Representatives of the  
37 Twenty-seventh Legislature of the State of Hawaii, Regular  
38 Session of 2014, the Senate concurring, that the Department of  
39 Public Safety is encouraged to enter into a public-private  
40 partnership agreement for the planning, design, construction,  
41 and financing of expanded, renovated, turnkey, or new  
42 correctional facilities statewide; and

1 BE IT FURTHER RESOLVED that this body expresses its support  
2 for future appropriations and land or property agreements that  
3 may include selling, exchanging, or leasing, or any combination  
4 thereof of property or lands, as may be necessary for the  
5 Department of Public Safety to meet future payment obligations  
6 under the agreement; and  
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8 BE IT FURTHER RESOLVED that this body supports construction  
9 of correctional facilities statewide, as set forth in this  
10 Concurrent Resolution, provided, among other things, that the  
11 opportunity is afforded for community and public input on the  
12 projects and their proposed locations; and  
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14 BE IT FURTHER RESOLVED that this body supports the  
15 Department of Public Safety's intention that such correctional  
16 facilities be operated and managed by the State, and not private  
17 companies; and  
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19 BE IT FURTHER RESOLVED that certified copies of this  
20 Concurrent Resolution be transmitted to the Governor, Attorney  
21 General, Comptroller, Director of Finance, Director of Public  
22 Safety, Chairperson of the Board of Land and Natural Resources,  
23 Chairperson of the Hawaiian Homes Commission, and the Mayors and  
24 County Council chairpersons of each county.

