
SENATE 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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30 WHEREAS, the Department's seven correctional facilities are
31 in need of modernization or expansion to meet the State's
32 current correctional needs; and

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1 WHEREAS, if the current situation continues, prison
2 conditions will only worsen and potentially lead to federal
3 intervention that will financially burden the State, as seen in
4 California, which resulted in the costly federal oversight of
5 California's prison health care system; and

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7 WHEREAS, federal intervention threatens all other parts of
8 government service, including but not limited to education,
9 welfare, and other aspects of public safety; and

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11 WHEREAS, the Department has not provided a concrete plan to
12 rebuild our prisons and jails in response to the burgeoning
13 prison system crisis; and

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15 WHEREAS, pursuant to section 353-16.36, Hawaii Revised
16 Statutes, the Governor may enter into and execute contracts with
17 a private entity to construct correctional facilities to be
18 leased or purchased for the benefit of the State; and

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20 WHEREAS, the State is interested in entering into a public-
21 private partnership to plan, design, construct, prepare, and
22 provide the financing for new, expanded, or renovated
23 correctional facilities statewide, as permitted under chapter
24 37D, Hawaii Revised Statutes; and

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26 WHEREAS, the State has used the type of financing agreement
27 envisioned for the correctional facilities on other projects;
28 and

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30 WHEREAS, future appropriations may be necessary for the
31 Department to meet payment obligations under this type of
32 public-private partnership agreement; and

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34 WHEREAS, financing agreements or private financing for the
35 development of correctional facilities on state lands are not
36 likely to provide better interest rates or financing costs than
37 general obligation bonds; and

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39 WHEREAS, the State could capitalize on the equity value of
40 existing assets and may desire to enter into land or property
41 agreements that may entail a sale, exchange, lease, or any
42 combination thereof, to reduce or improve future costs or
43 payment obligations of the State through a public-private
44 partnership agreement; and

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