

CS FOR HOUSE BILL NO. 53(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/18/98

Referred: Rules

Sponsor(s): REPRESENTATIVE MULDER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the power of municipalities to provide for the confinement
2 and care of prisoners; relating to authorizing the Department of Corrections to
3 enter into an agreement to lease facilities for the confinement and care of
4 prisoners with the City of Delta Junction; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 29.35.010 is amended by adding a new paragraph to read:

7 (15) provide facilities or services for the confinement and care of
8 prisoners and enter into agreements with the state, another municipality, or any person
9 relating to the confinement and care of prisoners.

10 * **Sec. 2.** AS 29.35.020(a) is amended to read:

11 (a) To the extent a municipality is otherwise authorized by law to exercise the
12 power necessary to provide the facility or service, the municipality may provide
13 facilities for the confinement and care of prisoners, parks, playgrounds, cemeteries,
14 emergency medical services, solid and septic waste disposal, utility services, airports,

1 streets (including ice roads), trails, transportation facilities, wharves, harbors and other
 2 marine facilities outside its boundaries and may regulate their use and operation to the
 3 extent that the jurisdiction in which they are located does not regulate them. A
 4 regulation adopted under this section must state that it applies outside the municipality.

5 * **Sec. 3. AUTHORIZATION TO LEASE CORRECTIONAL FACILITY SPACE WITH**
 6 **THIRD-PARTY CONTRACTOR OPERATION.** (a) To take advantage of the unique
 7 opportunity to use surplus military facilities on the road system that are becoming available
 8 through the United States Army's realignment of Fort Greely's mission, to prevent and
 9 ameliorate economic hardship in the Delta region occasioned by that realignment and the
 10 consequent reduction in forces and civilian employment at Fort Greely, and to relieve
 11 overcrowding of existing correctional facilities within the state and the extensive use of out-of-
 12 state correctional facilities to house Alaska inmates, the Department of Corrections may enter
 13 into an agreement with the City of Delta Junction to lease space within a correctional facility
 14 on the deactivated Fort Greely military reservation that will house persons who are committed
 15 to the custody of the commissioner of corrections. The agreement must provide that the state
 16 agrees to lease the space for a minimum of 20 years.

17 (b) The agreement to lease entered into under this section is predicated on and must
 18 provide for an agreement between the City of Delta Junction and a private third-party
 19 contractor under which the private third-party contractor operates the facility by providing for
 20 custody, care, and discipline services for persons held by the commissioner of corrections
 21 under authority of state law.

22 (c) The authorization given by (a) of this section is subject to the following
 23 conditions:

24 (1) the lease must provide a minimum of 800 prison beds;

25 (2) the agreement to lease must contain terms providing that the commissioner
 26 of corrections may terminate for cause a contract with a private third-party contractor
 27 operating the facility in accordance with the provisions of (b) of this section.

28 * **Sec. 4. APPLICABILITY.** The provisions of AS 33.30.031(a) and (c) do not apply to
 29 an agreement to lease a correctional facility in accordance with the provisions of sec. 3 of this
 30 Act.

31 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).