

HOUSE BILL NO. 149

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CHENAULT

Introduced: 2/26/01

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to correctional facility space and to authorizing the Department of**
2 **Corrections to enter into an agreement to lease facilities for the confinement and care of**
3 **prisoners within the Kenai Peninsula Borough."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 **AUTHORIZATION TO LEASE CORRECTIONAL FACILITY SPACE WITH**
8 **THIRD-PARTY CONTRACTOR OPERATION.** (a) The Department of Corrections may
9 enter into an agreement with the Kenai Peninsula Borough to lease space within a correctional
10 facility located within the Kenai Peninsula Borough that will house persons who are
11 committed to the custody of the commissioner of corrections. The agreement must provide
12 that the state agrees to lease the space for a minimum of 20 years.

13 (b) The agreement to lease entered into under this section is predicated on and must
14 provide for an agreement between the Kenai Peninsula Borough and a private third-party

1 contractor under which the private third-party contractor constructs and operates the facility
2 by providing for custody, care, and discipline services for persons held by the commissioner
3 of corrections under authority of state law. The commissioner of corrections shall require in
4 the agreement with the Kenai Peninsula Borough that the Kenai Peninsula Borough procure
5 the private third-party operator through a competitive process similar to the procedures
6 established in AS 36.30 (State Procurement Code).

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

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

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

13 (3) the commissioner may not enter into an agreement with an agency unable
14 to provide or cause to be provided a degree of custody, care, and discipline similar to that
15 required by the laws of this state.

16 * **Sec. 2.** Section 4, ch. 15, SLA 1998, and sec. 6, ch. 35, SLA 1999, are repealed.