

Regular Session, 2011

SENATE BILL NO. 218

BY SENATOR MCPHERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORRECTIONAL FACILITIES. Provides for pre-paid lease contracts of state correctional facilities. (gov sig)

1 AN ACT

2 To enact R.S. 39:1800.4(C)(3), relative to state and local correctional facilities; to provide
3 for pre-paid leases of certain state correctional facilities; to provide for certain terms
4 of pre-paid leases of state correctional facilities; to provide for an effective date; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:1800.4(C)(3) is hereby enacted to read as follows:

8 §1800.4. State and local corrections facilities; private contracts

9 * * *

10 C. (1)

11 * * *

12 **(3) Notwithstanding any provision of law to the contrary, the**
13 **department may amend a current operating agreement or contract with a**
14 **private correctional services contractor, awarded under the provisions of this**
15 **Chapter for the provision of correctional or geriatric services, to include a lease**
16 **of the state facility where those services are being provided. Any such lease**
17 **shall be pre-paid in an amount equal to the fair market value of the state facility**

provisions of present law to provide correctional or geriatric services, to include a lease of the state facility where those services are being provided. Any such lease shall be pre-paid in an amount equal to the fair market value of the state facility to be leased, shall be for a period not to exceed twenty years, and shall not contain an option for the lessee to purchase the state facility. Such pre-paid lease may provide that the term of the contract to provide correctional or geriatric services shall be the same as the term of the pre-paid lease. Such pre-paid lease may provide for a per diem to be paid to the private correctional services contractor or for an increase in the per diem paid to the private correctional services contractor under the terms of the contract to provide correctional or geriatric services. Any additional per diem shall be calculated so that it shall not exceed the pre-paid lease payment and the cost of capital associated with the pre-paid lease amount applied evenly over a period of time equal to the term of the pre-paid lease and the amended contract to provide correctional or geriatric services.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 39:1800.4(C)(3))