

HOUSE BILL NO. 9

2nd Special Session

Introduced and Referred to Committee on State Administration:

6/22/82

Died in Committee

1 HB BILL NO. 9  
 2 INTRODUCED BY Brand - Ellard

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF  
 5 THE OLD MONTANA STATE PRISON; REQUIRING THE DEPARTMENT OF  
 6 STATE LANDS TO NEGOTIATE FOR THE TERMINATION OF THE LEASE OF  
 7 THE OLD PRISON; ALLOWING THE WARDEN TO DETERMINE WHICH  
 8 PRISONERS TO INCARCERATE IN THE OLD PRISON; REQUIRING THE  
 9 PHYSICAL PLANT TO MEET CERTAIN STANDARDS; APPROPRIATING  
 10 MONEY FOR THE RENOVATION OF THE OLD PRISON; AND PROVIDING AN  
 11 IMMEDIATE EFFECTIVE DATE."

12 WHEREAS, the Montana Territorial and State Prison was  
 13 listed in the National Register of Historic Places on  
 14 September 3, 1976; and

15 WHEREAS, since that time the prison has received  
 16 funding from the Federal Historic Preservation Fund which  
 17 required the signing of a 10-year covenant assuring the  
 18 general preservation of the structure; and

19 WHEREAS, the aforementioned covenant does not preclude  
 20 changes to the property, nor does it prevent the reuse of  
 21 the prison as a prison.

22 THEREFORE, it is the intent of this act that the  
 23 Montana Territorial and State Prison be renovated for use in  
 24 housing maximum security inmates.

25

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2 Section 1. Definitions. For the purposes of this act,  
 3 unless otherwise stated, the following definitions apply:

4 (1) "Capital project" means acquisition of land or  
 5 improvements, planning, capital construction, renovation,  
 6 furnishing, or major repair projects authorized in this act.

7 (2) "BPICA" means account number 06142 in the bond  
 8 proceeds and insurance clearance fund; "FPRA" means federal  
 9 and private revenue account; "ERA" means earmarked revenue  
 10 account; and "other appropriated funds" means money other  
 11 than general fund or BPICA money that accrues under  
 12 provisions of law to an agency indicated herein.

13 (3) "Old prison" means the Montana territorial and  
 14 state prison including all of blocks 52, 53, 62, 63, 66, and  
 15 67 of the original townsite to the city of Deer Lodge,  
 16 Powell County, Montana.

17 Section 2. Termination of lease. The department of  
 18 state lands shall enter into negotiations with the city of  
 19 Deer Lodge to terminate the lease between the state of  
 20 Montana and the city of Deer Lodge concerning the old  
 21 prison.

22 Section 3. Use of old prison. (1) The old prison shall  
 23 be used primarily for maximum security inmates. The warden  
 24 of the Montana state prison may determine, for security  
 25 reasons, which prisoners are to be incarcerated in the old

1 prison.

2 (2) The old prison shall meet the minimum physical  
3 plant standards for existing adult facilities as promulgated  
4 by the Commission on Accreditation for Corrections of the  
5 American Correctional Association.

6 Section 4. Severability. If a part of this act is  
7 invalid, all valid parts that are severable from the invalid  
8 part remain in effect. If a part of this act is invalid in  
9 one or more of its applications, the part remains in effect  
10 in all valid applications that are severable from the  
11 invalid applications.

12 Section 5. General fund appropriation. There is  
13 appropriated from the general fund to account number 06142  
14 in the bond proceeds and insurance clearance fund \$4.5  
15 million to be used to support the project provided for in  
16 section 6.

17 Section 6. Planning and capital projects  
18 appropriation. There is appropriated from the BPICA to the  
19 director of the department of administration:

20 DEPARTMENT OF INSTITUTIONS

21 Planning, renovation, and capital projects  
22 enabling the old prison to house  
23 maximum security inmates: \$4.5 million

24 Section 7. Effective date. This act is effective on  
25 passage and approval.

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