

HOUSE BILL NO. 528

INTRODUCED BY BROOKE, YELLOWTAIL, WYATT, FRANKLIN, VAUGHN,
FRITZ, S. RICE, VAN VALKENBURG, REAM, BECKER, STICKNEY,
SQUIRES, J. BROWN, RUSSELL, COCCHIARELLA, HANSEN, MESSMORE,
SOUTHWORTH, J. JOHNSON, MEASURE, STRIZICH, R. JOHNSON

IN THE HOUSE

FEBRUARY 1, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

 FIRST READING.

FEBRUARY 11, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 12, 1991 PRINTING REPORT.

 ON MOTION, TAKEN FROM PRINTING AND
REREFERRED TO COMMITTEE ON APPROPRIATIONS.

MARCH 27, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 28, 1991 PRINTING REPORT.

 SECOND READING, DO PASS AS AMENDED.

 ENGROSSING REPORT.

 ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

 THIRD READING, PASSED.
AYES, 70; NOES, 30.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

 FIRST READING.

APRIL 11, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 13, 1991 SECOND READING, CONCURRED IN.

APRIL 15, 1991

THIRD READING, CONCURRED IN.
AYES, 33; NOES, 16.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1991

RECEIVED FROM SENATE.

APRIL 17, 1991

ON MOTION, CONSIDERATION PASSED.

APRIL 18, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 19, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. *528*

INTRODUCED BY *Frank Yellowtail West Mark Lee*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF INSTITUTIONS TO DEVELOP A REQUEST FOR PROPOSALS TO SOLICIT PROPOSALS FROM MONTANA LOCAL

GOVERNMENTAL UNITS FOR THE CITING OF A WOMEN'S CORRECTIONAL FACILITY; REQUIRING THE DEPARTMENT TO SOLICIT PROPOSALS ACCORDING TO THE REQUEST; SPECIFYING CERTAIN CRITERIA FOR THE SITE OF THE FACILITY; CREATING A COMMITTEE TO EVALUATE THE PROPOSALS; PROVIDING FOR THE EVALUATION OF THE PROPOSALS AND SELECTION OF A FACILITY SITE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE CONSTRUCTION OF THE FACILITY; AUTHORIZING CONSTRUCTION AND STATUTORILY APPROPRIATING THE PROCEEDS OF THE BONDS FOR THAT PURPOSE; APPROPRIATING MONEY TO THE SITE SELECTION COMMITTEE; AMENDING SECTIONS 17-7-502, 53-1-202, 53-30-101, AND 53-30-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, Article II, section 28, of the Montana Constitution states that laws for the punishment of crime should be founded on the principles of prevention and reformation; and

WHEREAS, the current Women's Correction Center was

created in 1982 as a temporary facility; and

WHEREAS, the current Women's Correction Center is a totally inadequate correctional facility consisting of a vacant nurses' dormitory at Warm Springs State Hospital, which provides inadequate security; inadequate medical, vocational, and other educational and rehabilitative services; and inadequate space for the state's rising population of female inmates; and

WHEREAS, population projections by the Department of Institutions estimate 124 female inmates will be incarcerated in a state facility by the year 1995; and

WHEREAS, Chapter 518, Laws of 1989, required the Department of Institutions, in cooperation with the Governor's Criminal Justice and Corrections Advisory Council, to develop a comprehensive plan for housing female inmates and required submission of the plan to the 52nd Legislature; and

WHEREAS, the Department of Institutions has begun a request for proposal process by which it is soliciting proposals from various Montana communities to construct a women's correctional facility; and

WHEREAS, the Legislature believes that decisions concerning the site selection process and the financing and construction of the facility must be made with the interests of crime prevention and reformation of female inmates as the



1 state's highest priority and are matters of statewide
2 concern and appropriate for legislative action.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 NEW SECTION. **Section 1.** Legislative findings. The
6 legislature finds that the incarceration and management of
7 female felony offenders is a matter of state responsibility
8 and that the location and design of a facility providing for
9 these services determines the proper management of those
10 offenders, so that it is necessary to provide proper
11 guidelines for the location and construction of the
12 facility.

13 NEW SECTION. **Section 2.** Definitions. As used in
14 [sections 1 through 10], unless the context clearly
15 indicates otherwise, the following definitions apply:

16 (1) "Department" means the department of institutions
17 provided for in 2-15-2301.

18 (2) "Facility" or "women's correctional facility" means
19 a women's correctional facility with a capacity of
20 approximately 200 beds providing minimum, medium, and
21 maximum security for female inmates.

22 (3) "Local governmental unit" means a county, city,
23 town, or consolidated government.

24 (4) "Proposal" means a proposal for the location of the
25 facility, submitted or to be submitted by local governmental

1 units to the department in response to the request for
2 proposals required by [section 3].

3 NEW SECTION. **Section 3.** Request for proposals. (1) The
4 department shall request that proposals be submitted to the
5 department from local governmental units for the citing and
6 community support of a new women's correctional facility.
7 The request must:

8 (a) be made in the form of a request for proposals;

9 (b) specify a date on which all proposals are to be
10 received by the department; and

11 (c) contain the information required under subsection
12 (2) and other information determined necessary by the
13 department.

14 (2) The request for proposal must require that
15 information in the following categories be submitted by a
16 local governmental unit as part of any proposal:

17 (a) construction site information, including:

18 (i) the acreage of the site, including potential for
19 expansion;

20 (ii) the name and address of the owner or owners and the
21 form of the legal interest in which the site is held;

22 (iii) how the site may be acquired by the state;

23 (iv) the configuration and topography of the site;

24 (v) access to paved public streets and reliable
25 utilities, such as water supply, sewage system, natural gas,

1 electricity, telephone, and refuse disposal;
 2 (vi) compatibility with current local zoning ordinances,
 3 as well as any ordinance modifications necessary and the
 4 procedure for making those modifications;
 5 (vii) flood hazard information;
 6 (viii) subsurface soils analyses and water table
 7 location;
 8 (ix) climate; and
 9 (x) location plan drawings, areawide master plan
 10 drawings, and site plan drawings.
 11 (b) service availability information, including:
 12 (i) proximity, stated in the shortest roadway miles on
 13 all-weather roads, to 24-hour emergency medical services;
 14 (ii) proximity, stated in the shortest roadway miles on
 15 all-weather roads, to 24-hour fire protection services;
 16 (iii) proximity, stated in the shortest roadway miles on
 17 all-weather roads, to a certified local law enforcement
 18 agency and the level of the agency's capability to respond
 19 to emergencies;
 20 (iv) proximity to, stated in the shortest roadway miles
 21 on all-weather roads, and availability of interstate
 22 transportation services; and
 23 (v) proximity to counties committing inmates.
 24 (3) The department may accept in full or partial
 25 compliance with the requirements of subsection (2)

1 information provided to the department pursuant to any
 2 similar request for proposals process if that information
 3 otherwise satisfies the requirements of subsection (2).

4 NEW SECTION. **Section 4. Site requirements.** A proposal
 5 submitted by a local governmental unit must apply to a
 6 proposed construction site:

7 (1) of approximately 15 to 20 acres in size, with 25 to
 8 30 additional acres available for expansion;

9 (2) having access to paved public streets and reliable
 10 utilities, such as water supply, sewage system, natural gas,
 11 electricity, telephone, and refuse disposal;

12 (3) that is not located in a historical 100-year
 13 floodplain, as shown on federal emergency management agency
 14 flood hazard boundary maps, soil conservation service flood
 15 hazard studies, or corps of engineers flood information
 16 reports;

17 (4) on which the subsurface soils and water table will
 18 allow a basement to be constructed under the facility;

19 (5) with access via all-weather roads to 24-hour
 20 emergency medical services and 24-hour fire protection
 21 services;

22 (6) located reasonably close to counties contributing a
 23 majority of the inmates; and

24 (7) served, or in a community served, by public
 25 interstate transportation service, such as bus, rail, or

1 air service.

2 NEW SECTION. Section 5. Site selection committee. (1)

3 Proposals submitted in response to the request for proposals
4 required by [section 3] must be evaluated by a site
5 selection committee. The committee consists of the following
6 persons:

7 (a) one representative of the architecture and
8 engineering division of the department of administration,
9 appointed by the director of the department of
10 administration;

11 (b) two members of the subcommittee on a women's
12 correctional facility of the governor's criminal justice and
13 corrections advisory council, appointed by the governor;

14 (c) two representatives of the department of
15 institutions, appointed by the director of institutions;

16 (d) two members of the house of representatives,
17 neither of whom may be a resident of a local governmental
18 unit submitting a proposal, appointed by the speaker of the
19 house; and

20 (e) two members of the senate, neither of whom may be a
21 resident of a local governmental unit submitting a proposal,
22 appointed by the president of the senate.

23 (2) Except as otherwise provided by [sections 1 through
24 8], the site selection committee shall be compensated,
25 reimbursed, and otherwise governed by the provisions of

1 2-15-122 regarding advisory councils.

2 (3) The committee shall meet as often as necessary to
3 perform the duties assigned by [sections 1 through 8]. The
4 committee shall consider, evaluate, and select the location
5 for the women's correctional facility according to the
6 procedure and criteria in [section 6].

7 (4) The committee is attached for administrative
8 purposes only to the department, which shall provide such
9 staff, budgetary, administrative, and clerical services to
10 the committee as the committee or its chairperson requests.

11 (5) The committee terminates on submission of its
12 choice of the winning proposal to the director of the
13 department in accordance with [section 8(3)].

14 NEW SECTION. Section 6. Site selection procedure and
15 criteria. (1) The site selection committee may not consider
16 a proposal unless the proposal:

17 (a) is submitted within the time required by the
18 request for proposal;

19 (b) applies to a site satisfying the requirements of
20 [section 4]; and

21 (c) contains the construction site information and
22 service availability information required by [section 3(2)].

23 (2) The committee shall determine a maximum numeric
24 value for each of the criteria provided in subsection (3).
25 Criteria that the committee determines to be of more

1 relative importance must be awarded a greater maximum value.
 2 The committee shall rate each proposal considered by it by
 3 using a weighted scale process that assigns a numeric score
 4 for each criteria and then totals the score for each
 5 proposal. The score for each criteria and proposal must be
 6 determined by the extent to which each criteria is
 7 satisfied, based upon a documented demonstration of:

8 (a) the proximity, availability, and number of
 9 resources satisfying the criteria;

10 (b) the strength and quality of the resources
 11 satisfying the criteria; and

12 (c) the local governmental unit's willingness and
 13 ability to provide resources satisfying the criteria.

14 (3) The criteria to be used by the committee are the
 15 availability of:

16 (a) medical services of a referral hospital with
 17 24-hour emergency room service in the presence of an
 18 attending physician;

19 (b) a hospital offering medical specialties needed by
 20 female inmates;

21 (c) dental services;

22 (d) chemical dependency treatment;

23 (e) mental health services, including psychiatric care,
 24 clinical services, inpatient and outpatient treatment, and
 25 programs appropriate to women's needs;

1 (f) vocational education or its programmatic equivalent
 2 and public or private post-secondary institutions;

3 (g) licensed foster care and all levels of child care,
 4 including registered day care, licensed group care, and
 5 out-of-home care;

6 (h) public transportation;

7 (i) court system and legal services;

8 (j) motel or hotel accommodations;

9 (k) vendors of food, automobile fuel, and other
 10 supplies;

11 (l) an adequate skilled workforce for employment in the
 12 facility;

13 (m) affordable housing for the facility staff;

14 (n) established organizations whose primary missions
 15 are specific to women's needs;

16 (o) established organizations that emphasize and are
 17 concerned with Native American issues; and

18 (p) employment for facility inmates outside of the
 19 facility.

20 NEW SECTION. **Section 7. Site visitation and hearings**
 21 **required.** The site selection committee shall determine the
 22 four proposals with the highest numeric scores. The
 23 committee shall eliminate the other proposals from further
 24 consideration. As soon as possible after elimination of the
 25 other sites, the committee shall conduct on-site reviews of

1 the four remaining candidate sites by conducting both an
 2 on-site tour of each of the four candidate sites and holding
 3 a public hearing on the subject of the facility in the
 4 community where each proposed site is located. The purpose
 5 of the tour and hearing is to receive information concerning
 6 the extent to which each candidate site satisfies the
 7 criteria in [section 4], [section 6(3)], and [section 8(2)].
 8 The hearings must be conducted under procedures determined
 9 by the committee, and the committee shall give notice of
 10 each hearing by advertisement in a newspaper of general
 11 circulation in the county of each candidate site.

12 NEW SECTION. Section 8. Site selection. (1) After
 13 completing the on-site reviews required by [section 7], the
 14 committee shall again score each of the four candidate sites
 15 by applying the criteria and scoring method provided in
 16 [section 6].

17 (2) If two or more proposals receive the same total
 18 score, the committee shall determine the leading proposal by
 19 assigning maximum point values for and scoring those
 20 proposals on the following criteria for the community in
 21 which the facility would be located:

- 22 (a) strength of community volunteer resources;
 23 (b) ability of the community's post-secondary
 24 educational programs to provide appropriate interns for the
 25 facility;

1 (c) the receptiveness of the public school district or
 2 districts to enrolling the children of facility inmates in
 3 their schools; and

4 (d) the ethnic and cultural diversity of the community.

5 (3) The facility must be located at the site proposed
 6 by the local governmental unit whose proposal receives the
 7 highest numeric score using the procedure provided in this
 8 section. Upon selection of the winning proposal by the
 9 committee, the committee will inform the director of the
 10 department of its selection and the director shall make a
 11 public announcement of the committee's selection. The
 12 committee shall submit its selection to the director of the
 13 department no later than 100 days after the [effective date
 14 of this act].

15 NEW SECTION. Section 9. Authorization of general
 16 obligation bonds -- appropriation. (1) The board of
 17 examiners may issue and sell general obligation bonds of the
 18 state in the aggregate amount of no more than \$12 million
 19 for the purpose of acquiring a suitable site for and
 20 constructing and equipping the women's correctional facility
 21 located in accordance with [sections 1 through 8] and to be
 22 constructed by the department of administration in
 23 accordance with [section 10]. The bonds must be issued and
 24 sold in conformity with and subject to the conditions of
 25 Title 17, chapter 5, part 8. The full faith and credit and

1 taxing power of the state is pledged for the payment of all
2 bonds issued pursuant to this section.

3 (2) All proceeds of bonds sold pursuant to this section
4 must be deposited in the capitol projects account and used
5 only to pay the costs of site acquisition and constructing
6 and equipping the women's correctional facility. The
7 proceeds from the sale of the bonds are appropriated to the
8 department of administration for those purposes. This
9 section constitutes a statutory appropriation within the
10 meaning of 17-7-502.

11 NEW SECTION. Section 10. Site acquisition and
12 construction required. Upon the sale of the bonds authorized
13 by [section 9], the department of administration, acting
14 under the supervision and with the approval of the board of
15 examiners, shall acquire the site for and proceed with the
16 construction and equipping of the women's correctional
17 facility located pursuant to [sections 1 through 8]. The
18 department shall call for bids as required by law for the
19 design, construction, and equipping of the facility and
20 shall require each prime contractor to give a bond in the
21 amount determined by the board of examiners, conditioned
22 upon the faithful performance of the contractor's duties and
23 the contracts.

24 **Section 11.** Section 17-7-502, MCA, is amended to read:

25 "17-7-502. Statutory appropriations -- definition --

1 requisites for validity. (1) A statutory appropriation is an
2 appropriation made by permanent law that authorizes spending
3 by a state agency without the need for a biennial
4 legislative appropriation or budget amendment.

5 (2) Except as provided in subsection (4), to be
6 effective, a statutory appropriation must comply with both
7 of the following provisions:

8 (a) The law containing the statutory authority must be
9 listed in subsection (3).

10 (b) The law or portion of the law making a statutory
11 appropriation must specifically state that a statutory
12 appropriation is made as provided in this section.

13 (3) The following laws are the only laws containing
14 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
15 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
16 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
17 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
18 17-5-424; 17-5-804; [section 9]; 19-8-504; 19-9-702;
19 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
20 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406;
21 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
22 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
23 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
24 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
25 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;

1 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
2 of 1985.

3 (4) There is a statutory appropriation to pay the
4 principal, interest, premiums, and costs of issuing, paying,
5 and securing all bonds, notes, or other obligations, as due,
6 that have been authorized and issued pursuant to the laws of
7 Montana. Agencies that have entered into agreements
8 authorized by the laws of Montana to pay the state
9 treasurer, for deposit in accordance with 17-2-101 through
10 17-2-107, as determined by the state treasurer, an amount
11 sufficient to pay the principal and interest as due on the
12 bonds or notes have statutory appropriation authority for
13 such payments. (In subsection (3), pursuant to sec. 10, Ch.
14 664, L. 1987, the inclusion of 39-71-2504 terminates June
15 30, 1991.)"

16 **Section 12.** Section 53-1-202, MCA, is amended to read:

17 "53-1-202. Institutions in department. (1) The
18 following institutions are in the department:

- 19 (a) Montana state hospital;
20 (b) Montana veterans' home at Columbia Falls;
21 (c) Montana veterans' home in eastern Montana;
22 (d) state prison;
23 (e) Montana developmental center;
24 (f) Montana center for the aged;
25 (g) Swan River forest camp; and

1 (h) Montana women's correctional facility; and

2 (h)(i) Eastmont human services center.

3 (2) A state institution may not be moved, discontinued,
4 or abandoned without prior consent of the legislature."

5 **Section 13.** Section 53-30-101, MCA, is amended to read:

6 "53-30-101. Location and function of prison and women's
7 correctional facility. (1) The institution at Deer Lodge is
8 the state prison and as its primary function provides
9 facilities for the custody, treatment, training, and
10 rehabilitation of adult male criminal offenders.

11 (2) The institution located in accordance with
12 [sections 1 through 8] is the Montana women's correctional
13 facility and as its primary function provides facilities for
14 the custody, treatment, training, and rehabilitation of
15 adult female criminal offenders."

16 **Section 14.** Section 53-30-102, MCA, is amended to read:

17 "53-30-102. Qualifications of warden of state prison
18 and warden of women's correctional facility. The warden of
19 the state prison and the warden of the women's correctional
20 facility shall be a-person persons trained through education
21 and experience in directing a training, rehabilitation, or
22 custodial program in a penal institution."

23 NEW SECTION. Section 15. Appropriation. There is
24 appropriated from the general fund \$8,000 to the department
25 of institutions for the purposes of the site selection

1 committee created by [section 5]. This appropriation is
2 effective through the fiscal year ending June 30, 1992.

3 NEW SECTION. Section 16. Code commissioner
4 instruction. Whenever the terms "women's correction center"
5 or "women's correctional center" appear in the Montana Code
6 Annotated or in legislation enacted by the 52nd legislature,
7 the code commissioner is instructed to change the term to
8 "women's correctional facility".

9 NEW SECTION. Section 17. Effective date. [This act] is
10 effective on passage and approval.

11 NEW SECTION. Section 18. Termination. [Sections 1
12 through 9] terminate 100 days after passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 528

INTRODUCED BY BROOKE, YELLOWTAIL, WYATT, FRANKLIN, VAUGHN,
FRITZ, S. RICE, VAN VALKENBURG, REAM, BECKER, STICKNEY,
SQUIRES, J. BROWN, RUSSELL, COCCHIARELLA, HANSEN, MESSMORE,
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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
DEPARTMENT OF INSTITUTIONS TO DEVELOP A REQUEST FOR
PROPOSALS TO SOLICIT PROPOSALS FROM MONTANA LOCAL
GOVERNMENTAL UNITS FOR THE ~~EXISTING~~ SITING OF A WOMEN'S
CORRECTIONAL FACILITY; REQUIRING THE DEPARTMENT TO SOLICIT
PROPOSALS ACCORDING TO THE REQUEST; SPECIFYING CERTAIN
CRITERIA FOR THE SITE OF THE FACILITY; CREATING A COMMITTEE
TO EVALUATE THE PROPOSALS; PROVIDING FOR THE EVALUATION OF
THE PROPOSALS AND SELECTION OF A FACILITY SITE; AUTHORIZING
THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE
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STATUTORILY APPROPRIATING THE PROCEEDS OF THE BONDS FOR THAT
PURPOSE; APPROPRIATING MONEY ~~TO~~ FOR THE PURPOSES OF THE SITE
SELECTION COMMITTEE; AMENDING SECTIONS 17-7-502, 53-1-202,
53-30-101, AND 53-30-102, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, Article II, section 28, of the Montana
Constitution states that laws for the punishment of crime

should be founded on the principles of prevention and
reformation; and

WHEREAS, the current Women's Correction Center was
created in 1982 as a temporary facility; and

WHEREAS, the current Women's Correction Center is a
totally inadequate correctional facility consisting of a
vacant nurses' dormitory at Warm Springs State Hospital,
which provides inadequate security; inadequate medical,
vocational, and other educational and rehabilitative
services; and inadequate space for the state's rising
population of female inmates; and

WHEREAS, population projections by the Department of
Institutions estimate 124 female inmates will be
incarcerated in a state facility, INCLUDING PRERELEASE AND
COMMUNITY-BASED FACILITIES, by the year 1995; and

WHEREAS, Chapter 518, Laws of 1989, required the
Department of Institutions, in cooperation with the
Governor's Criminal Justice and Corrections Advisory
Council, to develop a comprehensive plan for housing female
inmates and required submission of the plan to the 52nd
Legislature; and

WHEREAS, the Department of Institutions has begun a
request for proposal process by which it is soliciting
proposals from various Montana communities to construct a
women's correctional facility; and

SECOND READING

1 WHEREAS, the Legislature believes that decisions
 2 concerning the site selection process and the financing and
 3 construction of the facility must be made with the interests
 4 of crime prevention and reformation of female inmates as the
 5 state's highest priority and are matters of statewide
 6 concern and appropriate for legislative action.

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. Section 1. Legislative findings. The
 10 legislature finds that the incarceration and management of
 11 female felony offenders is a matter of state responsibility
 12 and that the location and design of a facility providing for
 13 these services determines the proper management of those
 14 offenders, so that it is necessary to provide proper
 15 guidelines for the location and construction of the
 16 facility.

17 NEW SECTION. Section 2. Definitions. As used in
 18 [sections 1 through 10], unless the context clearly
 19 indicates otherwise, the following definitions apply:

20 (1) "Department" means the department of institutions
 21 provided for in 2-15-2301.

22 (2) "Facility" or "women's correctional facility" means
 23 a women's correctional facility with a capacity of
 24 approximately 200 beds providing minimum, medium, and
 25 maximum security for female inmates.

1 (3) "Local governmental unit" means a county, city,
 2 town, or consolidated government.

3 (4) "Proposal" means a proposal for the location of the
 4 facility, submitted ~~or-to-be-submitted~~ by local governmental
 5 units to the department in response to the request for
 6 proposals required by [section 3].

7 NEW SECTION. Section 3. Request for proposals. (1) The
 8 department shall request that proposals be submitted to the
 9 department from local governmental units for the ~~citing~~
 10 SITING and community support of a new women's correctional
 11 facility. The request must:

- 12 (a) be made in the form of a request for proposals;
 13 (b) specify a JANUARY 30, 1991, AS THE date on which
 14 all proposals are to be received by the department; and
 15 (c) contain the information required under subsection
 16 (2) and other information determined necessary by the
 17 department.

18 (2) The request for proposal must require that
 19 information in the following categories be submitted by a
 20 local governmental unit as part of any proposal:

- 21 (a) construction site information, including:
 22 (i) the acreage of the site, ~~including potential for~~
 23 ~~expansion~~;
 24 (ii) the name and address of the owner or owners and the
 25 form of the legal interest in which the site is held;

- 1 (iii) how the site may be acquired by the state;
- 2 (iv) the configuration and topography of the site;
- 3 (v) access to paved public streets and reliable
- 4 utilities, such as water supply, sewage system, natural gas,
- 5 electricity, telephone, and refuse disposal;
- 6 (vi) compatibility with current local zoning ordinances,
- 7 as well as any ordinance modifications necessary and the
- 8 procedure for making those modifications;
- 9 (vii) flood hazard information;
- 10 (viii) subsurface soils analyses and water table
- 11 location;
- 12 (ix) climate; and
- 13 (x) location plan drawings, areawide master plan
- 14 drawings, and site plan drawings.
- 15 (b) service availability information, including:
- 16 (i) proximity, stated in the shortest roadway miles on
- 17 all-weather roads, to 24-hour emergency medical services;
- 18 (ii) proximity, stated in the shortest roadway miles on
- 19 all-weather roads, to 24-hour fire protection services;
- 20 (iii) proximity, stated in the shortest roadway miles on
- 21 all-weather roads, to a certified local law enforcement
- 22 agency and the level of the agency's capability to respond
- 23 to emergencies;
- 24 (iv) proximity to, stated in the shortest roadway miles
- 25 on all-weather roads, and availability of interstate

- 1 transportation services; and
- 2 (v) proximity to counties committing inmates.
- 3 (3) The department may accept in full or partial
- 4 compliance with the requirements of subsection (2)
- 5 information provided to the department pursuant to any
- 6 similar request for proposals process if that information
- 7 otherwise satisfies the requirements of subsection (2) AND
- 8 WAS RECEIVED BY THE DEPARTMENT NO LATER THAN JANUARY 30,
- 9 1991.

10 NEW SECTION. Section 4. Site requirements. A proposal
 11 submitted by a local governmental unit must apply to a
 12 proposed construction site PROVIDED BY THE LOCAL
 13 GOVERNMENTAL UNIT:

- 14 (1) of approximately 15 to 20 acres in size, ~~with 25 to~~
- 15 ~~30 additional acres available for expansion;~~
- 16 (2) having access to paved public streets and reliable
- 17 utilities, such as water supply, sewage system, natural gas,
- 18 electricity, telephone, and refuse disposal;
- 19 (3) that is not located in a historical 100-year
- 20 floodplain, as shown on federal emergency management agency
- 21 flood hazard boundary maps, soil conservation service flood
- 22 hazard studies, or corps of engineers flood information
- 23 reports;
- 24 (4) on which the subsurface soils and water table will
- 25 allow a basement to be constructed under the facility;

1 (5) with access via all-weather roads to 24-hour
 2 emergency medical services and 24-hour fire protection
 3 services;

4 (6) located reasonably close to counties contributing a
 5 majority of the inmates; and

6 (7) served, or in a community served, by public
 7 interstate transportation services, such as bus, rail, or
 8 air service.

9 NEW SECTION. Section 5. Site selection committee. (1)
 10 Proposals submitted in response to the request for proposals
 11 required by [section 3] must be evaluated by a site
 12 selection committee. The committee consists of the following
 13 persons, WHOSE SELECTION MUST PROVIDE FOR GENDER BALANCE ON
 14 THE COMMITTEE:

15 (a) one representative of the architecture and
 16 engineering division of the department of administration,
 17 appointed by the director of the department of
 18 administration;

19 (b) two members of the subcommittee on a women's
 20 correctional facility of the governor's criminal justice and
 21 corrections advisory council, appointed by the governor,
 22 NEITHER OF WHOM MAY BE A RESIDENT OF A LOCAL GOVERNMENTAL
 23 UNIT SUBMITTING A PROPOSAL;

24 (c) two representatives of the department of
 25 institutions, appointed by the director of institutions;

1 (d) two members of the house of representatives,
 2 neither of whom may be a resident of a local governmental
 3 unit submitting a proposal, appointed by the speaker of the
 4 house; and

5 (e) two members of the senate, neither of whom may be a
 6 resident of a local governmental unit submitting a proposal,
 7 appointed by the president of the senate.

8 (2) Except as otherwise provided by [sections 1 through
 9 8], the site selection committee shall be compensated,
 10 reimbursed, and otherwise governed by the provisions of
 11 2-15-122 regarding advisory councils.

12 (3) The committee shall meet as often as necessary to
 13 perform the duties assigned by [sections 1 through 8]. The
 14 committee shall consider, evaluate, and select the location
 15 for the women's correctional facility according to the
 16 procedure and criteria in [section 6].

17 (4) The committee is attached for administrative
 18 purposes only to the department, which shall provide such
 19 staff, budgetary, administrative, and clerical services to
 20 the committee as the committee or its chairperson requests.

21 (5) The committee terminates on submission of its
 22 choice of the winning proposal to the director of the
 23 department in accordance with [section 8(3)].

24 NEW SECTION. Section 6. Site selection procedure and
 25 criteria. (1) The site selection committee may not consider

1 a proposal unless the proposal:

2 (a) is submitted within the time required by the
3 request for proposal;

4 (b) applies to a site satisfying the requirements of
5 [section 4]; and

6 (c) contains the construction site information and
7 service availability information required by [section 3(2)].

8 (2) The committee shall determine a maximum numeric
9 value for each of the criteria provided in subsection (3).
10 Criteria that the committee determines to be of more
11 relative importance must be awarded a greater maximum value.
12 The committee shall rate each proposal considered by it by
13 using a weighted scale process that assigns a numeric score
14 for each criteria and then totals the score for each
15 proposal. The score for each criteria and proposal must be
16 determined by the extent to which each criteria is
17 satisfied, based upon a documented demonstration of:

18 (a) the proximity, availability, and number of
19 resources satisfying the criteria;

20 (b) the strength and quality of the resources
21 satisfying the criteria; and

22 (c) the local governmental unit's willingness and
23 ability to provide resources satisfying the criteria.

24 (3) The criteria to be used by the committee are the
25 availability of:

1 (a) medical services of a referral hospital with
2 24-hour emergency room service in the presence of an
3 attending physician;

4 (b) a hospital offering medical specialties needed by
5 female inmates;

6 (c) dental services;

7 (d) chemical dependency treatment;

8 (e) mental health services, including psychiatric care,
9 clinical services, inpatient and outpatient treatment, and
10 programs appropriate to women's needs;

11 (f) vocational education or its programmatic equivalent
12 and A public or private post-secondary institutions
13 INSTITUTION;

14 (g) licensed foster care and all levels of child care,
15 including registered day care, licensed group care, and
16 out-of-home care;

17 (h) public transportation;

18 (i) court system and legal services;

19 (j) motel or hotel accommodations;

20 (k) vendors of food, automobile fuel, and other
21 supplies;

22 (l) an adequate skilled workforce for employment in the
23 facility;

24 (m) affordable housing for the facility staff;

25 (n) established organizations whose primary missions

1 are specific to women's needs;

2 (o) established organizations that emphasize and are
3 concerned with Native American issues; and

4 (p) employment for facility inmates outside of the
5 facility.

6 **NEW SECTION. Section 7. Site visitation and hearings**
7 **required.** The site selection committee shall determine the
8 four proposals with the highest numeric scores. The
9 committee shall eliminate the other proposals from further
10 consideration. As soon as possible after elimination of the
11 other sites, the committee shall conduct on-site reviews of
12 the four remaining candidate sites by conducting both an
13 on-site tour of each of the four candidate sites and holding
14 a public hearing on the subject of the facility in the
15 community where each proposed site is located. The purpose
16 of the tour and hearing is to receive information concerning
17 the extent to which each candidate site satisfies the
18 criteria in [section 4], [section 6(3)], and [section 8(2)].
19 The hearings must be conducted under procedures determined
20 by the committee, and the committee shall give notice of
21 each hearing by advertisement in a newspaper of general
22 circulation in the county of each candidate site.

23 **NEW SECTION. Section 8. Site selection.** (1) After
24 completing the on-site reviews required by [section 7], the
25 committee shall again score each of the four candidate sites

1 by applying the criteria and scoring method provided in
2 [section 6].

3 (2) If two or more proposals receive the same total
4 score, the committee shall determine the leading proposal by
5 assigning maximum point values for and scoring those
6 proposals on the following criteria for the community in
7 which the facility would be located:

8 (a) strength of community volunteer resources;

9 (b) ability of the community's post-secondary
10 educational programs to provide appropriate interns for the
11 facility;

12 (c) the receptiveness of the public school district or
13 districts to enrolling the children of facility inmates in
14 their schools; and

15 (d) the ethnic and cultural diversity of the community.

16 (3) The facility must be located at the site proposed
17 by the local governmental unit whose proposal receives the
18 highest numeric score using the procedure provided in this
19 section. Upon selection of the winning proposal by the
20 committee, the committee will inform the director of the
21 department of its selection and the director shall make a
22 public announcement of the committee's selection. The
23 committee shall submit its selection to the director of the
24 department no later than 100 days after the [effective date
25 of this act].

1 NEW SECTION. Section 9. Authorization of general
 2 obligation bonds -- appropriation. (1) The board of
 3 examiners may issue and sell general obligation bonds of the
 4 state in the aggregate amount of no more than \$12 million
 5 for the purpose of acquiring a suitable site for and
 6 constructing and equipping the women's correctional facility
 7 AND FOR BOND ISSUANCE COSTS. THE BONDS MAY BE ISSUED ONLY
 8 FOR A WOMEN'S CORRECTIONAL FACILITY located in accordance
 9 with [sections 1 through 8] and to be constructed by the
 10 department of administration in accordance with [section
 11 10]. The bonds must be issued and sold in conformity with
 12 and subject to the conditions of Title 17, chapter 5, part
 13 8. The full faith and credit and taxing power of the state
 14 is pledged for the payment of all bonds issued pursuant to
 15 this section.

16 (2) All proceeds of bonds sold pursuant to this section
 17 must be deposited in the capitol projects account and used
 18 only to pay the costs of site acquisition and constructing
 19 and equipping the women's correctional facility. The
 20 proceeds from the sale of the bonds are appropriated to the
 21 department of administration for those purposes. This
 22 section constitutes a statutory appropriation within the
 23 meaning of 17-7-502.

24 NEW SECTION. Section 10. Site acquisition and
 25 construction required. Upon the sale of the bonds authorized

1 by [section 9], the department of administration, acting
 2 under the supervision and with the approval of the board of
 3 examiners, shall acquire the site for and proceed with the
 4 construction and equipping of the women's correctional
 5 facility located pursuant to [sections 1 through 8]. The
 6 department shall call for bids as required by law for the
 7 design, construction, and equipping of the facility and
 8 shall require each prime contractor to give a bond in the
 9 amount determined by the board of examiners, conditioned
 10 upon the faithful performance of the contractor's duties and
 11 the contracts.

12 **Section 11.** Section 17-7-502, MCA, is amended to read:

13 "17-7-502. **Statutory appropriations -- definition --**
 14 **requisites for validity.** (1) A statutory appropriation is an
 15 appropriation made by permanent law that authorizes spending
 16 by a state agency without the need for a biennial
 17 legislative appropriation or budget amendment.

18 (2) Except as provided in subsection (4), to be
 19 effective, a statutory appropriation must comply with both
 20 of the following provisions:

21 (a) The law containing the statutory authority must be
 22 listed in subsection (3).

23 (b) The law or portion of the law making a statutory
 24 appropriation must specifically state that a statutory
 25 appropriation is made as provided in this section.

1 (3) The following laws are the only laws containing
 2 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 3 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 4 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
 5 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
 6 17-5-424; 17-5-804; [section 9]; 19-8-504; 19-9-702;
 7 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
 8 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406;
 9 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
 10 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
 11 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
 12 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
 13 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
 14 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
 15 of 1985.

16 (4) There is a statutory appropriation to pay the
 17 principal, interest, premiums, and costs of issuing, paying,
 18 and securing all bonds, notes, or other obligations, as due,
 19 that have been authorized and issued pursuant to the laws of
 20 Montana. Agencies that have entered into agreements
 21 authorized by the laws of Montana to pay the state
 22 treasurer, for deposit in accordance with 17-2-101 through
 23 17-2-107, as determined by the state treasurer, an amount
 24 sufficient to pay the principal and interest as due on the
 25 bonds or notes have statutory appropriation authority for

1 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 2 664, L. 1987, the inclusion of 39-71-2504 terminates June
 3 30, 1991.)"

4 **Section 12.** Section 53-1-202, MCA, is amended to read:

5 "53-1-202. Institutions in department. (1) The
 6 following institutions are in the department:

- 7 (a) Montana state hospital;
- 8 (b) Montana veterans' home at Columbia Falls;
- 9 (c) Montana veterans' home in eastern Montana;
- 10 (d) state prison;
- 11 (e) Montana developmental center;
- 12 (f) Montana center for the aged;
- 13 (g) Swan River forest camp; and
- 14 (h) Montana women's correctional facility; and
 15 ~~(h)(i)~~ Eastmont human services center.

16 (2) A state institution may not be moved, discontinued,
 17 or abandoned without prior consent of the legislature."

18 **Section 13.** Section 53-30-101, MCA, is amended to read:

19 "53-30-101. Location and function of prison and women's
 20 correctional facility. (1) The institution at Deer Lodge is
 21 the state prison and as its primary function provides
 22 facilities for the custody, treatment, training, and
 23 rehabilitation of adult male criminal offenders.

24 (2) The institution located in accordance with
 25 [sections 1 through 8] is the Montana women's correctional

1 facility and as its primary function provides facilities for
2 the custody, treatment, training, and rehabilitation of
3 adult female criminal offenders."

4 **Section 14.** Section 53-30-102, MCA, is amended to read:

5 "53-30-102. Qualifications of warden of state prison
6 and warden of women's correctional facility. The warden of
7 the state prison and the warden of the women's correctional
8 facility shall be a-person persons trained through education
9 and experience in directing a training, rehabilitation, or
10 custodial program in a penal institution."

11 **NEW SECTION. Section 15.** Appropriation. There is
12 appropriated from the general fund \$8,000 to the department
13 of institutions for the purposes of the site selection
14 committee created by [section 5]. This appropriation is
15 effective through the fiscal year ending June 30, 1992.

16 **NEW SECTION. Section 16.** Code commissioner
17 instruction. Whenever the terms "women's correction center"
18 or "women's correctional center" appear in the Montana Code
19 Annotated or in legislation enacted by the 52nd legislature,
20 the code commissioner is instructed to change the term to
21 "women's correctional facility".

22 **NEW SECTION. Section 17.** Effective date. [This act] is
23 effective on passage and approval.

24 **NEW SECTION. Section 18.** Termination. [Sections 1
25 through 9] terminate 100 days after passage and approval.

-End-

-17-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS
AS AMENDED

HOUSE BILL NO. 528

INTRODUCED BY BROOKE, YELLOWTAIL, WYATT, FRANKLIN, VAUGHN,
FRITZ, S. RICE, VAN VALKENBURG, REAM, BECKER, STICKNEY,
SQUIRES, J. BROWN, RUSSELL, COCCHIARELLA, HANSEN, MESSMORE,
SOUTHWORTH, J. JOHNSON, MEASURE, STRIZICH, R. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTHORIZING
THE DEPARTMENT OF INSTITUTIONS TO DEVELOP A REQUEST FOR
PROPOSALS TO SOLICIT PROPOSALS FROM MONTANA LOCAL
GOVERNMENTAL UNITS FOR THE SITING OF A WOMEN'S
CORRECTIONAL FACILITY, REQUIRING THE DEPARTMENT TO SOLICIT
PROPOSALS ACCORDING TO THE REQUEST, SPECIFYING CERTAIN
CRITERIA FOR THE SITE OF THE FACILITY, CREATING A COMMITTEE
TO EVALUATE THE PROPOSALS, PROVIDING FOR THE EVALUATION OF
THE PROPOSALS AND SELECTION OF A FACILITY SITE, AUTHORIZING
THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE
CONSTRUCTION OF THE FACILITY, AUTHORIZING CONSTRUCTION AND
STATUTORILY APPROPRIATING THE PROCEEDS OF THE BONDS FOR THAT
PURPOSE, APPROPRIATING MONEY TO FOR THE PURPOSES OF THE SITE
SELECTION COMMITTEE, AMENDING SECTIONS 17-7-502, 53-1-202,
53-30-101, AND 53-30-102, MCA, AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND A TERMINATION DATE, CREATE A COMMITTEE TO
EVALUATE THE PROPOSALS FOR THE SITING OF A WOMEN'S
CORRECTIONAL FACILITY, PROVIDING FOR THE EVALUATION OF THE
PROPOSALS AND SELECTION OF A FACILITY SITE, APPROPRIATING

MONEY FOR THE PURPOSES OF THE SITE SELECTION COMMITTEE; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION
DATE."

WHEREAS, Article II, section 20, of the Montana
Constitution states that laws for the punishment of crime
should be founded on the principles of prevention and
reformation; and

WHEREAS, the current Women's Correction Center was
created in 1982 as a temporary facility; and

WHEREAS, the current Women's Correction Center is a
totally inadequate correctional facility consisting of a
vacant nurses' dormitory at Warm Springs State Hospital
which provides inadequate security, inadequate medical
vocational, and other educational and rehabilitative
services, and inadequate space for the state's rising
population of female inmates; and

WHEREAS, population projections by the Department of
Institutions estimate 124 female inmates will be
incarcerated in a state facility, INCLUDING PRERELEASE AND
COMMUNITY-BASED FACILITIES, by the year 1995; and

WHEREAS, Chapter 518, Laws of 1989, required the
Department of Institutions, in cooperation with the
Governor's Criminal Justice and Corrections Advisory
Council, to develop a comprehensive plan for housing female

1 inmates and required submission of the plan to the 52nd
2 legislature, and

3 WHEREAS, the Department of Institutions has begun a
4 request for proposal process by which it is soliciting
5 proposals from various Montana communities to construct a
6 women's correctional facility, and

7 WHEREAS, the legislature believes that decisions
8 concerning the site selection process and the financing and
9 construction of the facility must be made with the interests
10 of crime prevention and reformation of female inmates as the
11 state's highest priority and are matters of statewide
12 concern and appropriate for legislative action;

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Legislative findings. The
16 legislature finds that the incarceration and management of
17 female felony offenders is a matter of state responsibility
18 and that the location and design of a facility providing for
19 these services determines the proper management of those
20 offenders, so that it is necessary to provide proper
21 guidelines for the location and construction of the
22 facility.

23 NEW SECTION. Section 2. Definitions. As used in
24 {sections 1 through 10}, unless the context clearly
25 indicates otherwise, the following definitions apply:

1 {1} "Department" means the department of institutions
2 provided for in 2-15-2301.

3 {2} "Facility" or "women's correctional facility" means
4 a women's correctional facility with a capacity of
5 approximately 200 beds providing minimum, medium, and
6 maximum security for female inmates;

7 {3} "Local governmental unit" means a county, city,
8 town, or consolidated government;

9 {4} "Proposal" means a proposal for the location of the
10 facility, submitted or to be submitted by local governmental
11 units to the department in response to the request for
12 proposals required by {section 3}.

13 NEW SECTION. Section 3. Request for proposals. {1} The
14 department shall request that proposals be submitted to the
15 department from local governmental units for the citing
16 SIXING and community support of a new women's correctional
17 facility. The request must:

18 {a} be made in the form of a request for proposals;

19 {b} specify a JANUARY 30, 1991 AS THE date on which
20 all proposals are to be received by the department, and

21 {c} contain the information required under subsection
22 {2} and other information determined necessary by the
23 department;

24 {2} The request for proposal must require that
25 information in the following categories be submitted by a

1 local-governmental-unit-as-part-of-any-proposal;

2 (a)--construction-site-information,including;

3 (i)--the-acreage-of-the-site,including-potential-for

4 expansion;

5 (ii)-the-name-and-address-of-the-owner-or-owners-and-the

6 form-of-the-legal-interest-in-which-the-site-is-held;

7 (iii)-how-the-site-may-be-acquired-by-the-state;

8 (iv)-the-configuration-and-topography-of-the-site;

9 (v)--access-to-paved-public-streets-and-reliable

10 utilities,such-as-water-supply,sewage-system,natural-gas,

11 electricity,telephone,and-refuse-disposal;

12 (vi)-compatibility-with-current-local-zoning-ordinances,

13 as-well-as-any-ordinance-modifications-necessary-and-the

14 procedure-for-making-these-modifications;

15 (vii)-flood-hazard-information;

16 (viii)-subsurface-soils-analyses-and-water-table

17 location;

18 (ix)-climate,and

19 (x)--location-plan-drawings,areawide-master-plan

20 drawings,and-site-plan-drawings;

21 (b)--service-availability-information,including;

22 (i)--proximity,--stated-in-the-shortest-roadway-miles--on

23 all-weather-roads,--to-24-hour-emergency-medical-services;

24 (ii)-proximity,--stated-in-the-shortest-roadway-miles-on

25 all-weather-roads,--to-24-hour-fire-protection-services;

1 (iii)-proximity,--stated-in-the-shortest-roadway-miles-on

2 all-weather-roads,--to--a--certified--local--law--enforcement

3 agency--and--the-level-of-the-agency's-capability-to-respond

4 to-emergencies;

5 (iv)-proximity-to,--stated-in-the-shortest-roadway-miles

6 on--all-weather--roads,--and--availability--of--interstate

7 transportation-services,--and

8 (v)--proximity-to-counties-committing-inmates;

9 (3)--The-department-may-accept-in-full-or-partial

10 compliance-with-the-requirements-of-subsection-(2)

11 information-provided-to-the-department-pursuant-to-any

12 similar-request-for-proposals-process-if-that-information

13 otherwise-satisfies-the-requirements-of-subsection-(2)-AND

14 WAS-RECEIVED-BY-THE-DEPARTMENT-NO-LATER-THAN-JANUARY-30,

15 1991-

16 NEW-SECTION:--Section-4--Site-requirements--A-proposal

17 submitted-by-a-local-governmental-unit-must-apply-to-a

18 proposed--construction--site--PROVIDED--BY--THE--LOCAL

19 GOVERNMENTAL-UNIT:

20 (i)--of-approximately-15-to-20-acres-in-size,with-25-to

21 30-additional-acres-availiable-for-expansion;

22 (2)--having-access-to-paved-public-streets-and-reliable

23 utilities,such-as-water-supply,sewage-system,natural-gas,

24 electricity,telephone,and-refuse-disposal;

25 (3)--that-is-not-located-in-a-historical-100-year

1 floodplain, as shown on federal emergency management agency
 2 flood hazard boundary maps, soil conservation service flood
 3 hazard studies, or corps of engineers flood information
 4 reports;

5 (4) on which the subsurface soils and water table will
 6 allow a basement to be constructed under the facility;

7 (5) with access via all-weather roads to 24-hour
 8 emergency medical services and 24-hour fire protection
 9 services;

10 (6) located reasonably close to counties contributing a
 11 majority of the inmates; and

12 (7) served, or in a community served, by public
 13 interstate transportation services, such as bus, rail, or
 14 air service.

15 NEW SECTION. Section 5. Site selection committee. (1)
 16 Proposals submitted in response to the request for proposals
 17 required by {section 3} must be evaluated by a site
 18 selection committee. The committee consists of the following
 19 persons, WHOSE SELECTION MUST PROVIDE FOR GENDER BALANCE ON
 20 THE COMMITTEE:

21 (a) one representative of the architecture and
 22 engineering division of the department of administration,
 23 appointed by the director of the department of
 24 administration;

25 (b) two members of the subcommittee on a women's

1 correctional facility of the governor's criminal justice and
 2 corrections advisory council, appointed by the governor,
 3 NEITHER OF WHOM MAY BE A RESIDENT OF A LOCAL GOVERNMENTAL
 4 UNIT SUBMITTING A PROPOSAL;

5 (c) two representatives of the department of
 6 institutions, appointed by the director of institutions;

7 (d) two members of the house of representatives,
 8 neither of whom may be a resident of a local governmental
 9 unit submitting a proposal, appointed by the speaker of the
 10 house; and

11 (e) two members of the senate, neither of whom may be a
 12 resident of a local governmental unit submitting a proposal,
 13 appointed by the president of the senate.

14 (2) Except as otherwise provided by {sections 1 through
 15 8}, the site selection committee shall be compensated,
 16 reimbursed, and otherwise governed by the provisions of
 17 2-15-122 regarding advisory councils.

18 (3) The committee shall meet as often as necessary to
 19 perform the duties assigned by {sections 1 through 8}. The
 20 committee shall consider, evaluate, and select the location
 21 for the women's correctional facility according to the
 22 procedure and criteria in {section 6}.

23 (4) The committee is attached for administrative
 24 purposes only to the department, which shall provide such
 25 staff, budgetary, administrative, and clerical services to

1 the committee as the committee or its chairperson requests;
 2 (5) The committee terminates on submission of its
 3 choice of the winning proposal to the director of the
 4 department in accordance with (section 8(3));
 5 NEW SECTION. Section 6. Site selection procedure and
 6 criteria. (1) The site selection committee may not consider
 7 a proposal unless the proposal:
 8 (a) is submitted within the time required by the
 9 request for proposal;
 10 (b) applies to a site satisfying the requirements of
 11 (section 4); and
 12 (c) contains the construction site information and
 13 service availability information required by (section 3(2));
 14 (2) The committee shall determine a maximum numeric
 15 value for each of the criteria provided in subsection (3).
 16 Criteria that the committee determines to be of more
 17 relative importance must be awarded a greater maximum value.
 18 The committee shall rate each proposal considered by it by
 19 using a weighted scale process that assigns a numeric score
 20 for each criteria and then totals the score for each
 21 proposal. The score for each criteria and proposal must be
 22 determined by the extent to which each criteria is
 23 satisfied, based upon a documented demonstration of:
 24 (a) the proximity, availability, and number of
 25 resources satisfying the criteria;

1 (b) the strength and quality of the resources
 2 satisfying the criteria; and
 3 (c) the local governmental unit's willingness and
 4 ability to provide resources satisfying the criteria;
 5 (3) The criteria to be used by the committee are the
 6 availability of:
 7 (a) medical services of a referral hospital with
 8 24-hour emergency room service in the presence of an
 9 attending physician;
 10 (b) a hospital offering medical specialties needed by
 11 female inmates;
 12 (c) dental services;
 13 (d) chemical dependency treatment;
 14 (e) mental health services, including psychiatric care,
 15 clinical services, inpatient and outpatient treatment, and
 16 programs appropriate to women's needs;
 17 (f) vocational education or its programmatic equivalent
 18 and a public or private post-secondary institutions
 19 INSTITUTION;
 20 (g) licensed foster care and all levels of child care,
 21 including registered day care, licensed group care, and
 22 out-of-home care;
 23 (h) public transportation;
 24 (i) court system and legal services;
 25 (j) motel or hotel accommodations;

1 {k) ~~vendors of food, automobile fuel, and other~~
 2 ~~supplies;~~
 3 {l) ~~an adequate skilled workforce for employment in the~~
 4 ~~facility;~~
 5 {m) ~~affordable housing for the facility staff;~~
 6 {n) ~~established organizations whose primary missions~~
 7 ~~are specific to women's needs;~~
 8 {o) ~~established organizations that emphasize and are~~
 9 ~~concerned with Native American issues; and~~
 10 {p) ~~employment for facility inmates outside of the~~
 11 ~~facility;~~
 12 NEW SECTION ~~Section 7. Site visitation and hearings~~
 13 ~~required. The site selection committee shall determine the~~
 14 ~~four proposals with the highest numeric scores. The~~
 15 ~~committee shall eliminate the other proposals from further~~
 16 ~~consideration. As soon as possible after elimination of the~~
 17 ~~other sites, the committee shall conduct on-site reviews of~~
 18 ~~the four remaining candidate sites by conducting both an~~
 19 ~~on-site tour of each of the four candidate sites and holding~~
 20 ~~a public hearing on the subject of the facility in the~~
 21 ~~community where each proposed site is located. The purpose~~
 22 ~~of the tour and hearing is to receive information concerning~~
 23 ~~the extent to which each candidate site satisfies the~~
 24 ~~criteria in {section 4}, {section 6(3)}, and {section 8(2)}.~~
 25 ~~The hearings must be conducted under procedures determined~~

1 ~~by the committee, and the committee shall give notice of~~
 2 ~~each hearing by advertisement in a newspaper of general~~
 3 ~~circulation in the county of each candidate site;~~
 4 NEW SECTION ~~Section 8. Site selection. (1) After~~
 5 ~~completing the on-site reviews required by {section 7} the~~
 6 ~~committee shall again score each of the four candidate sites~~
 7 ~~by applying the criteria and scoring method provided in~~
 8 ~~{section 6}.~~
 9 {2) ~~if two or more proposals receive the same total~~
 10 ~~score, the committee shall determine the leading proposal by~~
 11 ~~assigning maximum point values for and scoring those~~
 12 ~~proposals on the following criteria for the community in~~
 13 ~~which the facility would be located:~~
 14 {a) ~~strength of community volunteer resources;~~
 15 {b) ~~ability of the community's post-secondary~~
 16 ~~educational programs to provide appropriate interns for the~~
 17 ~~facility;~~
 18 {c) ~~the receptiveness of the public school district or~~
 19 ~~districts to enrolling the children of facility inmates in~~
 20 ~~their schools; and~~
 21 {d) ~~the ethnic and cultural diversity of the community;~~
 22 {3) ~~The facility must be located at the site proposed~~
 23 ~~by the local governmental unit whose proposal receives the~~
 24 ~~highest numeric score using the procedure provided in this~~
 25 ~~section. Upon selection of the winning proposal by the~~

1 committee, the committee will inform the director of the
 2 department of its selection and the director shall make a
 3 public announcement of the committee's selection. The
 4 committee shall submit its selection to the director of the
 5 department no later than 100 days after the {effective date
 6 of this act}.

7 NEW SECTION. Section 9. Authorization of general
 8 obligation bonds appropriation. (1) The board of
 9 examiners may issue and sell general obligation bonds of the
 10 state in the aggregate amount of no more than \$12 million
 11 for the purpose of acquiring a suitable site for and
 12 constructing and equipping the women's correctional facility
 13 AND FOR BOND ISSUANCE COSTS. THE BONDS MAY BE ISSUED ONLY
 14 FOR A WOMEN'S CORRECTIONAL FACILITY located in accordance
 15 with {sections 1 through 8} and to be constructed by the
 16 department of administration in accordance with {section
 17 10}. The bonds must be issued and sold in conformity with
 18 and subject to the conditions of Title 17, chapter 5, part
 19 8. The full faith and credit and taxing power of the state
 20 is pledged for the payment of all bonds issued pursuant to
 21 this section.

22 (2) All proceeds of bonds sold pursuant to this section
 23 must be deposited in the capitol projects account and used
 24 only to pay the costs of site acquisition and constructing
 25 and equipping the women's correctional facility. The

1 proceeds from the sale of the bonds are appropriated to the
 2 department of administration for those purposes. This
 3 section constitutes a statutory appropriation within the
 4 meaning of 17-7-502.

5 NEW SECTION. Section 10. Site acquisition and
 6 construction required. Upon the sale of the bonds authorized
 7 by {section 9}, the department of administration, acting
 8 under the supervision and with the approval of the board of
 9 examiners, shall acquire the site for and proceed with the
 10 construction and equipping of the women's correctional
 11 facility located pursuant to {sections 1 through 8}. The
 12 department shall call for bids as required by law for the
 13 design, construction, and equipping of the facility and
 14 shall require each prime contractor to give a bond in the
 15 amount determined by the board of examiners, conditioned
 16 upon the faithful performance of the contractor's duties and
 17 the contracts.

18 Section 11. Section 17-7-502, MCA, is amended to read:
 19 "17-7-502. Statutory appropriations definition
 20 requisites for validity. (1) A statutory appropriation is an
 21 appropriation made by permanent law that authorizes spending
 22 by a state agency without the need for a biennial
 23 legislative appropriation or budget amendment.

24 (2) Except as provided in subsection (4), to be
 25 effective, a statutory appropriation must comply with both

1 of the following provisions:

2 (a) The law containing the statutory authority must be
3 listed in subsection (3);

4 (b) The law or portion of the law making a statutory
5 appropriation must specifically state that a statutory
6 appropriation is made as provided in this section;

7 (3) The following laws are the only laws containing
8 statutory appropriations: 2-9-202, 2-17-105, 2-18-812,
9 10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111,
10 15-25-123, 15-31-702, 15-36-112, 15-37-117, 15-65-121,
11 15-70-101, 16-1-404, 16-1-410, 16-1-411, 17-3-212, 17-5-404,
12 17-5-424, 17-5-804, (section 9), 19-8-504, 19-9-702,
13 19-9-1007, 19-10-205, 19-10-305, 19-10-506, 19-11-512,
14 19-11-513, 19-11-606, 19-12-301, 19-13-604, 20-6-406,
15 20-8-111, 20-9-361, 23-5-306, 23-5-409, 23-5-610, 23-5-612,
16 23-5-1016, 23-5-1027, 27-12-206, 37-51-501, 39-71-2504,
17 53-6-150, 53-24-206, 61-2-406, 61-5-121, 67-3-205,
18 75-1-1101, 75-5-1108, 75-11-313, 76-12-123, 80-2-103,
19 82-11-136, 82-11-161, 90-3-301, 90-4-215, 90-4-613,
20 90-6-331, 90-9-306, and section 13, House Bill No. 861, Laws
21 of 1985.

22 (4) There is a statutory appropriation to pay the
23 principal, interest, premiums, and costs of issuing, paying,
24 and securing all bonds, notes, or other obligations, as due,
25 that have been authorized and issued pursuant to the laws of

1 Montana. Agencies that have entered into agreements
2 authorized by the laws of Montana to pay the state
3 treasury for deposit in accordance with 17-2-101 through
4 17-2-107, as determined by the state treasurer, an amount
5 sufficient to pay the principal and interest as due on the
6 bonds or notes have statutory appropriation authority for
7 such payments. (In subsection (3), pursuant to sec. 10, Ch.
8 664, H. 1987, the inclusion of 39-71-2504 terminates June
9 30, 1991.)"

10 Section 12, Section 53-1-202, MCA, is amended to read:
11 "53-1-202. Institutions in department. (1) The
12 following institutions are in the department:

- 13 (a) Montana state hospital;
- 14 (b) Montana veterans' home at Columbia Falls;
- 15 (c) Montana veterans' home in eastern Montana;
- 16 (d) state prison;
- 17 (e) Montana developmental center;
- 18 (f) Montana center for the aged;
- 19 (g) Swan River forest camp; and
- 20 (h) Montana women's correctional facility; and
- 21 (h)(i) Bastmont human services center;
- 22 (2) A state institution may not be moved, discontinued,
23 or abandoned without prior consent of the legislature."

24 Section 13, Section 53-30-101, MCA, is amended to read:
25 "53-30-101. Location and function of prison and women's

1 ~~correctional facility. (1) The institution at Beer Lodge is~~
 2 ~~the state prison and as its primary function provides~~
 3 ~~facilities for the custody, treatment, training, and~~
 4 ~~rehabilitation of adult male criminal offenders.~~

5 ~~(2) The institution located in accordance with~~
 6 ~~sections 1 through 8 is the Montana women's correctional~~
 7 ~~facility and as its primary function provides facilities for~~
 8 ~~the custody, treatment, training, and rehabilitation of~~
 9 ~~adult female criminal offenders."~~

10 ~~Section 14, Section 53-30-102, MCA, is amended to read:~~
 11 ~~"53-30-102. Qualifications of warden of state prison~~
 12 ~~and warden of women's correctional facility. The warden of~~
 13 ~~the state prison and the warden of the women's correctional~~
 14 ~~facility shall be a person persons trained through education~~
 15 ~~and experience in directing a training, rehabilitation, or~~
 16 ~~custodial program in a penal institution."~~

17 NEW SECTION. SECTION 1. SITE SELECTION --
 18 AUTHORIZATION -- COMMITTEE. THE DEPARTMENT OF INSTITUTIONS
 19 SHALL SELECT THE SITE OF THE WOMEN'S CORRECTIONAL FACILITY
 20 IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

21 (1) SITES CONSIDERED FOR THE LOCATION OF THE FACILITY
 22 ARE LIMITED TO THE EIGHT COMMUNITIES THAT RESPONDED TO THE
 23 DEPARTMENT'S REQUEST FOR PROPOSALS, WHICH PROPOSALS WERE
 24 RECEIVED BY THE DEPARTMENT ON OR BEFORE JANUARY 30, 1991.

25 (2) SITE SELECTION MUST BE GOVERNED BY CRITERIA

1 IDENTIFIED IN THE REQUEST FOR PROPOSALS ISSUED BY THE
 2 DEPARTMENT ON DECEMBER 14, 1990.

3 (3) A SITE SELECTION COMMITTEE MUST BE APPOINTED TO
 4 EVALUATE THE REQUESTS FOR PROPOSALS. THE COMMITTEE IS
 5 COMPOSED OF THE FOLLOWING PERSONS:

6 (A) TWO PERSONS FROM THE CRIMINAL JUSTICE AND
 7 CORRECTIONS ADVISORY COUNCIL, APPOINTED BY THE GOVERNOR.
 8 NEITHER MEMBER MAY BE A RESIDENT OF A LOCAL GOVERNMENT THAT
 9 HAS SUBMITTED A PROPOSAL.

10 (B) ONE REPRESENTATIVE OF THE ARCHITECTURE AND
 11 ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION,
 12 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF
 13 ADMINISTRATION;

14 (C) THE CORRECTIONS DIVISION ADMINISTRATOR AND THE
 15 WARDEN OF THE WOMEN'S CORRECTIONAL CENTER, REPRESENTING THE
 16 DEPARTMENT OF INSTITUTIONS;

17 (D) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES,
 18 APPOINTED BY THE SPEAKER OF THE HOUSE. NEITHER MEMBER MAY BE
 19 A RESIDENT OF A LOCAL GOVERNMENT UNIT THAT HAS SUBMITTED A
 20 PROPOSAL.

21 (E) TWO MEMBERS OF THE SENATE, APPOINTED BY THE
 22 PRESIDENT OF THE SENATE. NEITHER MEMBER MAY BE A RESIDENT OF
 23 A LOCAL GOVERNMENT UNIT THAT HAS SUBMITTED A PROPOSAL.

24 (F) ONE REPRESENTATIVE OF AN ESTABLISHED AND RECOGNIZED
 25 ORGANIZATION WHOSE PRIMARY MISSION IS SPECIFIC TO WOMEN'S

1 NEEDS, APPOINTED BY THE GOVERNOR; AND
2 (G) ONE REPRESENTATIVE OF THE PUBLIC, APPOINTED BY THE
3 GOVERNOR.

4 (4) THE COMMITTEE SHALL APPROVE AND APPLY A WEIGHTED
5 SCORING MECHANISM TO EVALUATE THE SITE SELECTION CRITERIA.

6 (5) THE SITE SELECTION COMMITTEE SHALL MEET AS OFTEN AS
7 NECESSARY TO CONSIDER, EVALUATE, AND MAKE A SITE
8 RECOMMENDATION FOR THE FACILITY. THE RECOMMENDATION MUST BE
9 MADE TO THE DIRECTOR OF THE DEPARTMENT OF INSTITUTIONS AND
10 IS BINDING UNLESS THERE IS FOUND TO BE AN ERROR IN PROCESS
11 OR FACT.

12 NEW SECTION. Section 2. Appropriation. There is
13 appropriated from the general fund ~~90,000~~ \$5,000 to the
14 department of institutions for the purposes of the site
15 selection committee created by [section 5 1]. This
16 appropriation is effective through the fiscal year ending
17 June 30, 1992.

18 ~~NEW SECTION. Section 16. Code. Commissioner~~
19 ~~instruction. Whenever the terms "women's correction center"~~
20 ~~or "women's correctional center" appear in the Montana Code~~
21 ~~Annotated or in legislation enacted by the 52nd legislature,~~
22 ~~the code commissioner is instructed to change the term to~~
23 ~~"women's correctional facility".~~

24 NEW SECTION. Section 3. Effective date. [This act] is
25 effective on passage and approval.

1 NEW SECTION. Section 4. Termination. ~~Sections 1~~
2 ~~through 9 terminate 100~~ [SECTION 1] TERMINATES 150 days
3 after passage and approval.

-End-

HOUSE BILL NO. 528

INTRODUCED BY BROOKE, YELLOWTAIL, WYATT, FRANKLIN, VAUGHN,
FRITZ, S. RICE, VAN VALKENBURG, REAM, BECKER, STICKNEY,
SQUIRES, J. BROWN, RUSSELL, COCCHIARELLA, HANSEN, MESSMORE,
SOUTHWORTH, J. JOHNSON, MEASURE, STRIZICH, R. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTHORIZING
REQUIRING THE DEPARTMENT OF INSTITUTIONS TO DEVELOP--A
REQUEST--FOR--PROPOSALS--TO--SOLICIT--PROPOSALS--FROM--MONTANA
LOCAL-GOVERNMENTAL-UNITS-FOR-THE SITING SITING OF-A--WOMEN'S
CORRECTIONAL--FACILITY;--REQUIRING-THE-DEPARTMENT-TO-SOLICIT
PROPOSALS--ACCORDING--TO--THE--REQUEST;--SPECIFYING--CERTAIN
CRITERIA-FOR-THE-SITE-OF-THE-FACILITY;--CREATING-A--COMMITTEE
TO--EVALUATE--THE-PROPOSALS;--PROVIDING-FOR-THE-EVALUATION-OF
THE-PROPOSALS-AND-SELECTION-OF-A-FACILITY-SITE;--AUTHORIZING
THE---ISSUANCE---OF---GENERAL---OBLIGATION---BONDS--TO--FINANCE
CONSTRUCTION-OF-THE-FACILITY;--AUTHORIZING--CONSTRUCTION--AND
STATUTORILY-APPROPRIATING-THE-PROCEEDS-OF-THE-BONDS-FOR-THAT
PURPOSE;--APPROPRIATING-MONEY TO FOR-THE-PURPOSES-OF THE-SITE
SELECTION--COMMITTEE;--AMENDING-SECTIONS-17-7-502, 53-1-202,
53-30-101, AND 53-30-102, MCA; AND--PROVIDING--AN--IMMEDIATE
EFFECTIVE-DATE-AND-A-TERMINATION-DATE; CREATE-A-COMMITTEE-TO
EVALUATE---THE---PROPOSALS--FOR--THE--SITING--OF--A--WOMEN'S
CORRECTIONAL-FACILITY;--PROVIDING-FOR-THE-EVALUATION--OF--THE
PROPOSALS--AND--SELECTION--OF--A-FACILITY-SITE;--APPROPRIATING

MONEY-FOR-THE-PURPOSES-OF-THE-SITE-SELECTION-COMMITTEE;--AND
PROVIDING--AN--IMMEDIATE--EFFECTIVE--DATE--AND-A-TERMINATION
DATE; DEVELOP A REQUEST FOR PROPOSALS TO SOLICIT PROPOSALS
FROM MONTANA LOCAL GOVERNMENTAL UNITS FOR THE SITING SITING
OF A WOMEN'S CORRECTIONAL FACILITY; REQUIRING THE DEPARTMENT
TO SOLICIT PROPOSALS ACCORDING TO THE REQUEST; SPECIFYING
CERTAIN CRITERIA FOR THE SITE OF THE FACILITY; CREATING A
COMMITTEE TO EVALUATE THE PROPOSALS; PROVIDING FOR THE
EVALUATION OF THE PROPOSALS AND SELECTION OF A FACILITY
SITE; AUTHORIZING-THE-ISSUANCE-OF-GENERAL--OBLIGATION--BONDS
TO---FINANCE---CONSTRUCTION--OF--THE--FACILITY;--AUTHORIZING
CONSTRUCTION-AND-STATUTORILY-APPROPRIATING-THE--PROCEEDS--OF
THE--BONDS--FOR-THAT-PURPOSE; APPROPRIATING MONEY TO FOR THE
PURPOSES OF THE SITE SELECTION COMMITTEE; AMENDING SECTIONS
17-7-502, 53-1-202, 53-30-101, AND 53-30-102, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION
DATE."

WHEREAS,--Article--11,--section--28,--of--the--Montana
Constitution--states--that--laws--for--the--punishment--of--crime
should--be--founded--on--the--principles--of--prevention--and
reformation; and

WHEREAS,--the--current--Women's--Correction--Center--was
created--in--1982--as--a--temporary--facility; and

WHEREAS,--the--current--Women's--Correction--Center--is--a

1 ~~totally inadequate correctional facility consisting of a~~
 2 ~~vacant nurses' dormitory at Warm Springs State Hospital,~~
 3 ~~which provides inadequate security, inadequate medical,~~
 4 ~~vocational, and other educational and rehabilitative~~
 5 ~~services, and inadequate space for the state's rising~~
 6 ~~population of female inmates, and~~

7 WHEREAS, ~~population projections by the Department of~~
 8 ~~Institutions estimate 124 female inmates will be~~
 9 ~~incarcerated in a state facility, INCLUDING PRERELEASE AND~~
 10 ~~COMMUNITY-BASED FACILITIES, by the year 1995, and~~

11 WHEREAS, ~~Chapter 518, Laws of 1989, required the~~
 12 ~~Department of Institutions, in cooperation with the~~
 13 ~~Governor's Criminal Justice and Corrections Advisory~~
 14 ~~Council, to develop a comprehensive plan for housing female~~
 15 ~~inmates and required submission of the plan to the 52nd~~
 16 ~~legislature, and~~

17 WHEREAS, ~~the Department of Institutions has begun a~~
 18 ~~request for proposal process by which it is soliciting~~
 19 ~~proposals from various Montana communities to construct a~~
 20 ~~women's correctional facility, and~~

21 WHEREAS, ~~the legislature believes that decisions~~
 22 ~~concerning the site selection process and the financing and~~
 23 ~~construction of the facility must be made with the interests~~
 24 ~~of crime prevention and reformation of female inmates as the~~
 25 ~~state's highest priority and are matters of statewide~~

1 ~~concern and appropriate for legislative action:~~

2 WHEREAS, ARTICLE II, SECTION 28, OF THE MONTANA
 3 CONSTITUTION STATES THAT LAWS FOR THE PUNISHMENT OF CRIME
 4 SHOULD BE FOUNDED ON THE PRINCIPLES OF PREVENTION AND
 5 REFORMATION; AND

6 WHEREAS, THE CURRENT WOMEN'S CORRECTION CENTER WAS
 7 CREATED IN 1982 AS A TEMPORARY FACILITY; AND

8 WHEREAS, THE CURRENT WOMEN'S CORRECTION CENTER IS A
 9 TOTALLY INADEQUATE CORRECTIONAL FACILITY CONSISTING OF A
 10 VACANT NURSES' DORMITORY AT WARM SPRINGS STATE HOSPITAL,
 11 WHICH PROVIDES INADEQUATE SECURITY; INADEQUATE MEDICAL,
 12 VOCATIONAL, AND OTHER EDUCATIONAL AND REHABILITATIVE
 13 SERVICES; AND INADEQUATE SPACE FOR THE STATE'S RISING
 14 POPULATION OF FEMALE INMATES; AND

15 WHEREAS, POPULATION PROJECTIONS BY THE DEPARTMENT OF
 16 INSTITUTIONS ESTIMATE 124 FEMALE INMATES WILL BE
 17 INCARCERATED IN A STATE FACILITY, INCLUDING PRERELEASE AND
 18 COMMUNITY-BASED FACILITIES, BY THE YEAR 1995; AND

19 WHEREAS, CHAPTER 518, LAWS OF 1989, REQUIRED THE
 20 DEPARTMENT OF INSTITUTIONS, IN COOPERATION WITH THE
 21 GOVERNOR'S CRIMINAL JUSTICE AND CORRECTIONS ADVISORY
 22 COUNCIL, TO DEVELOP A COMPREHENSIVE PLAN FOR HOUSING FEMALE
 23 INMATES AND REQUIRED SUBMISSION OF THE PLAN TO THE 52ND
 24 LEGISLATURE; AND

25 WHEREAS, THE DEPARTMENT OF INSTITUTIONS HAS BEGUN A

1 REQUEST FOR PROPOSAL PROCESS BY WHICH IT IS SOLICITING
 2 PROPOSALS FROM VARIOUS MONTANA COMMUNITIES TO CONSTRUCT A
 3 WOMEN'S CORRECTIONAL FACILITY; AND

4 WHEREAS, THE LEGISLATURE BELIEVES THAT DECISIONS
 5 CONCERNING THE SITE SELECTION PROCESS AND THE FINANCING AND
 6 CONSTRUCTION OF THE FACILITY MUST BE MADE WITH THE INTERESTS
 7 OF CRIME PREVENTION AND REFORMATION OF FEMALE INMATES AS THE
 8 STATE'S HIGHEST PRIORITY AND ARE MATTERS OF STATEWIDE
 9 CONCERN AND APPROPRIATE FOR LEGISLATIVE ACTION.

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION: Section 1. Legislative findings. The
 13 legislature finds that the incarceration and management of
 14 female felony offenders is a matter of state responsibility
 15 and that the location and design of a facility providing for
 16 these services determines the proper management of those
 17 offenders, so that it is necessary to provide proper
 18 guidelines for the location and construction of the
 19 facility.

20 NEW SECTION: Section 2. Definitions. As used in
 21 {sections 1 through 10}, unless the context clearly
 22 indicates otherwise, the following definitions apply:

23 (1) "Department" means the department of institutions
 24 provided for in 2-15-2301.

25 (2) "Facility" or "women's correctional facility" means

1 a women's correctional facility with a capacity of
 2 approximately 200 beds providing minimum, medium, and
 3 maximum security for female inmates.

4 (3) "Local governmental unit" means a county, city,
 5 town, or consolidated government.

6 (4) "Proposal" means a proposal for the location of the
 7 facility, submitted or to be submitted by local governmental
 8 units to the department in response to the request for
 9 proposals required by {section 3}.

10 NEW SECTION: Section 3. Request for proposals. (1) The
 11 department shall request that proposals be submitted to the
 12 department from local governmental units for the siting
 13 siting and community support of a new women's correctional
 14 facility. The request must:

15 (a) be made in the form of a request for proposals;

16 (b) specify a JANUARY 30, 1991, AS THE date on which
 17 all proposals are to be received by the department; and

18 (c) contain the information required under subsection
 19 (2) and other information determined necessary by the
 20 department.

21 (2) The request for proposal must require that
 22 information in the following categories be submitted by a
 23 local governmental unit as part of any proposal:

24 (a) construction site information, including:

25 (i) the acreage of the site, including potential for

1 expansion;

2 (ii) the name and address of the owner or owners and the

3 form of the legal interest in which the site is held;

4 (iii) how the site may be acquired by the state;

5 (iv) the configuration and topography of the site;

6 (v) access to paved public streets and reliable

7 utilities, such as water supply, sewage system, natural gas,

8 electricity, telephone, and refuse disposal;

9 (vi) compatibility with current local zoning ordinances,

10 as well as any ordinance modifications necessary and the

11 procedure for making those modifications;

12 (vii) flood hazard information;

13 (viii) subsurface soils analyses and water table

14 location;

15 (ix) climate; and

16 (x) location plan drawings, areawide master plan

17 drawings, and site plan drawings;

18 (b) service availability information, including:

19 (i) proximity, stated in the shortest roadway miles on

20 all-weather roads, to 24-hour emergency medical services;

21 (ii) proximity, stated in the shortest roadway miles on

22 all-weather roads, to 24-hour fire protection services;

23 (iii) proximity, stated in the shortest roadway miles on

24 all-weather roads, to a certified local law enforcement

25 agency and the level of the agency's capability to respond

1 to emergencies;

2 (iv) proximity to, stated in the shortest roadway miles

3 on all-weather roads, and availability of interstate

4 transportation services; and

5 (v) proximity to counties committing inmates;

6 (3) The department may accept in full or partial

7 compliance with the requirements of subsection (2)

8 information provided to the department pursuant to any

9 similar request for proposals process if that information

10 otherwise satisfies the requirements of subsection (2) AND

11 WAS RECEIVED BY THE DEPARTMENT NO LATER THAN JANUARY 30,

12 1991;

13 NEW SECTION. Section 4. Site requirements. A proposal

14 submitted by a local governmental unit must apply to a

15 proposed construction site PROVIDED BY THE LOCAL

16 GOVERNMENTAL UNIT:

17 (1) of approximately 15 to 20 acres in size, with 25 to

18 30 additional acres available for expansion;

19 (2) having access to paved public streets and reliable

20 utilities, such as water supply, sewage system, natural gas,

21 electricity, telephone, and refuse disposal;

22 (3) that is not located in a historical 100-year

23 floodplain, as shown on federal emergency management agency

24 flood hazard boundary maps, soil conservation service flood

25 hazard studies, or corps of engineers flood information

1 reports;

2 {4}--on--which--the--subsurface--soils--and--water--table--will

3 allow--a--basement--to--be--constructed--under--the--facility;

4 {5}--with--access--via--all--weather--roads--to--24--hour

5 emergency--medical--services--and--24--hour--fire--protection

6 services;

7 {6}--located--reasonably--close--to--counties--contributing--a

8 majority--of--the--inmates;--and

9 {7}--served;--or--in--a--community--served;--by--public

10 interstate--transportation--services;--such--as--bus;--rail;--or

11 air--service;

12 NEW-SECTION;--Section-5;--Site--selection--committee;--(1)

13 Proposals--submitted--in--response--to--the--request--for--proposals

14 required--by--{section--3}--must--be--evaluated--by--a--site

15 selection--committee;--The--committee--consists--of--the--following

16 persons;--WHOSE--SELECTION--MUST--PROVIDE--FOR--GENDER--BALANCE--ON

17 THE--COMMITTEE;

18 {a}--one--representative--of--the--architecture--and

19 engineering--division--of--the--department--of--administration;

20 appointed--by--the--director--of--the--department--of

21 administration;

22 {b}--two--members--of--the--subcommittee--on--a--women's

23 correctional--facility--of--the--governor's--criminal--justice--and

24 corrections--advisory--council;--appointed--by--the--governor;

25 NEITHER--OF--WHOM--MAY--BE--A--RESIDENT--OF--A--LOCAL--GOVERNMENTAL

1 UNIT--SUBMITTING--A--PROPOSAL;

2 {c}--two--representatives--of--the--department--of

3 institutions;--appointed--by--the--director--of--institutions;

4 {d}--two--members--of--the--house--of--representatives;

5 neither--of--whom--may--be--a--resident--of--a--local--governmental

6 unit--submitting--a--proposal;--appointed--by--the--speaker--of--the

7 house;--and

8 {e}--two--members--of--the--senate;--neither--of--whom--may--be--a

9 resident--of--a--local--governmental--unit--submitting--a--proposal;

10 appointed--by--the--president--of--the--senate;

11 {2}--Except--as--otherwise--provided--by--{sections--1--through

12 8};--the--site--selection--committee--shall--be--compensated;

13 reimbursed;--and--otherwise--governed--by--the--provisions--of

14 2-15-122--regarding--advisory--councils;

15 {3}--The--committee--shall--meet--as--often--as--necessary--to

16 perform--the--duties--assigned--by--{sections--1--through--8};--The

17 committee--shall--consider;--evaluate;--and--select--the--location

18 for--the--women's--correctional--facility--according--to--the

19 procedure--and--criteria--in--{section--6};

20 {4}--The--committee--is--attached--for--administrative

21 purposes--only--to--the--department;--which--shall--provide--such

22 staff;--budgetary;--administrative;--and--clerical--services--to

23 the--committee--as--the--committee--or--its--chairperson--requests;

24 {5}--The--committee--terminates--on--submission--of--its

25 choice--of--the--winning--proposal--to--the--director--of--the

1 department-in-accordance-with-~~{section-8(3)}~~;

2 ~~NEW SECTION. Section 6. Site selection procedure and~~

3 ~~criteria. (1) The site selection committee may not consider~~

4 ~~a proposal unless the proposal:~~

5 ~~(a) is submitted within the time required by the~~

6 ~~request for proposal;~~

7 ~~(b) applies to a site satisfying the requirements of~~

8 ~~{section 4}; and~~

9 ~~(c) contains the construction site information and~~

10 ~~service availability information required by {section 3(2)};~~

11 ~~(2) The committee shall determine a maximum numeric~~

12 ~~value for each of the criteria provided in subsection (3);~~

13 ~~Criteria that the committee determines to be of more~~

14 ~~relative importance must be awarded a greater maximum value.~~

15 ~~The committee shall rate each proposal considered by it by~~

16 ~~using a weighted scale process that assigns a numeric score~~

17 ~~for each criteria and then totals the score for each~~

18 ~~proposal. The score for each criteria and proposal must be~~

19 ~~determined by the extent to which each criteria is~~

20 ~~satisfied, based upon a documented demonstration of:~~

21 ~~(a) the proximity, availability, and number of~~

22 ~~resources satisfying the criteria;~~

23 ~~(b) the strength and quality of the resources~~

24 ~~satisfying the criteria; and~~

25 ~~(c) the local governmental unit's willingness and~~

1 ability-to-provide-resources-satisfying-the-criteria;

2 ~~(3) The criteria to be used by the committee are the~~

3 ~~availability of:~~

4 ~~(a) medical services of a referral hospital with~~

5 ~~24-hour emergency room service in the presence of an~~

6 ~~attending physician;~~

7 ~~(b) a hospital offering medical specialties needed by~~

8 ~~female inmates;~~

9 ~~(c) dental services;~~

10 ~~(d) chemical dependency treatment;~~

11 ~~(e) mental health services, including psychiatric care,~~

12 ~~clinical services, inpatient and outpatient treatment, and~~

13 ~~programs appropriate to women's needs;~~

14 ~~(f) vocational education or its programmatic equivalent~~

15 ~~and a public or private post-secondary institutions~~

16 ~~INSTITUTION;~~

17 ~~(g) licensed foster care and all levels of child care,~~

18 ~~including registered day care, licensed group care, and~~

19 ~~out-of-home care;~~

20 ~~(h) public transportation;~~

21 ~~(i) court system and legal services;~~

22 ~~(j) motel or hotel accommodations;~~

23 ~~(k) vendors of food, automobile fuel, and other~~

24 ~~supplies;~~

25 ~~(l) an adequate skilled workforce for employment in the~~

1 facility;

2 (m) affordable housing for the facility staff;

3 (n) established organizations whose primary missions

4 are specific to women's needs;

5 (o) established organizations that emphasize and are

6 concerned with Native American issues; and

7 (p) employment for facility inmates outside of the

8 facility.

9 NEW SECTION. Section 7. Site visitation and hearings

10 required. The site selection committee shall determine the

11 four proposals with the highest numeric scores. The

12 committee shall eliminate the other proposals from further

13 consideration. As soon as possible after elimination of the

14 other sites, the committee shall conduct on-site reviews of

15 the four remaining candidate sites by conducting both an

16 on-site tour of each of the four candidate sites and holding

17 a public hearing on the subject of the facility in the

18 community where each proposed site is located. The purpose

19 of the tour and hearing is to receive information concerning

20 the extent to which each candidate site satisfies the

21 criteria in {section 4}, {section 6(3)}, and {section 8(2)}.

22 The hearings must be conducted under procedures determined

23 by the committee, and the committee shall give notice of

24 each hearing by advertisement in a newspaper of general

25 circulation in the county of each candidate site.

1 NEW SECTION. Section 8. Site selection. (1) After

2 completing the on-site reviews required by {section 7}, the

3 committee shall again score each of the four candidate sites

4 by applying the criteria and scoring method provided in

5 {section 6}.

6 (2) If two or more proposals receive the same total

7 score, the committee shall determine the leading proposal by

8 assigning maximum point values for and scoring those

9 proposals on the following criteria for the community in

10 which the facility would be located:

11 (a) strength of community volunteer resources;

12 (b) ability of the community's post-secondary

13 educational programs to provide appropriate interns for the

14 facility;

15 (c) the receptiveness of the public school district or

16 districts to enrolling the children of facility inmates in

17 their schools; and

18 (d) the ethnic and cultural diversity of the community.

19 (3) The facility must be located at the site proposed

20 by the local governmental unit whose proposal receives the

21 highest numeric score using the procedure provided in this

22 section. Upon selection of the winning proposal by the

23 committee, the committee will inform the director of the

24 department of its selection and the director shall make a

25 public announcement of the committee's selection. The

1 committee shall submit its selection to the director of the
2 department no later than 100 days after the effective date
3 of this act;

4 NEW SECTION. Section 9. Authorization of general
5 obligation bonds appropriation. (1) The board of
6 examiners may issue and sell general obligation bonds of the
7 state in the aggregate amount of no more than \$12 million
8 for the purpose of acquiring a suitable site for and
9 constructing and equipping the women's correctional facility
10 AND FOR BOND ISSUANCE COSTS. THE BONDS MAY BE ISSUED ONLY
11 FOR A WOMEN'S CORRECTIONAL FACILITY located in accordance
12 with sections 1 through 8 and to be constructed by the
13 department of administration in accordance with section
14 10. The bonds must be issued and sold in conformity with
15 and subject to the conditions of Title 17, chapter 5, part
16 8. The full faith and credit and taxing power of the state
17 is pledged for the payment of all bonds issued pursuant to
18 this section.

19 (2) All proceeds of bonds sold pursuant to this section
20 must be deposited in the capitol projects account and used
21 only to pay the costs of site acquisition and constructing
22 and equipping the women's correctional facility. The
23 proceeds from the sale of the bonds are appropriated to the
24 department of administration for those purposes. This
25 section constitutes a statutory appropriation within the

1 meaning of 17-7-502.

2 NEW SECTION. Section 18. Site acquisition and
3 construction required. Upon the sale of the bonds authorized
4 by section 9, the department of administration, acting
5 under the supervision and with the approval of the board of
6 examiners, shall acquire the site for and proceed with the
7 construction and equipping of the women's correctional
8 facility located pursuant to sections 1 through 8. The
9 department shall call for bids as required by law for the
10 design, construction, and equipping of the facility and
11 shall require each prime contractor to give a bond in the
12 amount determined by the board of examiners, conditioned
13 upon the faithful performance of the contractor's duties and
14 the contracts.

15 Section 11, Section 17-7-502, MCA, is amended to read:
16 "17-7-502. Statutory appropriations definition--
17 requisites for validity. (1) A statutory appropriation is an
18 appropriation made by permanent law that authorizes spending
19 by a state agency without the need for a biennial
20 legislative appropriation or budget amendment.

21 (2) Except as provided in subsection (4), to be
22 effective, a statutory appropriation must comply with both
23 of the following provisions:

24 (a) The law containing the statutory authority must be
25 listed in subsection (3).

1 (b) The law or portion of the law making a statutory
2 appropriation must specifically state that a statutory
3 appropriation is made as provided in this section.

4 (3) The following laws are the only laws containing
5 statutory appropriations: 2-9-202, 2-17-105, 2-18-812,
6 10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111,
7 15-25-123, 15-31-702, 15-36-112, 15-37-117, 15-65-121,
8 15-70-101, 16-1-404, 16-1-410, 16-1-411, 17-3-212, 17-5-404,
9 17-5-424, 17-5-804, section 9, 19-8-504, 19-9-702,
10 19-9-1007, 19-10-205, 19-10-305, 19-10-506, 19-11-512,
11 19-11-513, 19-11-606, 19-12-301, 19-13-604, 20-6-406,
12 20-8-111, 20-9-361, 23-5-306, 23-5-409, 23-5-610, 23-5-612,
13 23-5-1016, 23-5-1027, 27-12-206, 37-51-501, 39-71-2504,
14 53-6-150, 53-24-206, 61-2-406, 61-5-121, 67-3-205,
15 75-1-1101, 75-5-1100, 75-11-313, 76-12-123, 80-2-103,
16 82-11-136, 82-11-161, 90-3-301, 90-4-215, 90-4-613,
17 90-6-331, 90-9-306, and section 13, House Bill No. 861, laws
18 of 1985.

19 (4) There is a statutory appropriation to pay the
20 principal, interest, premiums, and costs of issuing, paying,
21 and securing all bonds, notes, or other obligations, as due,
22 that have been authorized and issued pursuant to the laws of
23 Montana. Agencies that have entered into agreements
24 authorized by the laws of Montana to pay the state
25 treasurer, for deposit in accordance with 17-2-101 through

1 17-2-107, as determined by the state treasurer, an amount
2 sufficient to pay the principal and interest as due on the
3 bonds or notes have statutory appropriation authority for
4 such payments. (In subsection (3), pursuant to sec. 107 Ch.
5 664, L. 1987, the inclusion of 39-71-2504 terminates June
6 30, 1991.)²

7 Section 12, Section 53-1-202, MCA, is amended to read:
8 "53-1-202. Institutions in department: (1) The
9 following institutions are in the department:

- 10 (a) Montana state hospital;
- 11 (b) Montana veterans' home at Columbia Falls;
- 12 (c) Montana veterans' home in eastern Montana;
- 13 (d) state prison;
- 14 (e) Montana developmental center;
- 15 (f) Montana center for the aged;
- 16 (g) Swan River forest camp; and
- 17 (h) Montana women's correctional facility; and
- 18 (h)(i) Eastmont human services center;
- 19 (2) A state institution may not be moved, discontinued,
- 20 or abandoned without prior consent of the legislature."

21 Section 13, Section 53-30-101, MCA, is amended to read:
22 "53-30-101. Location and function of prison and women's
23 correctional facility. (1) The institution at Deer Lodge is
24 the state prison and as its primary function provides
25 facilities for the custody, treatment, training, and

1 rehabilitation of adult male criminal offenders:

2 {2}--The institution located in accordance with
3 {sections 1 through 8} is the Montana women's correctional
4 facility and as its primary function provides facilities for
5 the custody, treatment, training, and rehabilitation of
6 adult female criminal offenders."

7 Section 14, Section 53-30-102, MCA, is amended to read:
8 "53-30-102. Qualifications of warden of state prison
9 and warden of women's correctional facility. The warden of
10 the state prison and the warden of the women's correctional
11 facility shall be a person persons trained through education
12 and experience in directing a training, rehabilitation, or
13 custodial program in a penal institution."

14 NEW SECTION. SECTION 1. SITE SELECTION
15 AUTHORIZATION. COMMITTEE. THE DEPARTMENT OF INSTITUTIONS
16 SHALL SELECT THE SITE OF THE WOMEN'S CORRECTIONAL FACILITY
17 IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

18 {1}--SITES CONSIDERED FOR THE LOCATION OF THE FACILITY
19 ARE LIMITED TO THE EIGHT COMMUNITIES THAT RESPONDED TO THE
20 DEPARTMENT'S REQUEST FOR PROPOSALS, WHICH PROPOSALS WERE
21 RECEIVED BY THE DEPARTMENT ON OR BEFORE JANUARY 30, 1991.

22 {2}--SITE SELECTION MUST BE GOVERNED BY CRITERIA
23 IDENTIFIED IN THE REQUEST FOR PROPOSALS ISSUED BY THE
24 DEPARTMENT ON DECEMBER 14, 1990.

25 {3}--A SITE SELECTION COMMITTEE MUST BE APPOINTED TO

1 EVALUATE THE REQUESTS FOR PROPOSALS. THE COMMITTEE IS
2 COMPOSED OF THE FOLLOWING PERSONS:

3 {A}--TWO PERSONS FROM THE CRIMINAL JUSTICE AND
4 CORRECTIONS ADVISORY COUNCIL, APPOINTED BY THE GOVERNOR,
5 NEITHER MEMBER MAY BE A RESIDENT OF A LOCAL GOVERNMENT THAT
6 HAS SUBMITTED A PROPOSAL.

7 {B}--ONE REPRESENTATIVE OF THE ARCHITECTURE AND
8 ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION,
9 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF
10 ADMINISTRATION,

11 {C}--THE CORRECTIONS DIVISION ADMINISTRATOR AND THE
12 WARDEN OF THE WOMEN'S CORRECTIONAL CENTER, REPRESENTING THE
13 DEPARTMENT OF INSTITUTIONS,

14 {D}--TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES,
15 APPOINTED BY THE SPEAKER OF THE HOUSE, NEITHER MEMBER MAY BE
16 A RESIDENT OF A LOCAL GOVERNMENT UNIT THAT HAS SUBMITTED A
17 PROPOSAL.

18 {E}--TWO MEMBERS OF THE SENATE, APPOINTED BY THE
19 PRESIDENT OF THE SENATE, NEITHER MEMBER MAY BE A RESIDENT OF
20 A LOCAL GOVERNMENT UNIT THAT HAS SUBMITTED A PROPOSAL.

21 {F}--ONE REPRESENTATIVE OF AN ESTABLISHED AND RECOGNIZED
22 ORGANIZATION WHOSE PRIMARY MISSION IS SPECIFIC TO WOMEN'S
23 NEEDS, APPOINTED BY THE GOVERNOR, AND

24 {G}--ONE REPRESENTATIVE OF THE PUBLIC, APPOINTED BY THE
25 GOVERNOR.

~~(4) THE COMMITTEE SHALL APPROVE AND APPLY A WEIGHTED SCORING MECHANISM TO EVALUATE THE SITE SELECTION CRITERIA.~~

~~(5) THE SITE SELECTION COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO CONSIDER, EVALUATE, AND MAKE A SITE RECOMMENDATION FOR THE FACILITY. THE RECOMMENDATION MUST BE MADE TO THE DIRECTOR OF THE DEPARTMENT OF INSTITUTIONS AND IS BINDING UNLESS THERE IS FOUND TO BE AN ERROR IN PROCESS OR FACT.~~

NEW SECTION. SECTION 1. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT THE INCARCERATION AND MANAGEMENT OF FEMALE FELONY OFFENDERS IS A MATTER OF STATE RESPONSIBILITY AND THAT THE LOCATION AND DESIGN OF A FACILITY PROVIDING FOR THESE SERVICES DETERMINES THE PROPER MANAGEMENT OF THOSE OFFENDERS, SO THAT IT IS NECESSARY TO PROVIDE PROPER GUIDELINES FOR THE LOCATION AND CONSTRUCTION OF THE FACILITY.

NEW SECTION. SECTION 2. DEFINITIONS. AS USED IN [SECTIONS 1 THROUGH 8], UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE FOLLOWING DEFINITIONS APPLY:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF INSTITUTIONS PROVIDED FOR IN 2-15-2301.

(2) "FACILITY" OR "WOMEN'S CORRECTIONAL FACILITY" MEANS A WOMEN'S CORRECTIONAL FACILITY WITH A CAPACITY OF APPROXIMATELY 200 120 BEDS PROVIDING MINIMUM, MEDIUM, AND MAXIMUM SECURITY FOR FEMALE INMATES.

(3) "LOCAL GOVERNMENTAL UNIT" MEANS A COUNTY, CITY, TOWN, OR CONSOLIDATED GOVERNMENT.

(4) "PROPOSAL" MEANS A PROPOSAL FOR THE LOCATION OF THE FACILITY, SUBMITTED OR TO BE SUBMITTED BY LOCAL GOVERNMENTAL UNITS TO THE DEPARTMENT IN RESPONSE TO THE REQUEST FOR PROPOSALS REQUIRED BY [SECTION 3].

NEW SECTION. SECTION 3. REQUEST FOR PROPOSALS. (1) THE DEPARTMENT SHALL REQUEST THAT PROPOSALS BE SUBMITTED TO THE DEPARTMENT FROM LOCAL GOVERNMENTAL UNITS FOR THE SITING AND COMMUNITY SUPPORT OF A NEW WOMEN'S CORRECTIONAL FACILITY. THE REQUEST MUST:

- (A) BE MADE IN THE FORM OF A REQUEST FOR PROPOSALS;
- (B) SPECIFY A JANUARY 30, 1991, AS THE DATE ON WHICH ALL PROPOSALS ARE TO BE RECEIVED BY THE DEPARTMENT; AND
- (C) CONTAIN THE INFORMATION REQUIRED UNDER SUBSECTION (2) AND OTHER INFORMATION DETERMINED NECESSARY BY THE DEPARTMENT.

(2) THE REQUEST FOR PROPOSAL MUST REQUIRE THAT INFORMATION IN THE FOLLOWING CATEGORIES BE SUBMITTED BY A LOCAL GOVERNMENTAL UNIT AS PART OF ANY PROPOSAL:

- (A) CONSTRUCTION SITE INFORMATION, INCLUDING:
 - (I) THE ACREAGE OF THE SITE, INCLUDING POTENTIAL FOR EXPANSION;
 - (II) THE NAME AND ADDRESS OF THE OWNER OR OWNERS AND THE FORM OF THE LEGAL INTEREST IN WHICH THE SITE IS HELD;

1 (III) HOW THE SITE MAY BE ACQUIRED BY THE STATE;
 2 (IV) THE CONFIGURATION AND TOPOGRAPHY OF THE SITE;
 3 (V) ACCESS TO PAVED PUBLIC STREETS AND RELIABLE
 4 UTILITIES, SUCH AS WATER SUPPLY, SEWAGE SYSTEM, NATURAL GAS,
 5 ELECTRICITY, TELEPHONE, AND REFUSE DISPOSAL;
 6 (VI) COMPATIBILITY WITH CURRENT LOCAL ZONING ORDINANCES,
 7 AS WELL AS ANY ORDINANCE MODIFICATIONS NECESSARY AND THE
 8 PROCEDURE FOR MAKING THOSE MODIFICATIONS;
 9 (VII) FLOOD HAZARD INFORMATION;
 10 (VIII) SUBSURFACE SOILS ANALYSES AND WATER TABLE
 11 LOCATION;
 12 (IX) CLIMATE; AND
 13 (X) LOCATION PLAN DRAWINGS, AREAWIDE MASTER PLAN
 14 DRAWINGS, AND SITE PLAN DRAWINGS.
 15 (B) SERVICE AVAILABILITY INFORMATION, INCLUDING:
 16 (I) PROXIMITY, STATED IN THE SHORTEST ROADWAY MILES ON
 17 ALL-WEATHER ROADS, TO 24-HOUR EMERGENCY MEDICAL SERVICES;
 18 (II) PROXIMITY, STATED IN THE SHORTEST ROADWAY MILES ON
 19 ALL-WEATHER ROADS, TO 24-HOUR FIRE PROTECTION SERVICES;
 20 (III) PROXIMITY, STATED IN THE SHORTEST ROADWAY MILES ON
 21 ALL-WEATHER ROADS, TO A CERTIFIED LOCAL LAW ENFORCEMENT
 22 AGENCY AND THE LEVEL OF THE AGENCY'S CAPABILITY TO RESPOND
 23 TO EMERGENCIES;
 24 (IV) PROXIMITY TO, STATED IN THE SHORTEST ROADWAY MILES
 25 ON ALL-WEATHER ROADS, AND AVAILABILITY OF INTERSTATE

1 TRANSPORTATION SERVICES; AND
 2 (V) PROXIMITY TO COUNTIES COMMITTING INMATES.
 3 (3) THE DEPARTMENT MAY ACCEPT IN FULL OR PARTIAL
 4 COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (2)
 5 INFORMATION PROVIDED TO THE DEPARTMENT PURSUANT TO ANY
 6 SIMILAR REQUEST FOR PROPOSALS PROCESS IF THAT INFORMATION
 7 OTHERWISE SATISFIES THE REQUIREMENTS OF SUBSECTION (2) AND
 8 WAS RECEIVED BY THE DEPARTMENT NO LATER THAN JANUARY 30,
 9 1991.
 10 NEW SECTION. SECTION 4. SITE REQUIREMENTS. A PROPOSAL
 11 SUBMITTED BY A LOCAL GOVERNMENTAL UNIT MUST APPLY TO A
 12 PROPOSED CONSTRUCTION SITE PROVIDED BY THE LOCAL
 13 GOVERNMENTAL UNIT:
 14 (1) OF APPROXIMATELY 15 TO 20 ACRES IN SIZE, WITH 25 TO
 15 30 ADDITIONAL ACRES AVAILABLE FOR EXPANSION;
 16 (2) HAVING ACCESS TO PAVED PUBLIC STREETS AND RELIABLE
 17 UTILITIES, SUCH AS WATER SUPPLY, SEWAGE SYSTEM, NATURAL GAS,
 18 ELECTRICITY, TELEPHONE, AND REFUSE DISPOSAL;
 19 (3) THAT IS NOT LOCATED IN A HISTORICAL 100-YEAR
 20 FLOODPLAIN, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY
 21 FLOOD HAZARD BOUNDARY MAPS, SOIL CONSERVATION SERVICE FLOOD
 22 HAZARD STUDIES, OR CORPS OF ENGINEERS FLOOD INFORMATION
 23 REPORTS;
 24 (4) ON WHICH THE SUBSURFACE SOILS AND WATER TABLE WILL
 25 ALLOW A BASEMENT TO BE CONSTRUCTED UNDER THE FACILITY;

1 (5) WITH ACCESS VIA ALL-WEATHER ROADS TO 24-HOUR
 2 EMERGENCY MEDICAL SERVICES AND 24-HOUR FIRE PROTECTION
 3 SERVICES;

4 (6) LOCATED REASONABLY CLOSE TO COUNTIES CONTRIBUTING A
 5 MAJORITY OF THE INMATES; AND

6 (7) SERVED, OR IN A COMMUNITY SERVED, BY PUBLIC
 7 INTERSTATE TRANSPORTATION SERVICES, SUCH AS BUS, RAIL, OR
 8 AIR SERVICE.

9 NEW SECTION. SECTION 5. SITE SELECTION COMMITTEE. (1)
 10 PROPOSALS SUBMITTED IN RESPONSE TO THE REQUEST FOR PROPOSALS
 11 REQUIRED BY [SECTION 3] MUST BE EVALUATED BY A SITE
 12 SELECTION COMMITTEE. THE COMMITTEE CONSISTS OF THE FOLLOWING
 13 PERSONS, WHOSE SELECTION MUST PROVIDE FOR GENDER BALANCE ON
 14 THE COMMITTEE:

15 (A) ONE REPRESENTATIVE OF THE ARCHITECTURE AND
 16 ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION,
 17 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF
 18 ADMINISTRATION, TO SERVE IN AN ADVISORY CAPACITY ONLY;

19 (B) ~~TWO MEMBERS OF THE SUBCOMMITTEE ON A WOMEN'S~~
 20 ~~CORRECTIONAL FACILITY OF THE GOVERNOR'S CRIMINAL JUSTICE AND~~
 21 ~~CORRECTIONS ADVISORY COUNCIL~~ BY THREE REPRESENTATIVES OF THE
 22 PUBLIC, APPOINTED BY THE GOVERNOR, NEITHER NONE OF WHOM MAY
 23 BE A RESIDENT OF A LOCAL GOVERNMENTAL UNIT SUBMITTING A
 24 PROPOSAL;

25 (C) TWO REPRESENTATIVES OF THE DEPARTMENT OF

1 INSTITUTIONS, APPOINTED BY THE DIRECTOR OF INSTITUTIONS;

2 (D) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES,
 3 NEITHER OF WHOM MAY BE A RESIDENT OF A LOCAL GOVERNMENTAL
 4 UNIT SUBMITTING A PROPOSAL, APPOINTED BY THE SPEAKER OF THE
 5 HOUSE; AND

6 (E) TWO MEMBERS OF THE SENATE, NEITHER OF WHOM MAY BE A
 7 RESIDENT OF A LOCAL GOVERNMENTAL UNIT SUBMITTING A PROPOSAL,
 8 APPOINTED BY THE PRESIDENT OF THE SENATE; AND

9 (F) TWO REPRESENTATIVES OF ESTABLISHED AND RECOGNIZED
 10 ORGANIZATIONS WHOSE PRIMARY MISSION IS SPECIFIC TO WOMEN'S
 11 NEEDS, APPOINTED BY THE GOVERNOR.

12 (2) EXCEPT AS OTHERWISE PROVIDED BY [SECTIONS 1 THROUGH
 13 8], THE SITE SELECTION COMMITTEE SHALL BE COMPENSATED,
 14 REIMBURSED, AND OTHERWISE GOVERNED BY THE PROVISIONS OF
 15 2-15-122 REGARDING ADVISORY COUNCILS.

16 (3) THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO
 17 PERFORM THE DUTIES ASSIGNED BY [SECTIONS 1 THROUGH 8]. THE
 18 COMMITTEE SHALL CONSIDER, EVALUATE, AND SELECT THE LOCATION
 19 FOR THE WOMEN'S CORRECTIONAL FACILITY ACCORDING TO THE
 20 PROCEDURE AND CRITERIA IN [SECTION 6].

21 (4) THE COMMITTEE IS ATTACHED FOR ADMINISTRATIVE
 22 PURPOSES ONLY TO THE DEPARTMENT, WHICH SHALL PROVIDE SUCH
 23 STAFF, BUDGETARY, ADMINISTRATIVE, AND CLERICAL SERVICES TO
 24 THE COMMITTEE AS THE COMMITTEE OR ITS CHAIRPERSON REQUESTS.

25 (5) THE COMMITTEE TERMINATES ON SUBMISSION OF ITS

1 CHOICE OF THE WINNING PROPOSAL TO THE DIRECTOR OF THE
 2 DEPARTMENT IN ACCORDANCE WITH [SECTION 8(3)].

3 NEW SECTION. SECTION 6. SITE SELECTION PROCEDURE AND

4 CRITERIA. (1) THE SITE SELECTION COMMITTEE MAY NOT CONSIDER
 5 A PROPOSAL UNLESS THE PROPOSAL:

6 (A) IS SUBMITTED WITHIN THE TIME REQUIRED BY THE
 7 REQUEST FOR PROPOSAL;

8 (B) APPLIES TO A SITE SATISFYING THE REQUIREMENTS OF
 9 [SECTION 4]; AND

10 (C) CONTAINS THE CONSTRUCTION SITE INFORMATION AND
 11 SERVICE AVAILABILITY INFORMATION REQUIRED BY [SECTION 3(2)].

12 (2) THE COMMITTEE SHALL DETERMINE A MAXIMUM NUMERIC
 13 VALUE FOR EACH OF THE CRITERIA PROVIDED IN SUBSECTION (3).

14 CRITERIA THAT THE COMMITTEE DETERMINES TO BE OF MORE
 15 RELATIVE IMPORTANCE MUST BE AWARDED A GREATER MAXIMUM VALUE.

16 THE COMMITTEE SHALL RATE EACH PROPOSAL CONSIDERED BY IT BY
 17 USING A WEIGHTED SCALE PROCESS THAT ASSIGNS A NUMERIC SCORE

18 FOR EACH CRITERIA AND THEN TOTALS THE SCORE FOR EACH
 19 PROPOSAL. THE SCORE FOR EACH CRITERIA AND PROPOSAL MUST BE

20 DETERMINED BY THE EXTENT TO WHICH EACH CRITERIA IS
 21 SATISFIED, BASED UPON A DOCUMENTED DEMONSTRATION OF:

22 (A) THE PROXIMITY, AVAILABILITY, AND NUMBER OF
 23 RESOURCES SATISFYING THE CRITERIA;

24 (B) THE STRENGTH AND QUALITY OF THE RESOURCES
 25 SATISFYING THE CRITERIA; AND

1 (C) THE LOCAL GOVERNMENTAL UNIT'S WILLINGNESS AND
 2 ABILITY TO PROVIDE RESOURCES SATISFYING THE CRITERIA.

3 (3) THE CRITERIA TO BE USED BY THE COMMITTEE ARE THE
 4 AVAILABILITY OF:

5 (A) MEDICAL SERVICES OF A REFERRAL HOSPITAL WITH
 6 24-HOUR EMERGENCY ROOM SERVICE IN THE PRESENCE OF AN

7 ATTENDING PHYSICIAN;
 8 (B) A HOSPITAL OFFERING MEDICAL SPECIALTIES NEEDED BY

9 FEMALE INMATES;
 10 (C) DENTAL SERVICES;

11 (D) CHEMICAL DEPENDENCY TREATMENT;
 12 (E) MENTAL HEALTH SERVICES, INCLUDING PSYCHIATRIC CARE,

13 CLINICAL SERVICES, INPATIENT AND OUTPATIENT TREATMENT, AND
 14 PROGRAMS APPROPRIATE TO WOMEN'S NEEDS;

15 (F) VOCATIONAL EDUCATION OR ITS PROGRAMMATIC EQUIVALENT
 16 AND A PUBLIC OR PRIVATE POST-SECONDARY INSTITUTIONS

17 INSTITUTION;
 18 (G) LICENSED FOSTER CARE AND ALL LEVELS OF CHILD CARE,

19 INCLUDING REGISTERED DAY CARE, LICENSED GROUP CARE, AND
 20 OUT-OF-HOME CARE;

21 (H) PUBLIC TRANSPORTATION;
 22 (I) COURT SYSTEM AND LEGAL SERVICES;

23 (J) MOTEL OR HOTEL ACCOMMODATIONS;
 24 (K) VENDORS OF FOOD, AUTOMOBILE FUEL, AND OTHER

25 SUPPLIES;

- 1 (L) AN ADEQUATE SKILLED WORKFORCE FOR EMPLOYMENT IN THE
- 2 FACILITY;
- 3 (M) AFFORDABLE HOUSING FOR THE FACILITY STAFF;
- 4 (N) ESTABLISHED ORGANIZATIONS WHOSE PRIMARY MISSIONS
- 5 ARE SPECIFIC TO WOMEN'S NEEDS;
- 6 (O) ESTABLISHED ORGANIZATIONS THAT EMPHASIZE AND ARE
- 7 CONCERNED WITH NATIVE AMERICAN ISSUES; AND
- 8 (P) EMPLOYMENT FOR FACILITY INMATES OUTSIDE OF THE
- 9 FACILITY; AND
- 10 (Q) PROXIMITY OF A CERTIFIED LOCAL LAW ENFORCEMENT
- 11 AGENCY CAPABLE OF EMERGENCY RESPONSE.

12 NEW SECTION. SECTION 7. SITE VISITATION AND HEARINGS
 13 REQUIRED. THE SITE SELECTION COMMITTEE SHALL DETERMINE THE
 14 FOUR PROPOSALS WITH THE HIGHEST NUMERIC SCORES. THE
 15 COMMITTEE SHALL ELIMINATE THE OTHER PROPOSALS FROM FURTHER
 16 CONSIDERATION. AS SOON AS POSSIBLE AFTER ELIMINATION OF THE
 17 OTHER SITES, THE COMMITTEE SHALL CONDUCT ON-SITE REVIEWS OF
 18 THE FOUR REMAINING CANDIDATE SITES BY CONDUCTING BOTH AN
 19 ON-SITE TOUR OF EACH OF THE FOUR CANDIDATE SITES AND HOLDING
 20 A PUBLIC HEARING ON THE SUBJECT OF THE FACILITY IN THE
 21 COMMUNITY WHERE EACH PROPOSED SITE IS LOCATED. THE PURPOSE
 22 OF THE TOUR AND HEARING IS TO RECEIVE INFORMATION CONCERNING
 23 THE EXTENT TO WHICH EACH CANDIDATE SITE SATISFIES THE
 24 CRITERIA IN [SECTION 4], [SECTION 6(3)], AND [SECTION 8(2)].
 25 THE HEARINGS MUST BE CONDUCTED UNDER PROCEDURES DETERMINED

1 BY THE COMMITTEE, AND THE COMMITTEE SHALL GIVE NOTICE OF
 2 EACH HEARING BY ADVERTISEMENT IN A NEWSPAPER OF GENERAL
 3 CIRCULATION IN THE COUNTY OF EACH CANDIDATE SITE.

4 NEW SECTION. SECTION 8. SITE SELECTION. (1) AFTER
 5 COMPLETING THE ON-SITE REVIEWS REQUIRED BY [SECTION 7], THE
 6 COMMITTEE SHALL AGAIN SCORE EACH OF THE FOUR CANDIDATE SITES
 7 BY APPLYING THE CRITERIA AND SCORING METHOD PROVIDED IN
 8 [SECTION 6].

9 (2) IF TWO OR MORE PROPOSALS RECEIVE THE SAME TOTAL
 10 SCORE, THE COMMITTEE SHALL DETERMINE THE LEADING PROPOSAL BY
 11 ASSIGNING MAXIMUM POINT VALUES FOR AND SCORING THOSE
 12 PROPOSALS ON THE FOLLOWING CRITERIA FOR THE COMMUNITY IN
 13 WHICH THE FACILITY WOULD BE LOCATED:

14 (A) STRENGTH OF COMMUNITY VOLUNTEER RESOURCES;
 15 (B) ABILITY OF THE COMMUNITY'S POST-SECONDARY
 16 EDUCATIONAL PROGRAMS TO PROVIDE APPROPRIATE INTERNS FOR THE
 17 FACILITY;

18 (C) THE RECEPTIVENESS OF THE PUBLIC SCHOOL DISTRICT OR
 19 DISTRICTS TO ENROLLING THE CHILDREN OF FACILITY INMATES IN
 20 THEIR SCHOOLS; AND

21 (D) THE ETHNIC AND CULTURAL DIVERSITY OF THE COMMUNITY.

22 (3) THE FACILITY MUST BE LOCATED AT THE SITE PROPOSED
 23 BY THE LOCAL GOVERNMENTAL UNIT WHOSE PROPOSAL RECEIVES THE
 24 HIGHEST NUMERIC SCORE USING THE PROCEDURE PROVIDED IN THIS
 25 SECTION. UPON SELECTION OF THE WINNING PROPOSAL BY THE

1 COMMITTEE, THE COMMITTEE WILL INFORM THE DIRECTOR OF THE
 2 DEPARTMENT OF ITS SELECTION AND THE DIRECTOR SHALL MAKE A
 3 PUBLIC ANNOUNCEMENT OF THE COMMITTEE'S SELECTION. THE
 4 COMMITTEE SHALL SUBMIT ITS SELECTION TO THE DIRECTOR OF THE
 5 DEPARTMENT NO LATER THAN 100 DAYS AFTER THE [EFFECTIVE DATE
 6 OF THIS ACT].

7 NEW SECTION: SECTION 9. AUTHORIZATION OF GENERAL
 8 OBLIGATION BONDS APPROPRIATION. (1) THE BOARD OF
 9 EXAMINERS MAY ISSUE AND SELL GENERAL OBLIGATION BONDS OF THE
 10 STATE IN THE AGGREGATE AMOUNT OF NO MORE THAN \$12 MILLION
 11 FOR THE PURPOSE OF ACQUIRING A SUITABLE SITE FOR AND
 12 CONSTRUCTING AND EQUIPPING THE WOMEN'S CORRECTIONAL FACILITY
 13 AND FOR BOND ISSUANCE COSTS. THE BONDS MAY BE ISSUED ONLY
 14 FOR A WOMEN'S CORRECTIONAL FACILITY LOCATED IN ACCORDANCE
 15 WITH SECTIONS 1 THROUGH 8 AND TO BE CONSTRUCTED BY THE
 16 DEPARTMENT OF ADMINISTRATION IN ACCORDANCE WITH SECTION
 17 10. THE BONDS MUST BE ISSUED AND SOLD IN CONFORMITY WITH
 18 AND SUBJECT TO THE CONDITIONS OF TITLE 17, CHAPTER 5, PART
 19 8. THE FULL FAITH AND CREDIT AND TAXING POWER OF THE STATE
 20 IS PLEDGED FOR THE PAYMENT OF ALL BONDS ISSUED PURSUANT TO
 21 THIS SECTION.

22 (2) ALL PROCEEDS OF BONDS SOLD PURSUANT TO THIS SECTION
 23 MUST BE DEPOSITED IN THE CAPITOL PROJECTS ACCOUNT AND USED
 24 ONLY TO PAY THE COSTS OF SITE ACQUISITION AND CONSTRUCTING
 25 AND EQUIPPING THE WOMEN'S CORRECTIONAL FACILITY. THE

1 PROCEEDS FROM THE SALE OF THE BONDS ARE APPROPRIATED TO THE
 2 DEPARTMENT OF ADMINISTRATION FOR THOSE PURPOSES. THIS
 3 SECTION CONSTITUTES A STATUTORY APPROPRIATION WITHIN THE
 4 MEANING OF 17-7-502.

5 NEW SECTION: SECTION 10. SITE ACQUISITION AND
 6 CONSTRUCTION REQUIRED UPON THE SALE OF THE BONDS AUTHORIZED
 7 BY SECTION 9, THE DEPARTMENT OF ADMINISTRATION, ACTING
 8 UNDER THE SUPERVISION AND WITH THE APPROVAL OF THE BOARD OF
 9 EXAMINERS, SHALL ACQUIRE THE SITE FOR AND PROCEED WITH THE
 10 CONSTRUCTION AND EQUIPPING OF THE WOMEN'S CORRECTIONAL
 11 FACILITY LOCATED PURSUANT TO SECTIONS 1 THROUGH 8. THE
 12 DEPARTMENT SHALL CALL FOR BIDS AS REQUIRED BY LAW FOR THE
 13 DESIGN, CONSTRUCTION, AND EQUIPPING OF THE FACILITY AND
 14 SHALL REQUIRE EACH PRIME CONTRACTOR TO GIVE A BOND IN THE
 15 AMOUNT DETERMINED BY THE BOARD OF EXAMINERS, CONDITIONED
 16 UPON THE FAITHFUL PERFORMANCE OF THE CONTRACTOR'S DUTIES AND
 17 THE CONTRACTS.

18 SECTION 11. SECTION 17-7-502, MCA, IS AMENDED TO READ:
 19 "17-7-502. Statutory appropriations definition
 20 requisites for validity. (1) A statutory appropriation is an
 21 appropriation made by permanent law that authorizes spending
 22 by a state agency without the need for a biennial
 23 legislative appropriation or budget amendment.
 24 (2) Except as provided in subsection (4), to be
 25 effective, a statutory appropriation must comply with both

1 of the following provisions:

2 (a) The law containing the statutory authority must be
3 listed in subsection (3);

4 (b) The law or portion of the law making a statutory
5 appropriation must specifically state that a statutory
6 appropriation is made as provided in this section;

7 (3) The following laws are the only laws containing
8 statutory appropriations: 2-9-202; 2-17-105; 2-18-012;
9 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
10 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
11 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
12 17-5-424; 17-5-804; (section 9); 19-8-504; 19-9-702;
13 19-9-1007; 19-10-285; 19-10-305; 19-10-506; 19-11-512;
14 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406;
15 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
16 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
17 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
18 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
19 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
20 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
21 of 1985;

22 (4) There is a statutory appropriation to pay the
23 principal, interest, premiums, and costs of issuing, paying,
24 and securing all bonds, notes, or other obligations, as due,
25 that have been authorized and issued pursuant to the laws of

1 Montana Agencies that have entered into agreements
2 authorized by the laws of Montana to pay the state
3 treasury for deposit in accordance with 17-2-101 through
4 17-2-107, as determined by the state treasurer, an amount
5 sufficient to pay the principal and interest as due on the
6 bonds or notes have statutory appropriation authority for
7 such payments, (in subsection (3) pursuant to sec. 10, Ch.
8 664, L. 1987, the inclusion of 39-71-2504 terminates June
9 30, 1991.)"

10 **SECTION 9. SECTION 53-1-202, MCA, IS AMENDED TO READ:**

11 "53-1-202. Institutions in department. (1) The
12 following institutions are in the department:

- 13 (a) Montana state hospital;
- 14 (b) Montana veterans' home at Columbia Falls;
- 15 (c) Montana veterans' home in eastern Montana;
- 16 (d) state prison;
- 17 (e) Montana developmental center;
- 18 (f) Montana center for the aged;
- 19 (g) Swan River forest camp; and
- 20 (h) Montana women's correctional facility; and
- 21 (h)(i) Eastmont human services center.

22 (2) A state institution may not be moved, discontinued,
23 or abandoned without prior consent of the legislature."

24 **SECTION 10. SECTION 53-30-101, MCA, IS AMENDED TO READ:**

25 "53-30-101. Location and function of prison and women's

1 correctional facility. (1) The institution at Deer Lodge is
2 the state prison and as its primary function provides
3 facilities for the custody, treatment, training, and
4 rehabilitation of adult male criminal offenders.

5 (2) The institution located in accordance with
6 [sections 1 through 8] is the Montana women's correctional
7 facility and as its primary function provides facilities for
8 the custody, treatment, training, and rehabilitation of
9 adult female criminal offenders."

10 **SECTION 11. SECTION 53-30-102, MCA, IS AMENDED TO READ:**

11 "53-30-102. Qualifications of warden of state prison
12 and warden of women's correctional facility. The warden of
13 the state prison and the warden of the women's correctional
14 facility shall be a person persons trained through education
15 and experience in directing a training, rehabilitation, or
16 custodial program in a penal institution."

17 **NEW SECTION. Section 12. Appropriation.** There is
18 appropriated from the general fund ~~\$8,000~~ \$5,000 to
19 the department of institutions for the purposes of the site
20 selection committee created by [section 5 ± 5]. This
21 appropriation is effective through the fiscal year ending
22 June 30, 1992.

23 ~~NEW SECTION. Section 16. Code-----commissioner~~
24 ~~instruction: Whenever the terms "women's correction center"~~
25 ~~or "women's correctional center" appear in the Montana Code~~

1 ~~Annotated or in legislation enacted by the 52nd legislature,~~
2 ~~the code commissioner is instructed to change the term to~~
3 ~~"women's correctional facility".~~

4 **NEW SECTION. SECTION 13. CODE COMMISSIONER**
5 **INSTRUCTION. WHENEVER THE TERMS "WOMEN'S CORRECTION CENTER"**
6 **OR "WOMEN'S CORRECTIONAL CENTER" APPEAR IN THE MONTANA CODE**
7 **ANNOTATED OR IN LEGISLATION ENACTED BY THE 52ND LEGISLATURE,**
8 **THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM TO**
9 **"WOMEN'S CORRECTIONAL FACILITY".**

10 **NEW SECTION. Section 14. Effective date.** [This act] is
11 effective on passage and approval.

12 **NEW SECTION. Section 15. Termination.** ~~{Sections 1~~
13 ~~through 9} terminate 100 {SECTION 1} TERMINATES 150~~
14 **{SECTIONS 1 THROUGH 9 8} TERMINATE 100** days after passage
15 and approval.

-End-

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 528 (third reading copy -- blue), respectfully report that House Bill No. 528 be amended and as so amended be concurred in:

1. Title, page 2, lines 5, 7, and 9.
Strike: "FACILITY"
Insert: "CENTER"

2. Page 5, lines 3 and 6.
Strike: "FACILITY"
Insert: "center"

3. Page 21, line 12.
Strike: "FACILITY"
Insert: "women's correctional center"

4. Page 21, line 16.
Strike: "FACILITY"
Insert: "women's correctional center"

5. Page 21, line 18.
Strike: "8"
Insert: "7"

6. Page 21, line 22.
Strike: the first "FACILITY"
Insert: "Center"
Following: "CORRECTIONAL"
Strike: "FACILITY"
Insert: "center"

7. Page 21, line 23.
Strike: "FACILITY"
Insert: "center"

8. Page 22, line 11.
Strike: "FACILITY"
Insert: "center"

9. Page 24, line 1.
Strike: "AND"

10. Page 24, line 2.
Following: "INMATES"
Strike: "1"

Insert: " ;
(vi) the adequacy of the court system and legal services;
(vii) availability of motel or hotel accommodations;

(viii) an adequate number of vendors of food, motor fuel, and other supplies;

(ix) an adequate skilled workforce for employment in the center;
(x) availability of affordable housing for the center staff;

(xi) established organizations whose primary missions are specific to the needs of women;
(xii) established organizations that emphasize and are concerned with Native American issues; and
(xiii) availability of employment opportunities for inmates outside the center;

(c) program information, including:
(i) proximity to medical services at a referral hospital with 24-hour emergency room service, including the presence of an attending physician;

(ii) proximity to a hospital offering medical specialties needed by women inmates;

(iii) proximity to dental services;
(iv) proximity to chemical dependency treatment;
(v) proximity to mental health services, including psychiatric care, clinical services, inpatient and outpatient treatment, and programs appropriate to women's needs;

(vi) proximity to vocational education or its programmatic equivalent and a public or private postsecondary educational institution; and

(vii) proximity to licensed foster care and all levels of child care, including registered day care, licensed group care, and out-of-home care;

(d) additional criteria, including:
(i) the strength of community volunteer resources;
(ii) the ability of the community's postsecondary educational programs to provide appropriate interns for the center;

(iii) the receptiveness of the public school district or districts to enrolling the children of center inmates; and

(iv) the ethnic and cultural diversity of the community."

11. Page 24, line 9.

Following: "1"

Insert: "If the criteria included in the department's original request for proposals for which responses were submitted by January 30, 1991, do not include all the criteria required in subsection (2), the department shall request the additional information from the respondents."

12. Page 24, line 10 through page 25, line 8.

Strike: section 4 in its entirety
Renumber: subsequent sections

SENATE
HB 528

13. Page 25, line 25.
Strike: "TWO REPRESENTATIVES OF"
Insert: "the corrections division administrator and the warden of the women's correctional center, representing"

14. Page 26, line 1.
Strike: ", APPOINTED BY THE DIRECTOR OF INSTITUTIONS"

15. Page 26, line 8.
Strike: "AND"

16. Page 26, line 9.
Strike: "TWO REPRESENTATIVES"
Insert: "one representative"

17. Page 26, line 11.
Strike: "and"
Insert: "; and"

18. Page 26, line 12.
Following: line 11
Insert: "(g) one representative of the criminal justice and corrections advisory council, appointed by the governor."

19. Page 26, line 13.
Strike: "8"
Insert: "7"

20. Page 26, line 17.
Strike: "8"
Insert: "7"

21. Page 26, line 20.
Strike: "6"
Insert: "5"

22. Page 26, line 25 through page 27, 1.
Following: "ON" on line 25
Strike: remainder of line 25 through "CHOICE" on page 27, line 1
Insert: "the date of the announcement"
Following: "PROPOSAL"
Strike: "TO"
Insert: "by"

23. Page 27, line 2.
Strike: "8(3)"
Insert: "7(3)"

24. Page 27, lines 8 and 9.
Following: line 7
Strike: line 8 through "i" on line 9

Renumber: subsequent subsection

25. Page 27, line 10.
Following: "INFORMATION"
Insert: ", "
Strike: "AND"

26. Page 27, line 11.
Following: "INFORMATION"
Insert: ", program information, and additional criteria"

27. Page 27, line 13.
Strike: "PROVIDED IN SUBSECTION (3)"
Insert: "required in [section 3]"

28. Page 28, line 1.
Strike: "LOCAL GOVERNMENTAL UNIT'S"
Insert: "strength of the community's"

29. Page 28, line 3 through page 29, line 11.
Strike: subsection (3) in its entirety

30. Page 29, line 20.
Strike: "FACILITY"
Insert: "center"

31. Page 29, line 24.
Strike: "4"
Insert: "3"
Following: "1"
Strike: "[SECTION 6(3)]"
Following: "SECTION"
Strike: "8(2)"
Insert: "7(2)"

32. Page 30, line 5.
Strike: "7"
Insert: "6"

33. Page 30, line 8.
Strike: "6"
Insert: "5"

34. Page 30, line 13.
Strike: "FACILITY"
Insert: "center"

35. Page 30, line 19.
Strike: "FACILITY"
Insert: "center"

36. Page 30, line 22.
Strike: "FACILITY"
Insert: "center"

37. Page 31, lines 2 and 3.
Following: "SELECTION" on line 2
Insert: ". "
Strike: "AND THE"
Insert: "The director shall review the selection process to ensure that the committee has not made an error in process or in fact. If the director determines that an error has been made, he shall remand the recommendation to the committee for further evaluation. The"
Following: "SELECTION" on line 3
Insert: "upon determining that no errors have been made"

38. Page 31, line 5.
Strike: "100"
Insert: "150"

39. Page 34, line 20.
Strike: "facility"
Insert: "center"

40. Page 35, line 1.
Strike: "facility"
Insert: "center"

41. Page 35, line 6.
Strike: "8"
Insert: "7"
Strike: "Montana"

42. Page 35, line 7.
Strike: "facility"
Insert: "center"

43. Page 35, line 12.
Strike: "facility"
Insert: "center"

44. Page 35, line 14.
Strike: "facility"
Insert: "center"

45. Page 35, line 20.
Strike: "5"
Insert: "4"

46. Page 36, lines 4 through 9.
Strike: section 13 in its entirety
Renumber: subsequent sections

47. Page 36, line 14.
Strike: "8"
Insert: "7"
Strike: "100"
Insert: "150"

Signed: Judy H. Jacobson
Judy H. Jacobson, Chairman

VM 4-11-91
Adm. Coord.

SB 4-11 4:20
Sec. of Senate

HOUSE BILL NO. 528

INTRODUCED BY BROOKE, YELLOWTAIL, WYATT, FRANKLIN, VAUGHN, FRITZ, S. RICE, VAN VALKENBURG, REAM, BECKER, STICKNEY, SQUIRES, J. BROWN, RUSSELL, COCCHIARELLA, HANSEN, MESSMORE, SOUTHWORTH, J. JOHNSON, MEASURE, STRIZICH, R. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTHORIZING REQUIRING THE DEPARTMENT OF INSTITUTIONS TO DEVELOP--A REQUEST--FOR--PROPOSALS--TO--SOLICIT--PROPOSALS--FROM--MONTANA LOCAL-GOVERNMENTAL-UNITS-FOR-THE SITING SITING OF-A--WOMEN'S CORRECTIONAL--FACILITY,--REQUIRING-THE-DEPARTMENT-TO-SOLICIT PROPOSALS--ACCORDING--TO--THE--REQUEST,--SPECIFYING--CERTAIN CRITERIA-FOR-THE-SITE-OF-THE-FACILITY,--CREATING-A--COMMITTEE TO--EVALUATE--THE-PROPOSALS,--PROVIDING-FOR-THE-EVALUATION-OF THE-PROPOSALS-AND-SELECTION-OF-A-FACILITY-SITE,--AUTHORIZING THE---ISSUANCE---OF-GENERAL--OBLIGATION--BONDS--TO--FINANCE CONSTRUCTION-OF-THE-FACILITY,--AUTHORIZING--CONSTRUCTION--AND STATUTORILY-APPROPRIATING-THE-PROCEEDS-OF-THE-BONDS-FOR-THAT PURPOSE,--APPROPRIATING-MONEY TO FOR-THE-PURPOSES-OF THE-SITE SELECTION--COMMITTEE,--AMENDING-SECTIONS-17-7-502, 53-1-202, 53-30-101, AND 53-30-102, MCA, AND--PROVIDING--AN--IMMEDIATE EFFECTIVE-DATE-AND-A-TERMINATION-DATE. CREATE-A-COMMITTEE-TO EVALUATE---THE---PROPOSALS--FOR--THE--SITING--OF--A--WOMEN'S CORRECTIONAL-FACILITY,--PROVIDING-FOR-THE-EVALUATION--OF--THE PROPOSALS--AND--SELECTION--OF-A-FACILITY-SITE, APPROPRIATING

~~MONEY-FOR-THE-PURPOSES-OF-THE-SITE-SELECTION-COMMITTEE,--AND PROVIDING--AN--IMMEDIATE--EFFECTIVE--DATE--AND-A-TERMINATION DATE, DEVELOP A REQUEST FOR PROPOSALS TO SOLICIT PROPOSALS FROM MONTANA LOCAL GOVERNMENTAL UNITS FOR THE SITING SITING OF A WOMEN'S CORRECTIONAL FACILITY CENTER; REQUIRING THE DEPARTMENT TO SOLICIT PROPOSALS ACCORDING TO THE REQUEST; SPECIFYING CERTAIN CRITERIA FOR THE SITE OF THE FACILITY CENTER; CREATING A COMMITTEE TO EVALUATE THE PROPOSALS; PROVIDING FOR THE EVALUATION OF THE PROPOSALS AND SELECTION OF A FACILITY CENTER SITE; AUTHORIZING--THE-ISSUANCE-OF GENERAL-OBLIGATION-BONDS--TO--FINANCE--CONSTRUCTION--OF--THE FACILITY,---AUTHORIZING---CONSTRUCTION---AND---STATUTORILY APPROPRIATING-THE-PROCEEDS-OF-THE-BONDS--FOR--THAT--PURPOSE, APPROPRIATING MONEY TO FOR THE PURPOSES OF THE SITE SELECTION COMMITTEE; AMENDING SECTIONS 17-7-502, 53-1-202, 53-30-101, AND 53-30-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."~~

WHEREAS,--Article--II,--section--28,--of--the--Montana Constitution--states--that--laws--for--the--punishment--of--crime should--be--founded--on--the--principles--of--prevention--and reformation,--and

WHEREAS,--the--current--Women's--Correction--Center--was created--in--1982--as--a--temporary--facility,--and

WHEREAS,--the--current--Women's--Correction--Center--is--a



1 ~~totally inadequate correctional facility consisting of a~~
 2 ~~vacant nurses' dormitory at Warm Springs State Hospital,~~
 3 ~~which provides inadequate security, inadequate medical,~~
 4 ~~vocational, and other educational and rehabilitative~~
 5 ~~services, and inadequate space for the state's rising~~
 6 ~~population of female inmates, and~~

7 ~~WHEREAS, population projections by the Department of~~
 8 ~~Institutions estimate 124 female inmates will be~~
 9 ~~incarcerated in a state facility, including prerelease and~~
 10 ~~community-based facilities, by the year 1995, and~~

11 ~~WHEREAS, Chapter 518, Laws of 1989, required the~~
 12 ~~Department of Institutions, in cooperation with the~~
 13 ~~Governor's Criminal Justice and Corrections Advisory~~
 14 ~~Council, to develop a comprehensive plan for housing female~~
 15 ~~inmates and required submission of the plan to the 52nd~~
 16 ~~legislature, and~~

17 ~~WHEREAS, the Department of Institutions has begun a~~
 18 ~~request for proposal process by which it is soliciting~~
 19 ~~proposals from various Montana communities to construct a~~
 20 ~~women's correctional facility, and~~

21 ~~WHEREAS, the legislature believes that decisions~~
 22 ~~concerning the site selection process and the financing and~~
 23 ~~construction of the facility must be made with the interests~~
 24 ~~of crime prevention and reformation of female inmates as the~~
 25 ~~state's highest priority and are matters of statewide~~

1 ~~concern and appropriate for legislative action.~~

2 WHEREAS, ARTICLE II, SECTION 28, OF THE MONTANA
 3 CONSTITUTION STATES THAT LAWS FOR THE PUNISHMENT OF CRIME
 4 SHOULD BE FOUNDED ON THE PRINCIPLES OF PREVENTION AND
 5 REFORMATION; AND

6 WHEREAS, THE CURRENT WOMEN'S CORRECTION CENTER WAS
 7 CREATED IN 1982 AS A TEMPORARY FACILITY; AND

8 WHEREAS, THE CURRENT WOMEN'S CORRECTION CENTER IS A
 9 TOTALLY INADEQUATE CORRECTIONAL FACILITY CONSISTING OF A
 10 VACANT NURSES' DORMITORY AT WARM SPRINGS STATE HOSPITAL,
 11 WHICH PROVIDES INADEQUATE SECURITY; INADEQUATE MEDICAL,
 12 VOCATIONAL, AND OTHER EDUCATIONAL AND REHABILITATIVE
 13 SERVICES; AND INADEQUATE SPACE FOR THE STATE'S RISING
 14 POPULATION OF FEMALE INMATES; AND

15 WHEREAS, POPULATION PROJECTIONS BY THE DEPARTMENT OF
 16 INSTITUTIONS ESTIMATE 124 FEMALE INMATES WILL BE
 17 INCARCERATED IN A STATE FACILITY, INCLUDING PRERELEASE AND
 18 COMMUNITY-BASED FACILITIES, BY THE YEAR 1995; AND

19 WHEREAS, CHAPTER 518, LAWS OF 1989, REQUIRED THE
 20 DEPARTMENT OF INSTITUTIONS, IN COOPERATION WITH THE
 21 GOVERNOR'S CRIMINAL JUSTICE AND CORRECTIONS ADVISORY
 22 COUNCIL, TO DEVELOP A COMPREHENSIVE PLAN FOR HOUSING FEMALE
 23 INMATES AND REQUIRED SUBMISSION OF THE PLAN TO THE 52ND
 24 LEGISLATURE; AND

25 WHEREAS, THE DEPARTMENT OF INSTITUTIONS HAS BEGUN A

1 REQUEST FOR PROPOSAL PROCESS BY WHICH IT IS SOLICITING
2 PROPOSALS FROM VARIOUS MONTANA COMMUNITIES TO CONSTRUCT A
3 WOMEN'S CORRECTIONAL FACILITY CENTER; AND

4 WHEREAS, THE LEGISLATURE BELIEVES THAT DECISIONS
5 CONCERNING THE SITE SELECTION PROCESS AND THE FINANCING AND
6 CONSTRUCTION OF THE FACILITY CENTER MUST BE MADE WITH THE
7 INTERESTS OF CRIME PREVENTION AND REFORMATION OF FEMALE
8 INMATES AS THE STATE'S HIGHEST PRIORITY AND ARE MATTERS OF
9 STATEWIDE CONCERN AND APPROPRIATE FOR LEGISLATIVE ACTION.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Legislative findings. The
13 legislature finds that the incarceration and management of
14 female felony offenders is a matter of state responsibility
15 and that the location and design of a facility providing for
16 these services determines the proper management of those
17 offenders, so that it is necessary to provide proper
18 guidelines for the location and construction of the
19 facility.

20 NEW SECTION. Section 2. Definitions. As used in
21 {sections 1 through 10}, unless the context clearly
22 indicates otherwise, the following definitions apply:

23 (1) "Department" means the department of institutions
24 provided for in 2-15-2301.

25 (2) "Facility" or "women's correctional facility" means

1 a women's correctional facility with a capacity of
2 approximately 200 beds providing minimum, medium, and
3 maximum security for female inmates.

4 (3) "Local governmental unit" means a county, city,
5 town, or consolidated government.

6 (4) "Proposal" means a proposal for the location of the
7 facility, submitted or to be submitted by local governmental
8 units to the department in response to the request for
9 proposals required by {section 3}.

10 NEW SECTION. Section 3. Request for proposals. (1) The
11 department shall request that proposals be submitted to the
12 department from local governmental units for the citing
13 SITING and community support of a new women's correctional
14 facility. The request must:

15 (a) be made in the form of a request for proposals;

16 (b) specify a JANUARY 30, 1991, AS THE date on which
17 all proposals are to be received by the department; and

18 (c) contain the information required under subsection
19 (2) and other information determined necessary by the
20 department.

21 (2) The request for proposal must require that
22 information in the following categories be submitted by a
23 local governmental unit as part of any proposal:

24 (a) construction site information, including:

25 (i) the acreage of the site, including potential for

1 expansion;

2 (ii)-the-name-and-address-of-the-owner-or-owners-and-the

3 form-of-the-legal-interest-in-which-the-site-is-held;

4 (iii)-how-the-site-may-be-acquired-by-the-state;

5 (iv)-the-configuration-and-topography-of-the-site;

6 (v)--access---to---paved---public---streets---and---reliable

7 utilities,-such-as-water-supply,-sewage-system,-natural-gas,

8 electricity,-telephone,-and-refuse-disposal;

9 (vi)-compatibility-with-current-local-zoning-ordinances,

10 as-well-as-any-ordinance--modifications--necessary--and--the

11 procedure-for-making-those-modifications;

12 (vii)-flood-hazard-information;

13 (viii)-subsurface---soils---analyses---and---water---table

14 location;

15 (ix)-climate,-and

16 (x)--location--plan--drawings,-areawide---master---plan

17 drawings,-and-site-plan-drawings;

18 (b)--service-availability-information,-including:

19 (i)--proximity,-stated-in-the-shortest-roadway-miles-on

20 all-weather-roads,-to-24-hour-emergency-medical-services;

21 (ii)-proximity,-stated-in-the-shortest-roadway-miles--on

22 all-weather-roads,-to-24-hour-fire-protection-services;

23 (iii)-proximity,-stated-in-the-shortest-roadway-miles-on

24 all-weather--roads,-to--a--certified--local-law-enforcement

25 agency-and-the-level-of-the-agency's-capability--to--respond

1 to-emergencies;

2 (iv)-proximity--to--stated-in-the-shortest-roadway-miles

3 on--all-weather--roads,-and--availability---of---interstate

4 transportation-services,-and

5 (v)--proximity-to-counties-committing-inmates;

6 (3)--The--department--may--accept--in--full--or--partial

7 compliance---with---the---requirements---of--subsection--(2)

8 information-provided--to--the--department--pursuant--to--any

9 similar--request--for--proposals-process-if-that-information

10 otherwise-satisfies-the-requirements-of-subsection--(2)--AND

11 WAS--RECEIVED--BY--THE--DEPARTMENT--NO--LATER--THAN--JANUARY--30--

12 1991-

13 NEW-SECTION:--Section-4--Site-requirements--A--proposal

14 submitted--by--a--local--governmental--unit--must-apply-to-a

15 proposed---construction---site---PROVIDED---BY---THE---LOCAL

16 GOVERNMENTAL-UNIT:

17 (i)--of-approximately-15-to-20-acres-in-size,-with-25-to

18 30-additional-acres-available-for-expansion;

19 (2)--having-access-to-paved-public-streets-and--reliable

20 utilities,-such-as-water-supply,-sewage-system,-natural-gas,

21 electricity,-telephone,-and-refuse-disposal;

22 (3)--that--is--not--located--in--a--historical--100-year

23 floodplain,-as-shown-on-federal-emergency-management-agency

24 flood-hazard-boundary-maps,-soil-conservation-service--flood

25 hazard--studies,-or--corps--of--engineers-flood-information

1 reports;

2 (4) on which the subsurface soils and water table will

3 allow a basement to be constructed under the facility;

4 (5) with access via all-weather roads to 24-hour

5 emergency medical services and 24-hour fire protection

6 services;

7 (6) located reasonably close to counties contributing a

8 majority of the inmates; and

9 (7) served, or in a community served, by public

10 interstate transportation services, such as bus, rail, or

11 air service;

12 NEW SECTION Section 5. Site selection committee. (1)

13 Proposals submitted in response to the request for proposals

14 required by {section 3} must be evaluated by a site

15 selection committee. The committee consists of the following

16 persons; WHOSE SELECTION MUST PROVIDE FOR GENDER BALANCE ON

17 THE COMMITTEE:

18 (a) one representative of the architecture and

19 engineering division of the department of administration,

20 appointed by the director of the department of

21 administration;

22 (b) two members of the subcommittee on a women's

23 correctional facility of the governor's criminal justice and

24 corrections advisory council, appointed by the governor;

25 NEITHER OF WHOM MAY BE A RESIDENT OF A LOCAL GOVERNMENTAL

1 UNIT SUBMITTING A PROPOSAL;

2 (c) two representatives of the department of

3 institutions, appointed by the director of institutions;

4 (d) two members of the house of representatives,

5 neither of whom may be a resident of a local governmental

6 unit submitting a proposal, appointed by the speaker of the

7 house; and

8 (e) two members of the senate, neither of whom may be a

9 resident of a local governmental unit submitting a proposal,

10 appointed by the president of the senate;

11 (2) Except as otherwise provided by {sections 1 through

12 8}, the site selection committee shall be compensated,

13 reimbursed, and otherwise governed by the provisions of

14 2-15-122 regarding advisory councils;

15 (3) The committee shall meet as often as necessary to

16 perform the duties assigned by {sections 1 through 8}. The

17 committee shall consider, evaluate, and select the location

18 for the women's correctional facility according to the

19 procedure and criteria in {section 6};

20 (4) The committee is attached for administrative

21 purposes only to the department, which shall provide such

22 staff, budgetary, administrative, and clerical services to

23 the committee as the committee or its chairperson requests;

24 (5) The committee terminates on submission of its

25 choice of the winning proposal to the director of the

1 department-in-accordance-with-~~{section-8(3)}~~;

2 NEW SECTION.--Section-6--Site-selection--procedure--and

3 criteria--~~(1)~~--The-site-selection-committee-may-not-consider

4 a-proposal-unless-the-proposal:

5 ~~(a)~~--is--submitted--within--the--time--required--by--the

6 request-for-proposal;

7 ~~(b)~~--applies-to-a-site-satisfying--the--requirements--of

8 ~~{section-4}~~;--and

9 ~~(c)~~--contains--the--construction--site--information--and

10 service-availability-information-required-by-~~{section-3(2)}~~;

11 ~~(2)~~--The--committee--shall--determine--a-maximum-numeric

12 value-for-each-of-the-criteria-provided-in--subsection--~~(3)~~;

13 Criteria--that--the--committee--determines--to--be--of--more

14 relative-importance-must-be-awarded-a-greater-maximum-value;

15 The--committee--shall--rate--each-proposal--considered--by--it--by

16 using-a-weighted-scale-process-that-assigns-a-numeric--score

17 for--each--criteria--and--then--totals--the--score--for--each

18 proposal--The-score-for-each-criteria-and-proposal--must--be

19 determined--by--the--extent--to--which--each--criteria--is

20 satisfied--based-upon-a-documented-demonstration-of-

21 ~~(a)~~--the--proximity;--availability;--and--number--of

22 resources-satisfying-the-criteria;

23 ~~(b)~~--the--strength--and--quality--of--the--resources

24 satisfying-the-criteria;--and

25 ~~(c)~~--the--local-governmental--units--willingness--and

1 ability-to-provide-resources-satisfying-the-criteria;

2 ~~(3)~~--The--criteria--to--be--used--by--the--committee--are--the

3 availability-of-

4 ~~(a)~~--medical--services--of--a--referral--hospital--with

5 24-hour--emergency--room--service--in--the--presence--of--an

6 attending-physician;

7 ~~(b)~~--a--hospital--offering-medical-specialties-needed-by

8 female-inmates;

9 ~~(c)~~--dental-services;

10 ~~(d)~~--chemical-dependency-treatment;

11 ~~(e)~~--mental-health-services--including-psychiatric-care;

12 clinical-services--inpatient-and-outpatient--treatment--and

13 programs-appropriate-to-women's-needs;

14 ~~(f)~~--vocational-education-or-its-programmatic-equivalent

15 and--A--public--or--private--post-secondary--institutions

16 INSTITUTION;

17 ~~(g)~~--licensed-foster-care-and-all-levels-of-child-care;

18 including--registered--day--care--licensed--group-care--and

19 out-of-home-care;

20 ~~(h)~~--public-transportation;

21 ~~(i)~~--court-system-and-legal-services;

22 ~~(j)~~--motel-or-hotel-accommodations;

23 ~~(k)~~--vendors--of--food--automobile--fuel--and--other

24 supplies;

25 ~~(l)~~--an-adequate-skilled-workforce-for-employment-in-the

1 facility;

2 (m) affordable housing for the facility staff;

3 (n) established organizations whose primary missions

4 are specific to women's needs;

5 (o) established organizations that emphasize and are

6 concerned with Native American issues; and

7 (p) employment for facility inmates outside of the

8 facility.

9 NEW SECTION: Section 7. Site visitation and hearings

10 required. The site selection committee shall determine the

11 four proposals with the highest numeric scores. The

12 committee shall eliminate the other proposals from further

13 consideration. As soon as possible after elimination of the

14 other sites, the committee shall conduct on-site reviews of

15 the four remaining candidate sites by conducting both an

16 on-site tour of each of the four candidate sites and holding

17 a public hearing on the subject of the facility in the

18 community where each proposed site is located. The purpose

19 of the tour and hearing is to receive information concerning

20 the extent to which each candidate site satisfies the

21 criteria in {section 4}, {section 6(3)}, and {section 8(2)}.

22 The hearings must be conducted under procedures determined

23 by the committee, and the committee shall give notice of

24 each hearing by advertisement in a newspaper of general

25 circulation in the county of each candidate site.

1 NEW SECTION: Section 8. Site selection. (1) After

2 completing the on-site reviews required by {section 7}, the

3 committee shall again score each of the four candidate sites

4 by applying the criteria and scoring method provided in

5 {section 6}.

6 (2) If two or more proposals receive the same total

7 score, the committee shall determine the leading proposal by

8 assigning maximum point values for and scoring those

9 proposals on the following criteria for the community in

10 which the facility would be located:

- 11 (a) strength of community volunteer resources;
 - 12 (b) ability of the community's post-secondary
 - 13 educational programs to provide appropriate interns for the
 - 14 facility;
 - 15 (c) the receptiveness of the public school district or
 - 16 districts to enrolling the children of facility inmates in
 - 17 their schools; and
 - 18 (d) the ethnic and cultural diversity of the community.
- 19 (3) The facility must be located at the site proposed
- 20 by the local governmental unit whose proposal receives the
- 21 highest numeric score using the procedure provided in this
- 22 section. Upon selection of the winning proposal by the
- 23 committee, the committee will inform the director of the
- 24 department of its selection and the director shall make a
- 25 public announcement of the committee's selection. The

1 committee shall submit its selection to the director of the
2 department no later than 100 days after the {effective date
3 of this act};

4 NEW SECTION:--Section 9--Authorization--of--general
5 obligation--bonds--appropriation--(1)--The--board--of
6 examiners may issue and sell general obligation bonds of the
7 state in the aggregate amount of no more than \$12 million
8 for the purpose of acquiring a suitable site for and
9 constructing and equipping the women's correctional facility
10 AND FOR BOND ISSUANCE COSTS. THE BONDS MAY BE ISSUED ONLY
11 FOR A WOMEN'S CORRECTIONAL FACILITY located in accordance
12 with {sections 1 through 8} and to be constructed by the
13 department of administration in accordance with {section
14 10}. The bonds must be issued and sold in conformity with
15 and subject to the conditions of Title 17, chapter 5, part
16 8. The full faith and credit and taxing power of the state
17 is pledged for the payment of all bonds issued pursuant to
18 this section.

19 (2) All proceeds of bonds sold pursuant to this section
20 must be deposited in the capitol projects account and used
21 only to pay the costs of site acquisition and constructing
22 and equipping the women's correctional facility. The
23 proceeds from the sale of the bonds are appropriated to the
24 department of administration for those purposes. This
25 section constitutes a statutory appropriation within the

1 meaning of 17-7-502.

2 NEW SECTION:--Section 10--Site--acquisition--and
3 construction required. Upon the sale of the bonds authorized
4 by {section 9}, the department of administration, acting
5 under the supervision and with the approval of the board of
6 examiners, shall acquire the site for and proceed with the
7 construction and equipping of the women's correctional
8 facility located pursuant to {sections 1 through 8}. The
9 department shall call for bids as required by law for the
10 design, construction, and equipping of the facility and
11 shall require each prime contractor to give a bond in the
12 amount determined by the board of examiners, conditioned
13 upon the faithful performance of the contractor's duties and
14 the contracts.

15 Section 11. Section 17-7-502, MCA, is amended to read:
16 "17-7-502. Statutory appropriations--definition--
17 requisites for validity. (1) A statutory appropriation is an
18 appropriation made by permanent law that authorizes spending
19 by a state agency without the need for a biennial
20 legislative appropriation or budget amendment.

21 (2) Except as provided in subsection (4), to be
22 effective, a statutory appropriation must comply with both
23 of the following provisions:

24 (a) The law containing the statutory authority must be
25 listed in subsection (3).

1 (b) The law or portion of the law making a statutory
 2 appropriation must specifically state that a statutory
 3 appropriation is made as provided in this section.

4 (3) The following laws are the only laws containing
 5 statutory appropriations: 2-9-202, 2-17-105, 2-18-812,
 6 10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111,
 7 15-25-123, 15-31-702, 15-36-112, 15-37-117, 15-65-121,
 8 15-70-101, 16-1-404, 16-1-410, 16-1-411, 17-3-212, 17-5-404,
 9 17-5-424, 17-5-004, section 9, 19-8-504, 19-9-702,
 10 19-9-1007, 19-10-205, 19-10-305, 19-10-506, 19-11-512,
 11 19-11-513, 19-11-606, 19-12-301, 19-13-604, 20-6-406,
 12 20-8-111, 20-9-361, 23-5-306, 23-5-409, 23-5-610, 23-5-612,
 13 23-5-1016, 23-5-1027, 27-12-206, 37-51-501, 39-71-2504,
 14 53-6-150, 53-24-206, 61-2-406, 61-5-121, 67-3-205,
 15 75-1-1101, 75-5-1108, 75-11-313, 76-12-123, 80-2-103,
 16 82-11-136, 82-11-161, 90-3-301, 90-4-215, 90-4-613,
 17 90-6-331, 90-9-306, and section 13, House Bill No. 861, laws
 18 of 1985.

19 (4) There is a statutory appropriation to pay the
 20 principal, interest, premiums, and costs of issuing, paying,
 21 and securing all bonds, notes, or other obligations, as due,
 22 that have been authorized and issued pursuant to the laws of
 23 Montana. Agencies that have entered into agreements
 24 authorized by the laws of Montana to pay the state
 25 treasurer, for deposit in accordance with 17-2-101 through

1 17-2-107, as determined by the state treasurer, an amount
 2 sufficient to pay the principal and interest as due on the
 3 bonds or notes have statutory appropriation authority for
 4 such payments. In subsection (3), pursuant to sec. 107-2h,
 5 664, by 1987, the inclusion of 39-71-2504 terminates June
 6 30, 1991."

7 Section 12, Section 53-1-202, MCA, is amended to read:
 8 "53-1-202. Institutions in department. (1) The
 9 following institutions are in the department:

- 10 (a) Montana state hospital;
- 11 (b) Montana veterans' home at Columbia Falls;
- 12 (c) Montana veterans' home in eastern Montana;
- 13 (d) state prison;
- 14 (e) Montana developmental center;
- 15 (f) Montana center for the aged;
- 16 (g) Swan River forest camp; and
- 17 (h) Montana women's correctional facility; and
- 18 (h)(i) Eastmont human services center.
- 19 (2) A state institution may not be moved, discontinued,
 20 or abandoned without prior consent of the legislature."

21 Section 13, Section 53-30-101, MCA, is amended to read:
 22 "53-30-101. Location and function of prison and women's
 23 correctional facility. (1) The institution at Deer Lodge is
 24 the state prison and as its primary function provides
 25 facilities for the custody, treatment, training, and

1 rehabilitation-of-adult-male-criminal-offenders,
 2 (2)--The--institution--located--in--accordance--with
 3 {sections--i--through--o}--is--the--Montana--women's--correctional
 4 facility--and--as--its--primary--function--provides--facilities--for
 5 the--custody,--treatment,--training,--and--rehabilitation--of
 6 adult--female--criminal--offenders."
 7 Section--14,--Section--53-30-102,--MCA,--is--amended--to--read:
 8 "53-30-102.--Qualifications--of--warden--of--state--prison
 9 and--warden--of--women's--correctional--facility.--The--warden--of
 10 the--state--prison--and--the--warden--of--the--women's--correctional
 11 facility--shall--be--a--person--persons--trained--through--education
 12 and--experience--in--directing--a--training,--rehabilitation,--or
 13 custodial--program--in--a--penal--institution."
 14 NEW--SECTION.--SECTION--1.--SITE-----SELECTION-----
 15 AUTHORIZATION-----COMMITTEE,--THE--DEPARTMENT--OF--INSTITUTIONS
 16 SHALL--SELECT--THE--SITE--OF--THE--WOMEN'S--CORRECTIONAL--FACILITY
 17 IN--ACCORDANCE--WITH--THE--FOLLOWING--PROVISIONS:
 18 (1)--SITES--CONSIDERED--FOR--THE--LOCATION--OF--THE--FACILITY
 19 ARE--LIMITED--TO--THE--EIGHT--COMMUNITIES--THAT--RESPONDED--TO--THE
 20 DEPARTMENT'S--REQUEST--FOR--PROPOSALS,--WHICH--PROPOSALS--WERE
 21 RECEIVED--BY--THE--DEPARTMENT--ON--OR--BEFORE--JANUARY--30,--1991.
 22 (2)--SITE--SELECTION--MUST--BE--GOVERNED--BY--CRITERIA
 23 IDENTIFIED--IN--THE--REQUEST--FOR--PROPOSALS--ISSUED--BY--THE
 24 DEPARTMENT--ON--DECEMBER--14,--1990.
 25 (3)--A--SITE--SELECTION--COMMITTEE--MUST--BE--APPOINTED--TO

1 EVALUATE--THE--REQUESTS--FOR--PROPOSALS,--THE--COMMITTEE--IS
 2 COMPOSED--OF--THE--FOLLOWING--PERSONS:
 3 (A)--TWO--PERSONS--FROM--THE--CRIMINAL--JUSTICE--AND
 4 CORRECTIONS--ADVISORY--COUNCIL,--APPOINTED--BY--THE--GOVERNOR,
 5 NEITHER--MEMBER--MAY--BE--A--RESIDENT--OF--A--LOCAL--GOVERNMENT--THAT
 6 HAS--SUBMITTED--A--PROPOSAL;
 7 (B)--ONE--REPRESENTATIVE--OF--THE--ARCHITECTURE--AND
 8 ENGINEERING--DIVISION--OF--THE--DEPARTMENT--OF--ADMINISTRATION,
 9 APPOINTED--BY--THE--DIRECTOR--OF--THE--DEPARTMENT--OF
 10 ADMINISTRATION;
 11 (C)--THE--CORRECTIONS--DIVISION--ADMINISTRATOR--AND--THE
 12 WARDEN--OF--THE--WOMEN'S--CORRECTIONAL--CENTER,--REPRESENTING--THE
 13 DEPARTMENT--OF--INSTITUTIONS;
 14 (D)--TWO--MEMBERS--OF--THE--HOUSE--OF--REPRESENTATIVES,
 15 APPOINTED--BY--THE--SPEAKER--OF--THE--HOUSE,--NEITHER--MEMBER--MAY--BE
 16 A--RESIDENT--OF--A--LOCAL--GOVERNMENT--UNIT--THAT--HAS--SUBMITTED--A
 17 PROPOSAL;
 18 (E)--TWO--MEMBERS--OF--THE--SENATE,--APPOINTED--BY--THE
 19 PRESIDENT--OF--THE--SENATE,--NEITHER--MEMBER--MAY--BE--A--RESIDENT--OF
 20 A--LOCAL--GOVERNMENT--UNIT--THAT--HAS--SUBMITTED--A--PROPOSAL;
 21 (F)--ONE--REPRESENTATIVE--OF--AN--ESTABLISHED--AND--RECOGNIZED
 22 ORGANIZATION--WHOSE--PRIMARY--MISSION--IS--SPECIFIC--TO--WOMEN'S
 23 NEEDS,--APPOINTED--BY--THE--GOVERNOR,--AND
 24 (G)--ONE--REPRESENTATIVE--OF--THE--PUBLIC,--APPOINTED--BY--THE
 25 GOVERNOR.

~~{4}--THE--COMMITTEE--SHALL--APPROVE--AND--APPLY--A--WEIGHTED
SCORING--MECHANISM--TO--EVALUATE--THE--SITE--SELECTION--CRITERIA--~~

~~{5}--THE--SITE--SELECTION--COMMITTEE--SHALL--MEET--AS--OFTEN--AS
NECESSARY--TO--CONSIDER,---EVALUATE,---AND---MAKE---A---SITE
RECOMMENDATION--FOR--THE--FACILITY,--THE--RECOMMENDATION--MUST--BE
MADE--TO--THE--DIRECTOR--OF--THE--DEPARTMENT--OF--INSTITUTIONS--AND
IS--BINDING--UNLESS--THERE--IS--FOUND--TO--BE--AN--ERROR--IN--PROCESS
OR--FACT--~~

NEW SECTION. **SECTION 1.** LEGISLATIVE FINDINGS. THE
LEGISLATURE FINDS THAT THE INCARCERATION AND MANAGEMENT OF
FEMALE FELONY OFFENDERS IS A MATTER OF STATE RESPONSIBILITY
AND THAT THE LOCATION AND DESIGN OF A FACILITY WOMEN'S
CORRECTIONAL CENTER PROVIDING FOR THESE SERVICES DETERMINES
THE PROPER MANAGEMENT OF THOSE OFFENDERS, SO THAT IT IS
NECESSARY TO PROVIDE PROPER GUIDELINES FOR THE LOCATION AND
CONSTRUCTION OF THE FACILITY WOMEN'S CORRECTIONAL CENTER.

NEW SECTION. **SECTION 2.** DEFINITIONS. AS USED IN
{SECTIONS 1 THROUGH 10 & 7}, UNLESS THE CONTEXT CLEARLY
INDICATES OTHERWISE, THE FOLLOWING DEFINITIONS APPLY:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF INSTITUTIONS
PROVIDED FOR IN 2-15-2301.

(2) "FACILITY" "CENTER" OR "WOMEN'S CORRECTIONAL
FACILITY CENTER" MEANS A WOMEN'S CORRECTIONAL FACILITY
CENTER WITH A CAPACITY OF APPROXIMATELY 200 120 BEDS
PROVIDING MINIMUM, MEDIUM, AND MAXIMUM SECURITY FOR FEMALE

INMATES.

(3) "LOCAL GOVERNMENTAL UNIT" MEANS A COUNTY, CITY,
TOWN, OR CONSOLIDATED GOVERNMENT.

(4) "PROPOSAL" MEANS A PROPOSAL FOR THE LOCATION OF THE
FACILITY, SUBMITTED OR TO BE SUBMITTED BY LOCAL GOVERNMENTAL
UNITS TO THE DEPARTMENT IN RESPONSE TO THE REQUEST FOR
PROPOSALS REQUIRED BY [SECTION 3].

NEW SECTION. **SECTION 3.** REQUEST FOR PROPOSALS. (1) THE
DEPARTMENT SHALL REQUEST THAT PROPOSALS BE SUBMITTED TO THE
DEPARTMENT FROM LOCAL GOVERNMENTAL UNITS FOR THE SITING
AND COMMUNITY SUPPORT OF A NEW WOMEN'S CORRECTIONAL
FACILITY CENTER. THE REQUEST MUST:

- (A) BE MADE IN THE FORM OF A REQUEST FOR PROPOSALS;
- (B) SPECIFY A JANUARY 30, 1991, AS THE DATE ON WHICH
ALL PROPOSALS ARE TO BE RECEIVED BY THE DEPARTMENT; AND
- (C) CONTAIN THE INFORMATION REQUIRED UNDER SUBSECTION
(2) AND OTHER INFORMATION DETERMINED NECESSARY BY THE
DEPARTMENT.

(2) THE REQUEST FOR PROPOSAL MUST REQUIRE THAT
INFORMATION IN THE FOLLOWING CATEGORIES BE SUBMITTED BY A
LOCAL GOVERNMENTAL UNIT AS PART OF ANY PROPOSAL:

- (A) CONSTRUCTION SITE INFORMATION, INCLUDING:
 - (I) THE ACREAGE OF THE SITE, INCLUDING POTENTIAL FOR
EXPANSION;
 - (II) THE NAME AND ADDRESS OF THE OWNER OR OWNERS AND THE

1 FORM OF THE LEGAL INTEREST IN WHICH THE SITE IS HELD;
 2 (III) HOW THE SITE MAY BE ACQUIRED BY THE STATE;
 3 (IV) THE CONFIGURATION AND TOPOGRAPHY OF THE SITE;
 4 (V) ACCESS TO PAVED PUBLIC STREETS AND RELIABLE
 5 UTILITIES, SUCH AS WATER SUPPLY, SEWAGE SYSTEM, NATURAL GAS,
 6 ELECTRICITY, TELEPHONE, AND REFUSE DISPOSAL;
 7 (VI) COMPATIBILITY WITH CURRENT LOCAL ZONING ORDINANCES,
 8 AS WELL AS ANY ORDINANCE MODIFICATIONS NECESSARY AND THE
 9 PROCEDURE FOR MAKING THOSE MODIFICATIONS;
 10 (VII) FLOOD HAZARD INFORMATION;
 11 (VIII) SUBSURFACE SOILS ANALYSES AND WATER TABLE
 12 LOCATION;
 13 (IX) CLIMATE; AND
 14 (X) LOCATION PLAN DRAWINGS, AREAWIDE MASTER PLAN
 15 DRAWINGS, AND SITE PLAN DRAWINGS.
 16 (B) SERVICE AVAILABILITY INFORMATION, INCLUDING:
 17 (I) PROXIMITY, STATED IN THE SHORTEST ROADWAY MILES ON
 18 ALL-WEATHER ROADS, TO 24-HOUR EMERGENCY MEDICAL SERVICES;
 19 (II) PROXIMITY, STATED IN THE SHORTEST ROADWAY MILES ON
 20 ALL-WEATHER ROADS, TO 24-HOUR FIRE PROTECTION SERVICES;
 21 (III) PROXIMITY, STATED IN THE SHORTEST ROADWAY MILES ON
 22 ALL-WEATHER ROADS, TO A CERTIFIED LOCAL LAW ENFORCEMENT
 23 AGENCY AND THE LEVEL OF THE AGENCY'S CAPABILITY TO RESPOND
 24 TO EMERGENCIES;
 25 (IV) PROXIMITY TO, STATED IN THE SHORTEST ROADWAY MILES

1 ON ALL-WEATHER ROADS, AND AVAILABILITY OF INTERSTATE
 2 TRANSPORTATION SERVICES; AND
 3 (V) PROXIMITY TO COUNTIES COMMITTING INMATES;
 4 (VI) THE ADEQUACY OF THE COURT SYSTEM AND LEGAL
 5 SERVICES;
 6 (VII) AVAILABILITY OF MOTEL OR HOTEL ACCOMMODATIONS;
 7 (VIII) AN ADEQUATE NUMBER OF VENDORS OF FOOD, MOTOR
 8 FUEL, AND OTHER SUPPLIES;
 9 (IX) AN ADEQUATE SKILLED WORKFORCE FOR EMPLOYMENT IN THE
 10 CENTER;
 11 (X) AVAILABILITY OF AFFORDABLE HOUSING FOR THE CENTER
 12 STAFF;
 13 (XI) ESTABLISHED ORGANIZATIONS WHOSE PRIMARY MISSIONS
 14 ARE SPECIFIC TO THE NEEDS OF WOMEN;
 15 (XII) ESTABLISHED ORGANIZATIONS THAT EMPHASIZE AND ARE
 16 CONCERNED WITH NATIVE AMERICAN ISSUES; AND
 17 (XIII) AVAILABILITY OF EMPLOYMENT OPPORTUNITIES FOR
 18 INMATES OUTSIDE THE CENTER;
 19 (C) PROGRAM INFORMATION, INCLUDING:
 20 (I) PROXIMITY TO MEDICAL SERVICES AT A REFERRAL
 21 HOSPITAL WITH 24-HOUR EMERGENCY ROOM SERVICE, INCLUDING THE
 22 PRESENCE OF AN ATTENDING PHYSICIAN;
 23 (II) PROXIMITY TO A HOSPITAL OFFERING MEDICAL
 24 SPECIALTIES NEEDED BY WOMEN INMATES;
 25 (III) PROXIMITY TO DENTAL SERVICES;

1 (IV) PROXIMITY TO CHEMICAL DEPENDENCY TREATMENT;
 2 (V) PROXIMITY TO MENTAL HEALTH SERVICES, INCLUDING
 3 PSYCHIATRIC CARE, CLINICAL SERVICES, INPATIENT AND
 4 OUTPATIENT TREATMENT, AND PROGRAMS APPROPRIATE TO WOMEN'S
 5 NEEDS;
 6 (VI) PROXIMITY TO VOCATIONAL EDUCATION OR ITS
 7 PROGRAMMATIC EQUIVALENT AND A PUBLIC OR PRIVATE
 8 POSTSECONDARY EDUCATIONAL INSTITUTION; AND
 9 (VII) PROXIMITY TO LICENSED FOSTER CARE AND ALL LEVELS
 10 OF CHILD CARE, INCLUDING REGISTERED DAY CARE, LICENSED GROUP
 11 CARE, AND OUT-OF-HOME CARE;
 12 (D) ADDITIONAL CRITERIA, INCLUDING:
 13 (I) THE STRENGTH OF COMMUNITY VOLUNTEER RESOURCES;
 14 (II) THE ABILITY OF THE COMMUNITY'S POSTSECONDARY
 15 EDUCATIONAL PROGRAMS TO PROVIDE APPROPRIATE INTERNS FOR THE
 16 CENTER;
 17 (III) THE RECEPTIVENESS OF THE PUBLIC SCHOOL DISTRICT OR
 18 DISTRICTS TO ENROLLING THE CHILDREN OF CENTER INMATES; AND
 19 (IV) THE ETHNIC AND CULTURAL DIVERSITY OF THE COMMUNITY.
 20 (3) THE DEPARTMENT MAY ACCEPT IN FULL OR PARTIAL
 21 COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (2)
 22 INFORMATION PROVIDED TO THE DEPARTMENT PURSUANT TO ANY
 23 SIMILAR REQUEST FOR PROPOSALS PROCESS IF THAT INFORMATION
 24 OTHERWISE SATISFIES THE REQUIREMENTS OF SUBSECTION (2) AND
 25 WAS RECEIVED BY THE DEPARTMENT NO LATER THAN JANUARY 30,

1 1991. IF THE CRITERIA INCLUDED IN THE DEPARTMENT'S ORIGINAL
 2 REQUEST FOR PROPOSALS FOR WHICH RESPONSES WERE SUBMITTED BY
 3 JANUARY 30, 1991, DO NOT INCLUDE ALL THE CRITERIA REQUIRED
 4 IN SUBSECTION (2), THE DEPARTMENT SHALL REQUEST THE
 5 ADDITIONAL INFORMATION FROM THE RESPONDENTS.
 6 ~~NEW SECTION--SECTION 4-- SITE REQUIREMENTS. A PROPOSAL~~
 7 ~~SUBMITTED BY A LOCAL GOVERNMENTAL UNIT MUST APPLY TO A~~
 8 ~~PROPOSED CONSTRUCTION SITE PROVIDED BY THE LOCAL~~
 9 ~~GOVERNMENTAL UNIT:~~
 10 ~~(1) OP APPROXIMATELY 15 TO 20 ACRES IN SIZE, WITH 25 TO~~
 11 ~~30 ADDITIONAL ACRES AVAILABLE FOR EXPANSION;~~
 12 ~~(2) HAVING ACCESS TO PAVED PUBLIC STREETS AND RELIABLE~~
 13 ~~UTILITIES, SUCH AS WATER SUPPLY, SEWAGE SYSTEM, NATURAL GAS,~~
 14 ~~ELECTRICITY, TELEPHONE, AND REFUSE DISPOSAL;~~
 15 ~~(3) THAT IS NOT LOCATED IN A HISTORICAL 100-YEAR~~
 16 ~~FLOODPLAIN, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY~~
 17 ~~FLOOD HAZARD BOUNDARY MAPS, SOIL CONSERVATION SERVICE FLOOD~~
 18 ~~HAZARD STUDIES, OR CORPS OF ENGINEERS FLOOD INFORMATION~~
 19 ~~REPORTS;~~
 20 ~~(4) ON WHICH THE SUBSURFACE SOILS AND WATER TABLE WILD~~
 21 ~~ALLOW A BASEMENT TO BE CONSTRUCTED UNDER THE FACILITY;~~
 22 ~~(5) WITH ACCESS VIA ALL-WEATHER ROADS TO 24-HOUR~~
 23 ~~EMERGENCY MEDICAL SERVICES AND 24-HOUR FIRE PROTECTION~~
 24 ~~SERVICES;~~
 25 ~~(6) LOCATED REASONABLY CLOSE TO COUNTIES CONTRIBUTING A~~

1 ~~MAJORITY OF THE INMATES; AND~~
 2 ~~{7} SERVED, OR IN A COMMUNITY SERVED, BY PUBLIC~~
 3 ~~INTERSTATE TRANSPORTATION SERVICES, SUCH AS BUS, RAIL, OR~~
 4 ~~AIR SERVICE.~~
 5 NEW SECTION. SECTION 4. SITE SELECTION COMMITTEE. (1)
 6 PROPOSALS SUBMITTED IN RESPONSE TO THE REQUEST FOR PROPOSALS
 7 REQUIRED BY [SECTION 3] MUST BE EVALUATED BY A SITE
 8 SELECTION COMMITTEE. THE COMMITTEE CONSISTS OF THE FOLLOWING
 9 PERSONS, WHOSE SELECTION MUST PROVIDE FOR GENDER BALANCE ON
 10 THE COMMITTEE:
 11 (A) ONE REPRESENTATIVE OF THE ARCHITECTURE AND
 12 ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION,
 13 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF
 14 ADMINISTRATION, TO SERVE IN AN ADVISORY CAPACITY ONLY;
 15 (B) TWO MEMBERS OF THE SUBCOMMITTEE ON A WOMEN'S
 16 CORRECTIONAL FACILITY OF THE GOVERNOR'S CRIMINAL JUSTICE AND
 17 CORRECTIONS ADVISORY COUNCIL; THREE REPRESENTATIVES OF THE
 18 PUBLIC, APPOINTED BY THE GOVERNOR, NEITHER NONE OF WHOM MAY
 19 BE A RESIDENT OF A LOCAL GOVERNMENTAL UNIT SUBMITTING A
 20 PROPOSAL;
 21 (C) TWO REPRESENTATIVES OF THE CORRECTIONS DIVISION
 22 ADMINISTRATOR AND THE WARDEN OF THE WOMEN'S CORRECTIONAL
 23 CENTER, REPRESENTING THE DEPARTMENT OF INSTITUTIONS,
 24 APPOINTED BY THE DIRECTOR OF INSTITUTIONS;
 25 (D) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES,

1 NEITHER OF WHOM MAY BE A RESIDENT OF A LOCAL GOVERNMENTAL
 2 UNIT SUBMITTING A PROPOSAL, APPOINTED BY THE SPEAKER OF THE
 3 HOUSE; AND
 4 (E) TWO MEMBERS OF THE SENATE, NEITHER OF WHOM MAY BE A
 5 RESIDENT OF A LOCAL GOVERNMENTAL UNIT SUBMITTING A PROPOSAL,
 6 APPOINTED BY THE PRESIDENT OF THE SENATE; AND
 7 (F) TWO REPRESENTATIVES ONE REPRESENTATIVE OF
 8 ESTABLISHED AND RECOGNIZED ORGANIZATIONS WHOSE PRIMARY
 9 MISSION IS SPECIFIC TO WOMEN'S NEEDS, APPOINTED BY THE
 10 GOVERNOR; AND
 11 (G) ONE REPRESENTATIVE OF THE CRIMINAL JUSTICE AND
 12 CORRECTIONS ADVISORY COUNCIL, APPOINTED BY THE GOVERNOR.
 13 (2) EXCEPT AS OTHERWISE PROVIDED BY [SECTIONS 1 THROUGH
 14 8 7], THE SITE SELECTION COMMITTEE SHALL BE COMPENSATED,
 15 REIMBURSED, AND OTHERWISE GOVERNED BY THE PROVISIONS OF
 16 2-15-122 REGARDING ADVISORY COUNCILS.
 17 (3) THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO
 18 PERFORM THE DUTIES ASSIGNED BY [SECTIONS 1 THROUGH 8 7]. THE
 19 COMMITTEE SHALL CONSIDER, EVALUATE, AND SELECT THE LOCATION
 20 FOR THE WOMEN'S CORRECTIONAL FACILITY CENTER ACCORDING TO
 21 THE PROCEDURE AND CRITERIA IN [SECTION 6 5].
 22 (4) THE COMMITTEE IS ATTACHED FOR ADMINISTRATIVE
 23 PURPOSES ONLY TO THE DEPARTMENT, WHICH SHALL PROVIDE SUCH
 24 STAFF, BUDGETARY, ADMINISTRATIVE, AND CLERICAL SERVICES TO
 25 THE COMMITTEE AS THE COMMITTEE OR ITS CHAIRPERSON REQUESTS.

1 (5) THE COMMITTEE TERMINATES ON SUBMISSION--OF--ITS
 2 CHOICE THE DATE OF THE ANNOUNCEMENT OF THE WINNING PROPOSAL
 3 TO BY THE DIRECTOR OF THE DEPARTMENT IN ACCORDANCE WITH
 4 {SECTION 0(3) 7(3)}.

5 NEW SECTION. SECTION 5. SITE SELECTION PROCEDURE AND
 6 CRITERIA. (1) THE SITE SELECTION COMMITTEE MAY NOT CONSIDER
 7 A PROPOSAL UNLESS THE PROPOSAL:

8 (A) IS SUBMITTED WITHIN THE TIME REQUIRED BY THE
 9 REQUEST FOR PROPOSAL;

10 {B}--APPLIES TO A SITE SATISFYING THE REQUIREMENTS OF
 11 {SECTION 4}; AND

12 {C} (B) CONTAINS THE CONSTRUCTION SITE INFORMATION, AND
 13 SERVICE AVAILABILITY INFORMATION, PROGRAM INFORMATION, AND
 14 ADDITIONAL CRITERIA REQUIRED BY {SECTION 3(2)}.

15 {2} THE COMMITTEE SHALL DETERMINE A MAXIMUM NUMERIC
 16 VALUE FOR EACH OF THE CRITERIA PROVIDED IN SUBSECTION {3}
 17 REQUIRED IN {SECTION 3}. CRITERIA THAT THE COMMITTEE
 18 DETERMINES TO BE OF MORE RELATIVE IMPORTANCE MUST BE AWARDED
 19 A GREATER MAXIMUM VALUE. THE COMMITTEE SHALL RATE EACH
 20 PROPOSAL CONSIDERED BY IT BY USING A WEIGHTED SCALE PROCESS
 21 THAT ASSIGNS A NUMERIC SCORE FOR EACH CRITERIA AND THEN
 22 TOTALS THE SCORE FOR EACH PROPOSAL. THE SCORE FOR EACH
 23 CRITERIA AND PROPOSAL MUST BE DETERMINED BY THE EXTENT TO
 24 WHICH EACH CRITERIA IS SATISFIED, BASED UPON A DOCUMENTED
 25 DEMONSTRATION OF:

1 (A) THE PROXIMITY, AVAILABILITY, AND NUMBER OF
 2 RESOURCES SATISFYING THE CRITERIA;

3 (B) THE STRENGTH AND QUALITY OF THE RESOURCES
 4 SATISFYING THE CRITERIA; AND

5 (C) THE LOCAL--GOVERNMENTAL--UNIT'S STRENGTH OF THE
 6 COMMUNITY'S WILLINGNESS AND ABILITY TO PROVIDE RESOURCES
 7 SATISFYING THE CRITERIA.

8 {3}--THE CRITERIA TO BE USED BY THE COMMITTEE ARE THE
 9 AVAILABILITY OF:

10 {A}--MEDICAL SERVICES OF A REFERRAL HOSPITAL WITH
 11 24-HOUR EMERGENCY ROOM SERVICE IN THE PRESENCE OF AN
 12 ATTENDING PHYSICIAN;

13 {B}--A HOSPITAL OFFERING MEDICAL SPECIALTIES NEEDED BY
 14 FEMALE INMATES;

15 {C}--DENTAL SERVICES;

16 {D}--CHEMICAL DEPENDENCY TREATMENT;

17 {E}--MENTAL HEALTH SERVICES, INCLUDING PSYCHIATRIC CARE,
 18 CLINICAL SERVICES, INPATIENT AND OUTPATIENT TREATMENT, AND
 19 PROGRAMS APPROPRIATE TO WOMEN'S NEEDS;

20 {F}--VOCATIONAL EDUCATION OR ITS PROGRAMMATIC EQUIVALENT
 21 AND--A--PUBLIC--OR--PRIVATE--POST-SECONDARY INSTITUTIONS
 22 INSTITUTION;

23 {G}--LICENSED Foster CARE AND ALL LEVELS OF CHILD CARE
 24 INCLUDING REGISTERED DAY CARE, LICENSED GROUP CARE, AND
 25 OUT-OF-HOME CARE;

1 ~~(H) -- PUBLIC TRANSPORTATION;~~
 2 ~~(I) -- COURT SYSTEM AND LEGAL SERVICES;~~
 3 ~~(J) -- MOTEL OR HOTEL ACCOMMODATIONS;~~
 4 ~~(K) -- VENDORS -- OF -- FOOD, -- AUTOMOBILE -- PARTS, -- AND -- OTHER~~
 5 ~~SUPPLIES;~~
 6 ~~(L) -- AN ADEQUATE SKILLED WORKFORCE FOR EMPLOYMENT IN THE~~
 7 ~~FACILITY;~~
 8 ~~(M) -- AFFORDABLE HOUSING FOR THE FACILITY STAFF;~~
 9 ~~(N) -- ESTABLISHED ORGANIZATIONS WHOSE PRIMARY MISSIONS~~
 10 ~~ARE SPECIFIC TO WOMEN'S NEEDS;~~
 11 ~~(O) -- ESTABLISHED ORGANIZATIONS THAT EMPHASIZE AND ARE~~
 12 ~~CONCERNED WITH NATIVE AMERICAN ISSUES; AND~~
 13 ~~(P) -- EMPLOYMENT FOR FACILITY INMATES OUTSIDE OF THE~~
 14 ~~FACILITY; AND~~
 15 ~~(Q) -- PROXIMITY OF A CERTIFIED LOCAL LAW ENFORCEMENT~~
 16 ~~AGENCY CAPABLE OF EMERGENCY RESPONSE;~~

17 NEW SECTION. SECTION 6. SITE VISITATION AND HEARINGS
 18 REQUIRED. THE SITE SELECTION COMMITTEE SHALL DETERMINE THE
 19 FOUR PROPOSALS WITH THE HIGHEST NUMERIC SCORES. THE
 20 COMMITTEE SHALL ELIMINATE THE OTHER PROPOSALS FROM FURTHER
 21 CONSIDERATION. AS SOON AS POSSIBLE AFTER ELIMINATION OF THE
 22 OTHER SITES, THE COMMITTEE SHALL CONDUCT ON-SITE REVIEWS OF
 23 THE FOUR REMAINING CANDIDATE SITES BY CONDUCTING BOTH AN
 24 ON-SITE TOUR OF EACH OF THE FOUR CANDIDATE SITES AND HOLDING
 25 A PUBLIC HEARING ON THE SUBJECT OF THE FACILITY CENTER IN

1 THE COMMUNITY WHERE EACH PROPOSED SITE IS LOCATED. THE
 2 PURPOSE OF THE TOUR AND HEARING IS TO RECEIVE INFORMATION
 3 CONCERNING THE EXTENT TO WHICH EACH CANDIDATE SITE SATISFIES
 4 THE CRITERIA IN [SECTION 4 3]; ~~(SECTION 6(3))~~, AND [SECTION
 5 8(2) 7(2)]. THE HEARINGS MUST BE CONDUCTED UNDER PROCEDURES
 6 DETERMINED BY THE COMMITTEE, AND THE COMMITTEE SHALL GIVE
 7 NOTICE OF EACH HEARING BY ADVERTISEMENT IN A NEWSPAPER OF
 8 GENERAL CIRCULATION IN THE COUNTY OF EACH CANDIDATE SITE.

9 NEW SECTION. SECTION 7. SITE SELECTION. (1) AFTER
 10 COMPLETING THE ON-SITE REVIEWS REQUIRED BY [SECTION 7 6],
 11 THE COMMITTEE SHALL AGAIN SCORE EACH OF THE FOUR CANDIDATE
 12 SITES BY APPLYING THE CRITERIA AND SCORING METHOD PROVIDED
 13 IN [SECTION 6 5].

14 (2) IF TWO OR MORE PROPOSALS RECEIVE THE SAME TOTAL
 15 SCORE, THE COMMITTEE SHALL DETERMINE THE LEADING PROPOSAL BY
 16 ASSIGNING MAXIMUM POINT VALUES FOR AND SCORING THOSE
 17 PROPOSALS ON THE FOLLOWING CRITERIA FOR THE COMMUNITY IN
 18 WHICH THE FACILITY CENTER WOULD BE LOCATED:

- 19 (A) STRENGTH OF COMMUNITY VOLUNTEER RESOURCES;
- 20 (B) ABILITY OF THE COMMUNITY'S POST-SECONDARY
- 21 EDUCATIONAL PROGRAMS TO PROVIDE APPROPRIATE INTERNS FOR THE
- 22 FACILITY;
- 23 (C) THE RECEPTIVENESS OF THE PUBLIC SCHOOL DISTRICT OR
- 24 DISTRICTS TO ENROLLING THE CHILDREN OF FACILITY CENTER
- 25 INMATES IN THEIR SCHOOLS; AND

1 (D) THE ETHNIC AND CULTURAL DIVERSITY OF THE COMMUNITY.
 2 (3) THE FACILITY CENTER MUST BE LOCATED AT THE SITE
 3 PROPOSED BY THE LOCAL GOVERNMENTAL UNIT WHOSE PROPOSAL
 4 RECEIVES THE HIGHEST NUMERIC SCORE USING THE PROCEDURE
 5 PROVIDED IN THIS SECTION. UPON SELECTION OF THE WINNING
 6 PROPOSAL BY THE COMMITTEE, THE COMMITTEE WILL INFORM THE
 7 DIRECTOR OF THE DEPARTMENT OF ITS SELECTION. AND THE THE
 8 DIRECTOR SHALL REVIEW THE SELECTION PROCESS TO ENSURE THAT
 9 THE COMMITTEE HAS NOT MADE AN ERROR IN PROCESS OR IN FACT.
 10 IF THE DIRECTOR DETERMINES THAT AN ERROR HAS BEEN MADE, HE
 11 SHALL REMAND THE RECOMMENDATION TO THE COMMITTEE FOR FURTHER
 12 EVALUATION. THE DIRECTOR SHALL MAKE A PUBLIC ANNOUNCEMENT
 13 OF THE COMMITTEE'S SELECTION UPON DETERMINING THAT NO ERRORS
 14 HAVE BEEN MADE. THE COMMITTEE SHALL SUBMIT ITS SELECTION TO
 15 THE DIRECTOR OF THE DEPARTMENT NO LATER THAN 100 150 DAYS
 16 AFTER THE [THE EFFECTIVE DATE OF THIS ACT].

17 NEW SECTION--SECTION 9--AUTHORIZATION---OF---GENERAL
 18 OBLIGATION--BONDS-----APPROPRIATION;--(1)--THE---BOARD---OF
 19 EXAMINERS MAY ISSUE AND SELL GENERAL OBLIGATION BONDS OF THE
 20 STATE--IN--THE--AGGREGATE AMOUNT OF NO MORE THAN \$12 MILLION
 21 FOR THE--PURPOSE OF--ACQUIRING--A--SUITABLE--SITE--FOR--AND
 22 CONSTRUCTING AND EQUIPPING THE WOMEN'S CORRECTIONAL FACILITY
 23 AND--FOR--BOND--ISSUANCE COSTS;--THE BONDS MAY BE ISSUED ONLY
 24 FOR A WOMEN'S CORRECTIONAL FACILITY--LOCATED--IN--ACCORDANCE
 25 WITH--(SECTIONS--1--THROUGH--8)--AND TO BE CONSTRUCTED BY THE

1 DEPARTMENT--OF--ADMINISTRATION--IN--ACCORDANCE WITH (SECTION
 2 10);--THE BONDS MUST BE ISSUED AND SOLD--IN--CONFORMITY--WITH
 3 AND--SUBJECT--TO THE CONDITIONS OF TITLE 17, CHAPTER 57, PART
 4 0;--THE FULL FAITH AND CREDIT AND TAXING POWER OF--THE--STATE
 5 IS--PLEDGED--FOR THE PAYMENT OF ALL BONDS ISSUED PURSUANT TO
 6 THIS SECTION.

7 (2)--ALL PROCEEDS OF BONDS SOLD PURSUANT TO THIS SECTION
 8 MUST BE DEPOSITED IN THE CAPITOL PROJECTS ACCOUNT--AND--USED
 9 ONLY--TO--PAY THE COSTS OF SITE ACQUISITION AND CONSTRUCTING
 10 AND--EQUIPPING--THE--WOMEN'S--CORRECTIONAL---FACILITY;--THE
 11 PROCEEDS--FROM THE SALE OF THE BONDS ARE APPROPRIATED TO THE
 12 DEPARTMENT--OF--ADMINISTRATION--FOR--THOSE--PURPOSES;--THIS
 13 SECTION--CONSTITUTES--A--STATUTORY--APPROPRIATION WITHIN THE
 14 MEANING OF 17-7-502.

15 NEW SECTION--SECTION 10--SITE---ACQUISITION-----AND
 16 CONSTRUCTION REQUIRED;--UPON THE SALE OF THE BONDS AUTHORIZED
 17 BY--(SECTION--9);--THE--DEPARTMENT OF ADMINISTRATION, ACTING
 18 UNDER THE SUPERVISION AND WITH THE APPROVAL OF THE BOARD--OF
 19 EXAMINERS,--SHALL--ACQUIRE THE SITE FOR AND PROCEED WITH THE
 20 CONSTRUCTION--AND--EQUIPPING--OF--THE--WOMEN'S--CORRECTIONAL
 21 FACILITY LOCATED PURSUANT TO (SECTIONS--1--THROUGH--8);--THE
 22 DEPARTMENT--SHALL--CALL--FOR BIDS AS REQUIRED BY LAW FOR THE
 23 DESIGN, CONSTRUCTION, AND--EQUIPPING--OF--THE--FACILITY--AND
 24 SHALL--REQUIRE--EACH--PRIME CONTRACTOR TO GIVE A BOND IN THE
 25 AMOUNT DETERMINED BY THE--BOARD--OF--EXAMINERS,--CONDITIONED

1 ~~UPON THE FAITHFUL PERFORMANCE OF THE CONTRACTOR'S DUTIES AND~~
2 ~~THE CONTRACTS;~~

3 ~~SECTION 11. SECTION 17-7-502, MCA, IS AMENDED TO READ:~~

4 "17-7-502. Statutory appropriations-----definition---
5 requisites for validity. (1) A statutory appropriation is an
6 appropriation made by permanent law that authorizes spending
7 by a state agency without the need for a biennial
8 legislative appropriation or budget amendment.

9 (2) Except as provided in subsection (4), to be
10 effective, a statutory appropriation must comply with both
11 of the following provisions:

12 (a) The law containing the statutory authority must be
13 listed in subsection (3).

14 (b) The law or portion of the law making a statutory
15 appropriation must specifically state that a statutory
16 appropriation is made as provided in this section.

17 (3) The following laws are the only laws containing
18 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
19 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
20 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
21 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
22 17-5-424; 17-5-804; ~~{section 9}~~; 19-8-504; 19-9-702;
23 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
24 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406;
25 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;

1 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
2 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
3 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
4 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
5 90-6-331; 90-9-306; and section 13, House Bill No. 861, laws
6 of 1985.

7 (4) There is a statutory appropriation to pay the
8 principal, interest, premiums, and costs of issuing, paying,
9 and securing all bonds, notes, or other obligations, as due,
10 that have been authorized and issued pursuant to the laws of
11 Montana. Agencies that have entered into agreements
12 authorized by the laws of Montana to pay the state
13 treasurer, for deposit in accordance with 17-2-101 through
14 17-2-107, as determined by the state treasurer, an amount
15 sufficient to pay the principal and interest as due on the
16 bonds or notes have statutory appropriation authority for
17 such payments. (In subsection (3), pursuant to sec. 107-Ch-
18 664, B, 1987, the inclusion of 39-71-2504 terminates June
19 30, 1991.)"

20 SECTION 8. SECTION 53-1-202, MCA, IS AMENDED TO READ:

21 "53-1-202. Institutions in department. (1) The
22 following institutions are in the department:

- 23 (a) Montana state hospital;
- 24 (b) Montana veterans' home at Columbia Falls;
- 25 (c) Montana veterans' home in eastern Montana;

- 1 (d) state prison;
 - 2 (e) Montana developmental center;
 - 3 (f) Montana center for the aged;
 - 4 (g) Swan River forest camp; and
 - 5 (h) Montana women's correctional facility CENTER; and
 - 6 (i) Eastmont human services center.
- 7 (2) A state institution may not be moved, discontinued,
8 or abandoned without prior consent of the legislature."

SECTION 9. SECTION 53-30-101, MCA, IS AMENDED TO READ:

9 "53-30-101. Location and function of prison and women's
10 correctional facility CENTER. (1) The institution at Deer
11 Lodge is the state prison and as its primary function
12 provides facilities for the custody, treatment, training,
13 and rehabilitation of adult male criminal offenders.

14 (2) The institution located in accordance with
15 [sections 1 through 8 7] is the Montana women's correctional
16 facility CENTER and as its primary function provides
17 facilities for the custody, treatment, training, and
18 rehabilitation of adult female criminal offenders."

19 **SECTION 10. SECTION 53-30-102, MCA, IS AMENDED TO READ:**

20 "53-30-102. Qualifications of warden of state prison
21 and warden of women's correctional facility CENTER. The
22 warden of the state prison and the warden of the women's
23 correctional facility CENTER shall be a--person persons
24 trained through education and experience in directing a
25

1 training, rehabilitation, or custodial program in a penal
2 institution."

3 **NEW SECTION. Section 11. Appropriation.** There is
4 appropriated from the general fund ~~\$8,000~~ \$5,000 \$8,000 to
5 the department of institutions for the purposes of the site
6 selection committee created by [section 5 ~~±~~ 5 4]. This
7 appropriation is effective through the fiscal year ending
8 June 30, 1992.

9 ~~NEW SECTION. SECTION 16. CODE-----COMMISSIONER~~
10 ~~INSTRUCTION. WHENEVER THE TERMS "WOMEN'S CORRECTION--CENTER"~~
11 ~~OR--"WOMEN'S-CORRECTIONAL-CENTER"--APPEAR IN THE MONTANA CODE~~
12 ~~ANNOTATED OR IN LEGISLATION ENACTED BY THE 52ND LEGISLATURE,~~
13 ~~THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE--THE--TERM--TO~~
14 ~~"WOMEN'S-CORRECTIONAL-FACILITY".~~

15 ~~NEW SECTION. SECTION 13. CODE-----COMMISSIONER~~
16 ~~INSTRUCTION. WHENEVER THE TERMS "WOMEN'S-CORRECTION-CENTER"~~
17 ~~OR "WOMEN'S-CORRECTIONAL-CENTER" APPEAR IN THE MONTANA--CODE~~
18 ~~ANNOTATED OR IN LEGISLATION ENACTED BY THE 52ND LEGISLATURE,~~
19 ~~THE--CODE--COMMISSIONER--IS--INSTRUCTED--TO--CHANGE--THE--TERM--TO~~
20 ~~"WOMEN'S-CORRECTIONAL-FACILITY".~~

21 **NEW SECTION. Section 12. Effective date.** [This act] is
22 effective on passage and approval.

23 **NEW SECTION. Section 13. Termination.** ~~[SECTIONS---~~
24 ~~THROUGH---9]---TERMINATE---100~~ ~~[SECTION--1]--TERMINATES--150~~
25 [SECTIONS 1 THROUGH 9 8 7] TERMINATE 100 150 days after

HB 0528/05

1 passage and approval.

-End-