

HOUSE BILL NO. 22

Introduced: 01/03/83

Referred to Committee on State Administration: 01/03/83  
Hearing: 3/24/83

Referred to Committee on Appropriations: 03/28/83  
Hearing: 4/13/83  
Died in Committee

1                    HOUSE    BILL NO. 22  
2    INTRODUCED BY ELLERD  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF  
5    THE OLD MONTANA STATE PRISON; REQUIRING THE DEPARTMENT OF  
6    STATE LANDS TO NEGOTIATE FOR THE TERMINATION OF THE LEASE OF  
7    THE OLD PRISON; ALLOWING THE WARDEN TO DETERMINE WHICH  
8    PRISONERS TO INCARCERATE IN THE OLD PRISON; REQUIRING THE  
9    OLD MONTANA STATE PRISON TO MEET CERTAIN STANDARDS;  
10   APPROPRIATING MONEY FOR THE RENOVATION OF THE OLD PRISON;  
11   AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
12  
13        WHEREAS, the Montana Territorial and State Prison was  
14   listed in the National Register of Historic Places on  
15   September 3, 1976; and  
16        WHEREAS, since that time the prison has received  
17   funding from the Federal Historic Preservation Fund which  
18   required the signing of a 10-year covenant assuring the  
19   general preservation of the structure; and  
20        WHEREAS, the aforementioned covenant does not preclude  
21   changes to the property, nor does it prevent the reuse of  
22   the prison as a prison.  
23  
24        THEREFORE, it is the intent of this act that the  
25   Montana Territorial and State Prison be renovated for use in

1   housing maximum security inmates.  
2  
3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
4        Section 1. Definitions. For the purposes of [this  
5   act], unless otherwise stated, the following definitions  
6   apply:  
7        (1) "Capital project" means acquisition of land or  
8   improvements, planning, capital construction, renovation,  
9   furnishing, or major repair projects authorized in [this  
10   act].  
11        (2) "BPICA" means account number 06142 in the bond  
12   proceeds and insurance clearance fund; "FPRA" means federal  
13   and private revenue account; "ERA" means earmarked revenue  
14   account; and "other appropriated funds" means money other  
15   than general fund or BPICA money that accrues under  
16   provisions of law to an agency indicated herein.  
17        (3) "Old prison" means the Montana territorial and  
18   state prison, including all of blocks 52, 53, 62, 63, 66,  
19   and 67 of the original townsite to the city of Deer Lodge,  
20   Powell County, Montana.  
21        Section 2. Termination of lease. The department of  
22   state lands shall enter into negotiations with the city of  
23   Deer Lodge to terminate the lease between the state of  
24   Montana and the city of Deer Lodge concerning the old  
25   prison.

INTRODUCED BILL

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

6 (2) The old prison shall meet the minimum standards  
7 described as "Plan C" in The Old Montana State Prison: A  
8 Renovation Feasibility Study by The Parrish Architects,  
9 November 17, 1982.

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

16 Section 5. General fund appropriation. There is  
17 appropriated from the general fund to account number 06142  
18 in the bond proceeds and insurance clearance fund \$7.895  
19 million to be used to support the project provided for in  
20 section 6.

21 Section 6. Planning and capital projects  
22 appropriation. There is appropriated from the BPICA to the  
23 director of the department of administration:

24 DEPARTMENT OF INSTITUTIONS

25 Planning, renovation, and capital projects

1 enabling the old prison to house

2 maximum security and other inmates \$7.895 million

3 Section 7. Effective date. This act is effective on

4 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 028-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 22 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 22 proposes to renovate the Old Prison to be used for housing maximum security inmates.

ASSUMPTIONS:

The planning, bid and construction process will not be completed before the end of the 1984-85 Biennium.

FISCAL IMPACT:

There will be no fiscal impact for operating expenses during the 1984-85 Biennium.

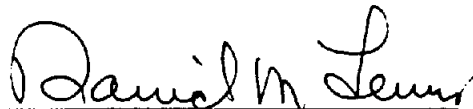
COMMENTS:

The lease with the city of Deer Lodge for the Old Prison began in 1982 extending to 2005. The city pays \$5 per year for this lease.

LONG RANGE EFFECTS:

The estimate for the operating costs of the renovated old prison would be \$5.3 million in the 1986-87 biennium. In comparison, the Office of Budget and Program Planning and the Department of Institutions estimate that the construction of a new facility at the present prison site would require operating costs of only \$3,709,926 for the 1986-87 biennium, with 28.7 fewer FTE.

FISCAL NOTE2:H/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83