

SENATE BILL NO. 169

INTRODUCED BY BECK, SMITH, MENAHAN, TOWE

IN THE SENATE

JANUARY 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 8, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 9, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 10, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 6, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 9, 1993	SECOND READING, CONCURRED IN.
MARCH 11, 1993	THIRD READING, CONCURRED IN. AYES, 98; NOES, 2.
MARCH 12, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 16, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
MARCH 17, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

MARCH 18, 1993 REPORTED CORRECTLY ENROLLED.

MARCH 19, 1993 SIGNED BY PRESIDENT.

IN THE HOUSE

MARCH 21, 1993 SIGNED BY SPEAKER.

IN THE SENATE

MARCH 22, 1993 DELIVERED TO GOVERNOR.

MARCH 26, 1993 RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

APRIL 2, 1993 SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

APRIL 3, 1993 THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

IN THE HOUSE

APRIL 12, 1993 SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

APRIL 13, 1993 THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

RETURNED TO SENATE.

IN THE SENATE

APRIL 15, 1993 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 169
2 INTRODUCED BY Rep. Annika Monahan

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE
5 DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES TO TRANSFER THE
6 BUILDINGS AND LAND OF THE OLD MONTANA STATE PRISON COMPLEX
7 TO THE POWELL COUNTY MUSEUM AND ARTS FOUNDATION FOR
8 CONTINUED OPERATION AS A MUSEUM."

9
10 WHEREAS, the State of Montana still owns the Montana
11 Territorial Prison, more commonly known as the old Montana
12 State Prison, in the city of Deer Lodge in Powell County,
13 Montana; and

14 WHEREAS, since at least 1980, the Department of
15 Corrections and Human Services has leased the old Montana
16 State Prison to the city of Deer Lodge, which has, since
17 1980, assigned that lease to the Powell County Museum and
18 Arts Foundation; and

19 WHEREAS, the Powell County Museum and Arts Foundation
20 has maintained the old Montana State Prison as a museum and
21 regional tourist attraction and has expended substantial
22 sums of money for the operation and maintenance of the
23 prison complex, all of which have benefited the prison
24 structure and the economy of the Powell County area and have
25 been made for the education and enjoyment of the public; and

1 WHEREAS, continued operation of the old Montana State
2 Prison as a museum by the Powell County Museum and Arts
3 Foundation will fulfill a substantial governmental purpose
4 by contributing to the local economies of the city of Deer
5 Lodge and of Powell County and by providing for the care and
6 upkeep of the prison complex without public expense; and

7 WHEREAS, the city of Deer Lodge, Powell County, the
8 Powell County Museum and Arts Foundation, and the Department
9 of Corrections and Human Services desire to make the land
10 available to the Foundation for museum purposes; and

11 WHEREAS, transfer of the prison complex to the Powell
12 County Museum and Arts Foundation will recognize the
13 consideration paid over the years by the Foundation in the
14 form of the expenditure of funds for the maintenance and
15 upkeep of the prison complex.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 NEW SECTION. Section 1. Disposition of old Montana
19 state prison complex to Powell County museum and arts
20 foundation. (1) The department of corrections and human
21 services is directed to transfer the interest of the state
22 of Montana in the Montana territorial prison, commonly known
23 as the old Montana state prison, which property is further
24 described in subsection (2), by sale or by 99-year lease to
25 the Powell County museum and arts foundation or its

1 successor for operation as a museum. The sale or lease must
2 ensure the preservation of adequate space for the law
3 enforcement museum.

4 (2) The property is described as all the buildings
5 comprising the Montana state prison complex, which
6 constitutes blocks 52, 53, 61 (lots 1 through 10), 62, 63,
7 66, 67, and 68 (lots 1 through 10) of the original townsite
8 of the city of Deer Lodge, all situated in the northwest
9 quarter of section 4, township 6 north of the official plat
10 thereof on file at the Powell County courthouse.

11 (3) The department of corrections and human services
12 may establish appropriate conditions to protect the
13 interests of the state on the transfer of the property,
14 including a provision for reversion should the property
15 cease to be used for museum purposes. The commitment to
16 expend sums of money, the past expenditure of money in the
17 development of the property for use for museum purposes, and
18 the dedication of the property as so developed for public
19 use for the benefit of all Montanans may be considered as a
20 part or all of the consideration necessary to constitute
21 full market value if it is determined that the state cannot
22 transfer the property without obtaining full market value
23 for it.

24 (4) The provisions of Title 77, chapter 2, part 3, do
25 not apply to the transfer of land directed by this section.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0169, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act directing the Department of Corrections and Human Services (DCHS) to transfer the buildings and land of the old Montana state prison complex to the Powell County Museum and Arts Foundation for continued operation as a museum.

ASSUMPTIONS:

1. DCHS has no programmatic or budgetary interest in the old prison compound or building.
2. This bill does not include transfer or sale of the old warden's house currently used by the Board of Pardons.

FISCAL IMPACT:

No fiscal impact.

David Lewis 1-22-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Tom Beck 1/24/93
TOM BECK, PRIMARY SPONSOR DATE

Fiscal Note for SB0169, as introduced

SB 169

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 169

INTRODUCED BY BECK, SMITH, MENAHAN, TOWE

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WHEREAS, the State of Montana still owns the Montana Territorial Prison, more commonly known as the old Montana State Prison, in the city of Deer Lodge in Powell County, Montana; and

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WHEREAS, the Powell County Museum and Arts Foundation has maintained the old Montana State Prison as a museum and regional tourist attraction and has expended substantial sums of money for the operation and maintenance of the prison complex, all of which have benefited the prison structure and the economy of the Powell County area and have been made for the education and enjoyment of the public; and

WHEREAS, continued operation of the old Montana State Prison as a museum by the Powell County Museum and Arts Foundation will fulfill a substantial governmental purpose by contributing to the local economies of the city of Deer Lodge and of Powell County and by providing for the care and upkeep of the prison complex without public expense; and

WHEREAS, the city of Deer Lodge, Powell County, the Powell County Museum and Arts Foundation, and the Department of Corrections and Human Services desire to make the land available to the Foundation for museum purposes; and

WHEREAS, transfer of the prison complex to the Powell County Museum and Arts Foundation will recognize the consideration paid over the years by the Foundation in the form of the expenditure of funds for the maintenance and upkeep of the prison complex.

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-3-

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WHEREAS, the Powell County Museum and Arts Foundation has maintained the old Montana State Prison as a museum and regional tourist attraction and has expended substantial sums of money for the operation and maintenance of the prison complex, all of which have benefited the prison structure and the economy of the Powell County area and have been made for the education and enjoyment of the public; and

WHEREAS, continued operation of the old Montana State Prison as a museum by the Powell County Museum and Arts Foundation will fulfill a substantial governmental purpose by contributing to the local economies of the city of Deer Lodge and of Powell County and by providing for the care and upkeep of the prison complex without public expense; and

WHEREAS, the city of Deer Lodge, Powell County, the Powell County Museum and Arts Foundation, and the Department of Corrections and Human Services desire to make the land available to the Foundation for museum purposes; and

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-End-

-3-

SB 169

HOUSE STANDING COMMITTEE REPORT

March 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 169 (third reading copy -- blue) be concurred in as amended .

Signed: _____

Dick Simpkins
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Smith

1. Page 3, lines 2 and 3.

Strike: "ensure" on line 2 through "museum" on line 3

Insert: "guarantee the rights of the Montana law enforcement museum that were established in the December 14, 1989, lease between the Powell County museum and arts foundation and the Montana law enforcement museum."

-END-

Committee Vote:
Yes 16, No 0.

HOUSE

SB 169

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WHEREAS, continued operation of the old Montana State Prison as a museum by the Powell County Museum and Arts Foundation will fulfill a substantial governmental purpose by contributing to the local economies of the city of Deer Lodge and of Powell County and by providing for the care and upkeep of the prison complex without public expense; and

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1 successor for operation as a museum. The sale-or lease must
 2 ~~ensure--the--preservation--of--adequate--space--for--the-law~~
 3 ~~enforcement-museum~~ GUARANTEE THE RIGHTS OF THE MONTANA LAW
 4 ENFORCEMENT MUSEUM THAT WERE ESTABLISHED IN THE DECEMBER 14,
 5 1989, LEASE BETWEEN THE POWELL COUNTY MUSEUM AND ARTS
 6 FOUNDATION AND THE MONTANA LAW ENFORCEMENT MUSEUM.

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 8 comprising the Montana state prison complex, which
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-End-

OFFICE OF THE GOVERNOR

STATE OF MONTANA



MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

March 26, 1993

The Honorable Fred Van Valkenburg
President of the Senate
State Capitol
Helena MT 59620

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 169, "AN ACT DIRECTING THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES TO TRANSFER THE BUILDINGS AND LAND OF THE OLD MONTANA STATE PRISON COMPLEX TO THE POWELL COUNTY MUSEUM AND ARTS FOUNDATION FOR CONTINUED OPERATION AS A MUSEUM," with the attached amendments.

The bill was intended to transfer the buildings and land of the old Montana State Prison to the Powell County Museum and Arts Foundation for continued operation as a museum, and it was not intended to include in the transfer those lots which are currently used by the Board of Pardons. Inadvertently one of the lots used by the Board was included in the description of property to be transferred, and thus the bill required amendment.

Senator Beck, who introduced Senate Bill 169, is in agreement with the amendment, and I urge your approval of it.

Sincerely,

A handwritten signature in cursive script, reading "Marc Racicot".

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 169
(REFERENCE COPY)
March 26, 1993

1. Page 3, line 9.
Strike: "4"
Insert: "5"

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(3) The department of corrections and human services ~~may~~ SHALL establish appropriate conditions to protect the interests of the state on the transfer of the property, including a provision for reversion should the property cease to be used for museum purposes. The commitment to expend sums of money, the past expenditure of money in the development of the property for use for museum purposes, and the dedication of the property as so developed for public use for the benefit of all Montanans may be considered as a part or all of the consideration necessary to constitute full market value if it is determined that the state cannot

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