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INTRODUCED BY Bluszaga House BILL NO. 595

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PRISON SITE POLICY DEVELOPMENT COMMITTEE; REQUIRING THE COMMITTEE TO REVIEW THE PRISON POPULATION PROJECTIONS, NEEDS, AND FUTURE ALTERNATIVES FOR DEVELOPING AND SITING CORRECTIONAL FACILITIES FOR MEN; APPROPRIATING MONEY FOR THE PURPOSES OF THE PRISON SITE POLICY DEVELOPMENT COMMITTEE; AND PROVIDING EFFECTIVE DATES."

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

**NEW SECTION. Section 1. Legislative findings.** The legislature finds that the incarceration and management of felony offenders is a matter of state responsibility, that the policy for the location and design of future men's correctional facilities determines the proper management of those offenders, and that it is therefore necessary to develop proper guidelines for the location and construction of a men's correctional facility.

**NEW SECTION. Section 2. Definitions.** As used in [sections 1 through 5], unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Department" means the department of corrections and human services provided for in 2-15-2301.
- (2) "Facility" means a men's correctional center that has a potential capacity of up to 1,500 male inmates and that provides minimum, medium, and maximum security.
- (3) "Local governmental unit" means a tribal, county, city, town, or consolidated government.

**NEW SECTION. Section 3. Prison site policy development committee.** (1) There is a prison site policy development committee that consists of the following persons:

- (a) one representative of the architecture and engineering division of the department of administration, appointed by the director of the department of administration, to serve in an advisory capacity only;

1 (b) one representative of the department of corrections and human services, appointed by the  
2 director of the department of corrections and human services, to serve in an advisory capacity only;

3 (c) three members appointed by the governor;

4 (d) two members of the house of representatives appointed by the speaker of the house, one from  
5 each party;

6 (e) one public member appointed by the speaker of the house;

7 (f) two members of the senate appointed by the president of the senate, one from each party; and

8 (g) one public member appointed by the president of the senate.

9 (2) Except as otherwise provided by [sections 1 through 5], the committee must be compensated,  
10 reimbursed, and otherwise governed by the provisions of 2-15-122 regarding advisory councils.

11 (3) The committee shall meet as often as necessary to perform the duties assigned by [sections  
12 1 through 5].

13 (4) The committee is attached for administrative purposes only to the department, which shall  
14 provide staff, budgetary, and administrative support to the committee as the committee or its presiding  
15 officer requests.

16 (5) The committee terminates on the date of submission of the report to the 55th legislature.  
17

18 **NEW SECTION. Section 4. Duties and responsibilities.** The committee shall:

19 (1) review the inmate population projections and needs, including projections based on the needs  
20 of an aging prison population, to determine the facility needs for the future;

21 (2) submit to the department a plan for an additional facility with a potential capacity of up to  
22 1,500 inmates;

23 (3) review the regional prison concept for its potential use in fulfilling future facility needs;

24 (4) review the concept of privatization of correctional facilities for potential use in fulfilling future  
25 facility needs;

26 (5) make a long-term cost comparison of the various alternatives for prison facilities;

27 (6) develop facility siting criteria;

28 (7) develop a request for qualifications to solicit responses from interested communities;

29 (8) determine whether communities that respond favorably to the request for qualifications do in  
30 fact qualify; and

1 (9) submit to the department a report that includes a list of communities that qualify. The  
2 department shall present the report to the governor and the 55th legislature.

3  
4 **NEW SECTION. Section 5. Facility siting criteria -- request for qualifications.** (1) The committee  
5 shall determine minimum criteria and standards for a potential site of one or more facilities and determine  
6 which communities may be eligible for the location of a facility.

7 (2) The committee shall develop a request for qualifications that a local governmental unit may  
8 submit to the department for the siting of a new facility and a statement of community support for a new  
9 facility. The request must contain information addressing the minimum criteria and standards and any other  
10 information determined to be necessary by the committee and the department.

11 (3) After local governments have submitted requests for qualifications, the committee shall  
12 determine which of those communities do in fact qualify under the minimum criteria and standards, based  
13 upon a documented demonstration of:

14 (a) the proximity, availability, and number of resources satisfying the minimum criteria and  
15 standards;

16 (b) the strength and quality of the resources satisfying the minimum criteria and standards;

17 (c) the strength of the community's willingness and ability to provide resources satisfying the  
18 minimum criteria and standards; and

19 (d) the strength of the evidence that residents of the community are willing to accept a correctional  
20 facility in or near their community.

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22 **NEW SECTION. Section 6. Appropriation.** There is appropriated from the general fund \$12,000  
23 to the department of corrections and human services for the purposes of the prison site policy development  
24 committee created by [section 3].

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26 **NEW SECTION. Section 7. Notification of tribal governments.** The secretary of state shall send  
27 a copy of [this act] to the tribal chairperson of each of the seven Montana reservations and to the tribal  
28 chairperson of the Little Shell tribe.

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30 **NEW SECTION. Section 8. Coordination instruction.** If House Bill No. 357 is passed and approved,

1 the department shall coordinate the efforts of the committee created by [this act] and the efforts of the  
2 sentencing commission and the prison site policy development committee shall report to the sentencing  
3 commission its findings and recommendations.

4

5 **NEW SECTION. Section 9. Effective dates.** (1) [Sections 1 through 5, 7, and 8] and this section  
6 are effective on passage and approval.

7 (2) [Section 6] is effective July 1, 1995.

8

-END-

APPROVED BY COM ON  
APPROPRIATIONS

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2 INTRODUCED BY BERGSAGEL

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17           (3) The committee shall meet as often as necessary to perform the duties assigned by [sections  
18 1 through ~~5~~ 6].

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20 provide staff, budgetary, and administrative support to the committee as the committee or its presiding  
21 officer requests.

22           (5) The committee terminates on the date of submission of the report to the 55th legislature.  
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24           **NEW SECTION. Section 4. Duties and responsibilities.** The committee shall:

25           (1) review the inmate population projections and needs, including projections based on the needs  
26 of an aging prison population, to determine the facility needs for the future;

27           (2) submit to the department a plan for ~~an additional facility with a potential capacity of up to~~ TO  
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3 (5) make a long-term cost comparison of the various alternatives for prison facilities;

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17 (2) The committee shall develop a request for qualifications that a local governmental unit may  
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3 NEW SECTION. SECTION 6. REPORT. BASED ON THE RECOMMENDATIONS OF THE  
4 COMMITTEE AND THE DETERMINATION OF THE DEPARTMENT, THE DEPARTMENT SHALL DEVELOP  
5 SITE ANALYSIS AND PRELIMINARY PLANS FOR THREE RECOMMENDATIONS. THE DEPARTMENT SHALL  
6 USE THE SERVICES OF THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF  
7 ADMINISTRATION IN DEVELOPING THE PLANS. THE DEPARTMENT SHALL PRESENT A REPORT TO THE  
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10 NEW SECTION. Section 7. Appropriation APPROPRIATIONS. (1) There is appropriated A  
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13 by [section 3].

14 (2) THERE IS APPROPRIATED FROM THE GENERAL FUND \$50,000 TO THE DEPARTMENT OF  
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26 NEW SECTION. Section 10. Effective dates. (1) [Sections 1 through 5, 7, and 8] and this section  
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