

HOUSE BILL NO. 833

INTRODUCED BY J. FITZPATRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FUNDING FOR ADDITIONAL CORRECTIONAL CAPACITY; ESTABLISHING THE FUTURE OF CORRECTIONS FUND; PROVIDING LEGISLATIVE CONSENT TO CONSTRUCT A CORRECTIONAL FACILITY; AUTHORIZING AGREEMENTS TO SECURE ADDITIONAL CORRECTIONAL CAPACITY; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING APPROPRIATIONS; AUTHORIZING AN OPTIONAL LEASE-TO-OWN AGREEMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Future of corrections fund.** (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the future of corrections fund. The department of corrections shall administer the fund.

(2) Eligible uses of the fund include:

(a) securing an additional correctional facility, which may include build-to-lease or lease-to-own agreements; and

(b) securing additional correctional capacity through agreements with private correctional facilities as provided for in 53-30-601.

(3) Use of the funds for the purposes identified in subsection (2) are exempt from the provisions of 2-17-101(5).

(4) The administrative rules adopted by the department of corrections pursuant to 53-30-604 apply to this section.

NEW SECTION. **Section 2. Appropriation.** There is appropriated \$30 million from the general fund to the department of corrections on passage and approval of [this act] through the biennium beginning July 1, 2025, to pay for the following eligible uses:

- 1 (1) assessment of the current prison system;
- 2 (2) transitional costs;
- 3 (3) planning, operation, or other contract expenses associated with managing the prison
- 4 population;
- 5 (4) security related technology; and
- 6 (5) studying and planning of the development of a comprehensive correction system.

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8 **NEW SECTION. Section 3. Transfer of funds.** No later than June 30, 2027, the state treasurer shall

9 transfer \$220 million from the general fund to the capital developments long-range building program account

10 provided for in 17-7-209.

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12 **NEW SECTION. Section 4. Appropriation for capital projects -- appropriation for operations**

13 **and maintenance.** (1) On [the effective date of this act], there is appropriated \$220 million to the department of

14 administration from the capital developments long-range building program account in the capital projects fund

15 type provided for in 17-7-209 for construction of an additional state correctional facility and for an option to

16 purchase a building to renovate for correctional capacity.

17 (2) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase

18 in state funding for program expansion or operations and maintenance, the legislature may not authorize the

19 new facility unless it also appropriates funds for the increase in state funding for program expansion and

20 operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a

21 new facility but prior to receipt of its certificate of occupancy, the appropriation made in subsection (3) reverts to

22 its originating fund. The appropriation is not subject to the provisions of 17-7-304.

23 (3) (a) The amount of \$3.5 million is appropriated for the biennium beginning July 1, 2025, from the

24 general fund to the department of corrections for program expansion or operations and maintenance for the

25 indicated new setting.

26 (b) It is the intent of the legislature that the appropriation in this subsection (3) become part of the

27 base budget for the department of corrections for the biennium beginning July 1, 2027.

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1 **NEW SECTION. Section 5. Contingent transfer and appropriation.** (1) (a) If the budget director
2 concludes that state construction of an additional state correctional facility is not in the state's best interests, the
3 director shall authorize the state treasurer to transfer \$220 million from the capital developments long-range
4 building program account provided for in 17-7-209 to the fund provided for in [section 1].

5 (b) In determining the state's best interests, the budget director shall consider whether the location
6 has the appropriate workforce required to maintain the programming necessary for inmate rehabilitation and re-
7 entry.

8 (2) If the budget director transfers \$220 million from capital developments long-range building
9 program account provided for in 17-7-209 to the fund provided for in [section 1], then:

10 (a) the appropriation of \$220 million in [section 4] is void; and

11 (b) there is appropriated \$220 million from the fund provided for in [section 1] to the department of
12 corrections on [the effective date of the act], for the purposes set forth in [section 1]. This appropriation is
13 authorized to continue until the construction of a correctional facility is completed as determined by the budget
14 director and all leases, if any, have terminated. Any unexpended or unobligated funds must revert to the
15 general fund.

16
17 **NEW SECTION. Section 6. Planning and design.** The department of administration may proceed
18 with the planning and design of capital projects in [section 4] prior to the receipt of other funding sources. The
19 department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred
20 before the receipt of other funding sources.

21
22 **NEW SECTION. Section 7. Reporting.** (1) A report containing the expenditures and obligations
23 related to securing or constructing a correctional facility as provided in [sections 1 and 4] must be submitted by
24 the department of corrections at each quarterly meeting of:

25 (a) the legislative finance committee established by 5-12-201;

26 (b) the judicial branch, law enforcement, and justice interim budget committee established by 5-12-
27 501; and

28 (c) the long-range planning interim budget committee established by 5-12-501.

1 (2) This requirement to report terminates when the construction of the correctional facility is
2 completed and the department of corrections notifies the committees of its completion.

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4 NEW SECTION. Section 8. Legislative intent. The appropriation authorized in [section 4]
5 constitutes legislative consent for the capital projects contained in [section 4] within the meaning of 17-7-201
6 and 18-2-102.

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8 COORDINATION SECTION. Section 9. Coordination instruction. If [this act] is passed and
9 approved without a vote of two-thirds of the members of each house of the legislature, [section 1] must read as
10 follows:

11 "NEW SECTION. Section 1. Future of corrections fund. (1) There is an account in the state special
12 revenue fund established in 17-2-102 to be known as the future of corrections fund. The department of
13 corrections shall administer the fund.

14 (2) Eligible uses of the fund include:
15 (a) securing an additional correctional facility, which may include build-to-lease agreements; and
16 (b) securing additional correctional facilities through agreements with private correctional facilities
17 as provided for in 53-30-601.

18 (3) Use of the funds for the purposes identified in subsection (2) are exempt from the provisions of
19 2-17-101(5).

20 (4) The administrative rules adopted by the department of corrections pursuant to 53-30-604 apply
21 to this section."

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23 NEW SECTION. Section 10. Two-thirds vote required. Because [section 1] authorizes a lease-to-
24 own agreement, 18-3-101 requires a vote of two-thirds of the members of each house of the legislature for
25 passage.

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

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