

ENROLLED ACT NO. 72, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to corrections; providing for prison planning and construction; designating prison construction priorities as specified; requiring requests for proposals as specified; authorizing contracts as specified; providing for specified programming at correctional facilities; requiring an evaluation of projected inmate populations and the corrections system; providing appropriations; specifying funding methods; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1.

(a) The department of corrections shall, in cooperation with the department of administration and information and using the procedures specified in W.S. 9-2-1027 through 9-2-1033, conduct a competitive bidding process using requests for proposals for the design and construction or expansion of correctional facilities and programs authorized under subsections (e) and (f) of this section. The process shall be conducted in accordance with American correctional association standards to achieve the best value for the state in accordance with a scoring matrix to be developed by the department of corrections and approved by the state building commission.

(b) The design, construction and expansion authorized under subsections (e) and (f) of this section may be advertised for individual or combined bids or procured under a single contract, or under any combination of contracts, with priority given to projects specified under subsection (e) of this section, then to the projects specified under subsection (f) of this section. Bids shall be evaluated on the basis of best value to the state

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considering price, functionality to the state correctional system, compatibility with existing structures, where appropriate, and other relevant factors.

(c) In addition to other factors specified under subsections (a) and (b) of this section, bids for up to two (2) minimum or medium security male facilities, or a combination thereof, each with a minimum capacity of four hundred (400) beds expandable to six hundred (600) beds, and each with thirty-two (32) additional beds for intensive alcohol and substance abuse treatment and each with fifteen (15) additional beds for special management inmates shall take into account and be evaluated on the basis of:

(i) Adequacy of infrastructure and availability of potential workforce;

(ii) Site assessment, evaluation, selection and acquisition, including geotechnical and other relevant technical and engineering factors;

(iii) Costs for obtaining governmental approval and permitting when necessary;

(iv) Inmate transportation needs and costs;

(v) Design of the facilities;

(vi) Total project and construction costs;

(vii) Fixed equipment, furnishings, fixtures and bedding costs;

(viii) Any evaluation and programmatic critique of the corrections system reported to the joint judiciary interim committee under section 2(c) of this act;

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(ix) Proposed method of financing the projects by the developer; and

(x) The commitment to use Wyoming materials and labor in accordance with chapter 6, articles 1 and 2 of title 16 of the Wyoming Statutes.

(d) After completion of the competitive bidding process for any project authorized under subsection (e) or (f) of this section, the department of administration and information, general services division, with the approval of the state building commission, and subject to legislative appropriation or other legislatively approved funding, may let a contract for the construction or expansion of the facility.

(e) Subject to legislative approval of necessary funding, the department of administration and information, general services division, with the approval of the state building commission, may proceed to contract for the following:

(i) At the Wyoming honor farm in Riverton, an additional fifty-nine (59) minimum security beds and sufficient building space to accommodate an expansion of programs for counseling and treatment with respect to cognitive distortions, criminal thinking, behavior modification, parenting, family violence, alcohol and substance abuse, job skills and special needs, and training programs to enhance educational and vocational skills, traditional prison industries programs which teach basic technical and job-seeking and retention skills, and a correctional industries program specified under W.S. 25-13-101 et seq.;

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(ii) At the Wyoming state penitentiary in Rawlins, an additional thirty-two (32) beds in the intensive alcohol and substance abuse treatment facility to provide intensive alcohol and substance abuse treatment and counseling and sufficient building space to accommodate an expansion of programs for counseling and treatment with respect to cognitive distortions, criminal thinking, behavior modification, parenting, family violence, alcohol and substance abuse, job skills and special needs, and training programs to enhance educational and vocational skills, traditional prison industries programs which teach basic technical and job-seeking and retention skills, and a correctional industries program specified under W.S. 25-13-101 et seq.;

(iii) At the Wyoming women's center in Lusk:

(A) One hundred eight (108) additional minimum security beds and sixteen (16) additional beds to provide intensive alcohol and substance abuse treatment and counseling;

(B) An enlargement of the kitchen and dining facilities to accommodate the additional inmates that may be housed at the Wyoming women's center under subparagraph (A) of this paragraph;

(C) The construction of sufficient space to increase capacity for counseling and treatment with respect to cognitive distortions, criminal thinking, behavior modification, parenting, family violence, alcohol and substance abuse, job skills and special needs, training programs to enhance educational and vocational skills, traditional prison industries programs which teach basic technical and job-seeking and retention skills, and

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implementation of a corrections industries program specified under W.S. 25-13-101 et seq.;

(iv) The dismantling of the Wyoming state penitentiary vacant north facility that is no longer usable to ensure that, to the extent feasible, materials of the dismantled facility may be salvaged and recycled; and

(v) The construction of a secure treatment alcove at the Niobrara County hospital building in Lusk to include two (2) secure treatment beds to allow for the medical treatment of inmates from that facility. The department of corrections shall also provide by contract for on-site and off-site medical treatment for inmates of the Wyoming women's center.

(f) Subject to legislative approval of necessary funding, the department of administration and information, general services division, with the approval of the state building commission may proceed to contract for up to two (2) minimum or medium security male facilities as specified in subsection (c) of this section, which shall be located in two (2) separate locations in the state. Either facility may be located adjacent to an existing correctional facility. Each facility shall have sufficient space to accommodate administrative functions of the facility, food preparation and dining for inmates and staff, medical treatment, programming for counseling and treatment with respect to cognitive distortions, criminal thinking, behavior modification, parenting, family violence, alcohol and substance abuse, job skills and special needs, training programs to enhance educational and vocational skills, traditional prison industries programs which teach basic technical and job-seeking and retention skills, and implementation of a corrections industries program specified under W.S. 25-13-101 et seq.

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Section 2.

(a) There is appropriated from the general fund to the department of corrections two hundred thirty thousand dollars (\$230,000.00), or as much thereof as necessary to implement, in consultation with the department of administration and information, the purposes of subsections (a) through (c) of section 1 of this act.

(b) There is appropriated from the general fund to the department of corrections fifty thousand dollars (\$50,000.00), or as much thereof as necessary to construct the secure treatment alcove specified in paragraph (e)(v) of section 1 of this act.

(c) There is appropriated from the general fund to the department of administration and information fifty thousand dollars (\$50,000.00), or as much thereof as necessary to conduct an independent evaluation and programmatic critique of the corrections system, including projections of future inmate populations, inmate capacity of all county jails in the state, capacity of all community correction programs in the state and how those county and community resources may be used to best provide adequate space for inmates in the state. Results of the evaluation shall be reported to the state building commission and the joint judiciary interim committee not later than September 1, 2003.

Section 3.

(a) Notwithstanding section 2 of this act, the projects described in this act may be funded by any combination of the following methods:

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(i) Legislative appropriation;

(ii) Legislative appropriation of proceeds from the issuance of general obligation debt or revenue bonds; or

(iii) Lease-purchase of the improvements from a nonprofit corporate lessor. Any lease under this paragraph shall be approved by the attorney general. The lease shall not be approved unless it is structured in a manner which does not constitute an indebtedness of the state in excess of taxes for the current year under the Wyoming Constitution. Any lease payments made by the state under a lease-purchase agreement under this paragraph may represent credit toward an equity buildup in the leased properties. At the end of the lease, ownership of the facilities may transfer to the state. The department of corrections may request appropriations for lease payments under this paragraph in its annual budget.

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Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk