

State seeks opinion on proposed meth facility

Attorney general to rule on law, as corrections weighs four proposals, including one from Butte's CCCS

Associated Press/Montana Standard, 2/08/06

The state is seeking Attorney General Mike McGrath's opinion on whether it needs to follow a new set of laws in awarding a private contract for a proposed methamphetamine treatment prison, officials said Tuesday.

At issue is whether the treatment prison, slated to open next year, is a new program or whether it's replacing services already provided by the Department of Corrections.

MEA-MFT, a union whose membership includes state employees, argues the meth facility duplicates drug treatment programs already administered by the state and is subject to new statutes on the privatization of state services.

The statutes, passed by the 2005 Legislature, require the affected agency to develop a privatization plan. The plan is subject to a public hearing and must be approved by the governor and the Legislative Audit Committee.

"It gives a forum for folks like us to argue whether privatization is appropriate," MEA-MFT President Eric Feaver said.

Corrections officials argue the proposed meth prison is a new program and, therefore, not subject to the new laws.

"We feel we are on very firm legal ground," in issuing a request for proposals, said department spokesman Bob Anez.

The department is currently weighing four proposals for the lockdown prison in three cities — Billings, Boulder and Lewistown. Offenders would undergo nine months of treatment, followed by six months in a prerelease center and continued counseling after that.

In a letter Monday, Feaver told corrections officials the union had filed a complaint in District Court in Helena over the issue.

Sarah Elliott, spokeswoman for Gov. Brian Schweitzer, said Tuesday the state agreed to seek an opinion from McGrath instead. His opinion carries the weight of law unless overturned by a court or legislative action.

Feaver also suggested the state delay taking action on the proposed contract until the legal issues are resolved, although an attorney for the Corrections Department told a committee evaluating the proposals to carry on.

“I believe we have our mandate from the Legislature and we will follow that until the courts tell us to stop,” said Diane Koch, the agency’s chief legal counsel.

The 2005 Legislature approved a bill giving corrections officials the freedom, but not the money, to contract for some kind of meth treatment prison. Lawmakers suggested a 40-bed facility, although corrections officials have said they want to triple the size to 120 beds because meth is such a problem in Montana.

Just one of the four proposals under review calls for 120 beds. Community, Counseling and Correctional Services Inc. of Butte is proposing to build 80 beds for men and 40 beds for women in a \$10.5 million treatment facility in Lewistown.

The Butte company is also proposing an 80-bed facility in Lewistown for men only. Alternatives Inc. of Billings wants to build a 60-bed female treatment center in the Howard Johnson Express Inn in Billings for \$2 million, while Boyd Andrew Community Services of Helena is proposing a 60-bed facility for women in Boulder at a cost of about \$5.3 million.

Corrections officials hope to award a contract in March, and have the treatment prison up and running sometime next year.