



ADMINISTRATIVE RULES OF MONTANA

20.27.104 OBTAINING PUBLIC SUPPORT FOR PROPOSED PRIVATE CORRECTIONAL FACILITY SITES

- (1) Proposed sites for private correctional facilities must have community support. Proposers must obtain approval of the location of the private correctional facility from the local governing body or bodies.
- (2) To gain public support and input into the siting process for private correctional facilities, proposers shall hold at least two public hearings in the county of the proposed site.
 - (a) If the nearest municipality to the proposed site is also the county seat, the public hearings shall be held in the municipality.
 - (b) If the nearest municipality to the proposed site is not the county seat, a hearing shall be held in the municipality, and a hearing shall be held in the county seat.
- (3) If the proposed site is located within a municipality, the governing body of the municipality and the governing body of the county shall approve the location of the facility.
- (4) If the proposed site is not located within a municipality, the county governing body shall approve the location of the facility.
- (5) If the proposed site is located within seven and one-half air miles of an adjacent county, the proposers shall also hold a third public hearing in the municipality of the adjacent county that is located within closest proximity of the proposed site.
- (6) Hearings must be held at a time convenient for the public to attend.
- (7) The proposer shall provide adequate public notice of the hearings, which shall, at a minimum, meet the following criteria:
 - (a) if the proposed site is located in a rural area, the proposer shall publish notice of the public hearing in a local weekly newspaper as well as in the nearest daily newspaper;
 - (b) if the proposed site is located in or near a major municipality, the proposer shall publish notice of the hearing in at least one major newspaper of general circulation in the proposed site area;
 - (c) notices must be published at least seven days prior to the date and time of the hearing;
 - (d) notices must also be published on the date of hearing, if the newspaper is published on that date; and
 - (e) notices must include:
 - (i) the date, time, and place of public hearing; and

- (ii) the name and phone number of the entity responsible for requesting the hearing.
- (8) In addition to the public notices, the proposer shall also provide specific notice to:
- (a) state legislators in the county of the proposed site and all counties immediately adjacent to the proposed site;
 - (b) county and municipal elected officials in the county of the proposed site;
 - (c) the hospital board or administrator in the nearest municipality of the proposed site;
 - (d) the district school board(s) or superintendent(s) in the nearest municipality of the proposed site;
 - (e) county governing boards and county elected officials in each county immediately adjacent to the county of the proposed site; and
 - (f) all municipal governing bodies of municipalities located within 50 air miles of the proposed site.
- (9) The entity holding the public hearing shall make reasonable accommodations for persons with disabilities who wish to participate in the hearing(s).
- (10) The entity holding the public hearing shall ensure minutes are taken during the hearing, and:
- (a) a copy of the minutes be transcribed;
 - (b) a copy of any written information received from hearing participants must be attached to the minutes; and
 - (c) a copy of the names, addresses, and phone numbers of persons attending the hearing must be attached to the minutes.
- (11) The governing body may conduct the public hearings required herein.

Authorizing statute(s): 53-30-604, MCA

Implementing statute(s): 53-30-607, MCA

History: NEW, 1998 MAR p. 172, Eff. 1/16/98.