



ADMINISTRATIVE RULES OF MONTANA



20.28.104 APPLICATION TO ESTABLISH A REGIONAL CORRECTIONAL FACILITY

- (1) A local government entity, individual, corporation, partnership, association, or other private organization or entity may not construct or operate a regional correctional facility without the authorization of the department.
- (2) A public or private entity that wishes to establish a regional correctional facility must first submit an application to the department for the department's initial approval.
- (3) The application must provide substantiation and documentary evidence of the following criteria:
 - (a) the need for a regional correctional facility in the area;
 - (b) the financial ability and, in the case of a public entity, an appropriate resolution by its governing body authorizing the entity to enter into a long-term contract with the department; and
 - (c) the availability of rehabilitative services for inmates, including but not limited to providers of mental health and chemical dependency treatment, job, career, and vocational programming.
- (4) A private entity must submit a resolution by the applicable local governmental governing body in which the local government states its approval for and willingness to have a regional correctional facility operated by a private entity within its jurisdiction.
- (5) The department may not authorize a corporation to construct or operate a regional correctional facility unless it has first published a request for proposal for a regional correctional facility and it has selected the corporation using the competitive proposal process.

Authorizing statute(s): 53-30-507, MCA

Implementing statute(s): 53-30-504, 53-30-507, MCA

History: NEW, 2007 MAR p. 36, Eff. 1/12/07.