



## ADMINISTRATIVE RULES OF MONTANA



### 20.25.101 ORGANIZATION OF THE BOARD

- (1) The board is a quasi-judicial body for the purpose of 2-15-124, MCA, except that board members are full-time employees and are compensated in accordance with 46-23-104 and 46-23-111, MCA. Terms of board members are staggered in accordance with 2-15-2405, MCA, and the provisions of 2-15-124(1), MCA do not apply to the board. The board is allocated to the Department of Corrections for administrative purposes only under 2-15-121 and 2-15-2305, MCA.
- (2) The board chair is specifically designated by the Governor in accordance with 2-15-124, MCA. The governor may designate a different presiding officer at any time and the former presiding officer will continue to serve as a board member unless removed for cause pursuant to 2-15-124(6), MCA. The chair may designate another board member to assume the duties of the chair when the chair is not present.
- (3) Individual board members shall, prior to hearing a case, disclose any conflict of interest and recuse themselves in cases in which it has been determined that a conflict of interest is clearly identified.
- (4) The board will conduct hearings weekly and transact business daily. The board may conduct meetings and hearings at any location suitable for that purpose.
- (5) The board chair or designee, in consultation with the board members:
  - (a) assigns hearing panels to conduct parole hearings, revocation hearings, rescission hearings, administrative parole reviews, reconsideration of previous parole decisions, and to make recommendations in matters of executive clemency;
  - (b) requests out-of-state adult correctional releasing authorities to conduct courtesy hearings on behalf of the board; and
  - (c) designates presiding hearing panel members.
- (6) The vote of at least a majority of all members of the board is required to adopt any change in established rule, policy, and/or procedure, unless otherwise provided by law.
- (7) The board will set hearing and meeting dates suitably in advance and publish them on the board's official web site, but the dates are subject to change.
- (8) The board chair, in consultation with the board, will maintain, review, and update at least annually a written description and an organizational chart that accurately reflects the structure of authority, responsibility, and accountability within the board.

**Authorizing statute(s):** 46-23-218, MCA

**Implementing statute(s):** 2-15-121, 2-15-124, 2-15-2302, 2-15-2405, 46-23-104, 46-23-111, MCA

---

**History:** Eff. 12/31/72; AMD, 1978 MAR p. 1552, Eff. 12/1/78; AMD, 1993 MAR p. 297, Eff. 2/26/93; AMD, 1994 MAR p. 168, Eff. 1/28/94; AMD, 1999 MAR p. 290, Eff. 2/12/99; AMD, 2010 MAR p. 2816, Eff. 12/10/10; AMD, 2012 MAR p. 1619, Eff. 8/10/12; AMD, 2016 MAR p. 139, Eff. 1/23/16; AMD, 2022 MAR p. 1194, Eff. 7/9/22.