

SENATE JOINT RESOLUTION NO. 28

INTRODUCED BY P. FLOWERS, F. MANDEVILLE, A. OLSEN, T. MCGILLVRAY, C. NEUMANN, C. POPE, L.
SMITH

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
MONTANA REQUESTING AN INTERIM STUDY OF ETHICS; AND REQUIRING THAT THE FINAL RESULTS
OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Article XIII, section 4, of the Montana Constitution states: "The legislature shall provide a
code of ethics prohibiting conflict between public duty and private interest for members of the legislature and all
state and local officers and employees"; and

WHEREAS, the Legislature enacted a code of ethics in 1977, which is codified in Title 2, chapter 2, part
1, MCA; and

WHEREAS, the Joint Rules of the Legislature, the Senate Rules, and the House Rules also provide
ethics rules applicable to the Legislature; and

WHEREAS, under section 2-2-136(1)(a), MCA, the Commissioner of Political Practices has a role in
the enforcement of the code of ethics but does not have jurisdiction for a complaint concerning a legislator if a
legislative act is involved in the complaint; and

WHEREAS, the Senate Ethics Committee and the body of the Senate have considered ethical issues
during this 69th legislative session and that experience may guide a study.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
THE STATE OF MONTANA:

That the Legislative Council study ethics issues. The study must include:

- (1) developing a process grounded in legislative procedure for adjudicating ethics issues;
- (2) determining where there are overlaps or gaps between the authority of the Legislature and the
Commissioner of Political Practices; and
- (3) considering revisions to the code of ethics and legislative rules that the Legislative Council

1 considers necessary and expedient.

2 BE IT FURTHER RESOLVED, that all aspects of the study be concluded prior to September 15, 2026.

3 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
4 comments, or recommendations, be reported to the rules committees of the 70th Legislature and to the 70th
5 Legislature.

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