

1 SENATE JOINT RESOLUTION NO. 28
2 INTRODUCED BY P. FLOWERS, F. MANDEVILLE, A. OLSEN, T. MCGILLVRAY, C. NEUMANN, C. POPE, L.
3 SMITH
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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA REQUESTING AN INTERIM STUDY OF ETHICS; AND REQUIRING THAT THE FINAL RESULTS
7 OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

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

12 WHEREAS, the Legislature enacted a code of ethics in 1977, which is codified in Title 2, chapter 2, part
13 1, MCA; and

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

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

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

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

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

25 (1) developing a process grounded in legislative procedure for adjudicating ethics issues;
26 (2) determining where there are overlaps or gaps between the authority of the Legislature and the
27 Commissioner of Political Practices; and
28 (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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