| sources | MT constitution / statutes | MT rules | Mason's | Texas House | Idaho House | Idaho Senate | North Dakota | Nevada | federal senate | federal house |
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| include a statement of constitutional law? | **Article V, section 1. Power and structure.** The legislative power is vested in a legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum.<br><br>**Article V, section 10. Organization and procedure.** (1) . . . Each house shall choose its officers from among its members, keep a journal, and make rules for its proceedings. Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members.<br><br>**Article XIII, section 4. Code of ethics.** 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. | | | | | | | **Rule No. 39. Authority of Senate and Assembly to Adopt Ethical Standards, Require Training and Prohibit and Sanction Ethical Breaches.** 1. The Senate and Assembly hereby find and declare that: (a) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control, and regulate its membership and internal organization, affairs and management . . . | | |
| include a statement regarding the need for ethics rules? | **Article XIII, section 4. Code of ethics.** 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. | | | | | | **1001. Legislative ethics policy.**<br><br>1. The Legislative Assembly always seeks a high reputation for progressive accomplishment where its members are public officers of integrity and dedication, maintaining high standards of ethical conduct.<br><br>2. The public interest is best served by attracting and retaining in the Legislative Assembly citizens of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government of the service of well-qualified citizens. . . .<br><br>5. The increasing complexity of public policy at all levels, with intervention into private affairs, makes conflicts of interest almost inevitable for every part-time public official, and particularly for a member who must vote on measures affecting the life of every citizen or resident of the state. Consequently, the adoption of standards of ethics does not impugn a member's integrity or dedication; rather, it recognizes the increasing complexity of government and private life and provides members with helpful advice and guidance when confronted with difficult problems in that gray area involving action that is neither clearly right nor clearly wrong.<br><br>6. Ethical conduct is expected of all who participate in the legislative process, including lobbyists, legislative staff, government employees, interest groups, the media, and others. All participants in the legislative process should recognize the importance of their role to support each member's ethical duty to make independent judgments.<br><br>7. If public confidence in the Legislative Assembly is to be maintained and enhanced, it is not enough that members avoid acts of misconduct. They also must avoid acts that may create an appearance of misconduct. | **Rule No. 37. Ethical Standards; Prohibited Conduct.**<br><br>1. The people of the State of Nevada have the right to expect and demand that each Legislator, member of legislative staff or lobbyist adheres to the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect because such ethical standards are essential to ensure and enhance the people's faith, trust and confidence in the integrity of the legislative process. | | |
| include an explanation of the legislature's inherent powers? | **Article V, section 1. Power and structure.** The legislative power is vested in a legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum.<br><br>**Article V, section 10. Organization and procedure.** (1) . . . Each house shall choose its officers from among its members, keep a journal, and make rules for its proceedings. Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members. | | 2(1). Every legislative body has an inherent right to regulate its own procedure, subject to provisions of the constitution.<br><br>561(1). A legislative body has the right to regulate the conduct of its members and may discipline a member as it deems appropriate, including reprimand, censure or expulsion.<br><br>561(2). A state legislative body possesses inherent powers of self-protection.<br><br>562(1). Forty-five constitutions provide that each house, with the concurrence of two-thirds of all the members elected, may expel a member.<br><br>562(2). If these constitutional provisions were omitted and there were no other constitutional limitations, the power to expel would nevertheless exist and could be exercised by a majority. The only effect of the constitutional provisions is to make the concurrence of two-thirds of the members elected necessary to expel a member. In all other respects, the power is absolute.<br><br>796(1). Either house of the legislature has the power to investigate and institute an inquiry into the truth of an alleged bribery of any of its members or the members of a previous legislature connected with its legislative functions. . . .<br><br>800(2). The power of a state legislative body to compel witnesses to testify in aid of investigations is an attribute of the power to legislate and follows as an essential implication.<br><br>805(1). A state legislative body possesses inherent powers of self-protection.<br><br>805(2). An official charged with the responsibility of presiding over a legislative body has the discretion or implied authority to maintain the order and dignity becoming that body.<br><br>805(3). The power of the houses to vindicate their authority and processes by punishing acts of contempt committed in their presence is inherent in the legislative function.<br><br>805(4). It is within the discretionary capacity of a presiding officer of a legislative body to insist upon the orderly recognition of speakers, and to make quick judgments as to what method to use to maintain order at emotionally charged meetings.<br><br>805(5). A legislative body has the right to regulate its own halls | | | | | **Rule No. 39. Authority of Senate and Assembly to Adopted Ethical Standards, Require Training and Prohibit and Sanction Ethical Breaches.**<br><br>1. The Senate and Assembly hereby find and declare that: . . .<br><br>(c) In addition to its other powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* section 2; *Cushing's Legislative Assemblies* section 533)<br><br>See also 39.1.(d) through (f). | | |
| categorize different actions the body can take? | | | 561(1). A legislative body has the right to regulate the conduct of its members and may discipline a member as it deems appropriate, including reprimand, censure or expulsion.<br><br>562(1). Forty-five constitutions provide that each house, with the concurrence of two-thirds of all the members elected, may expel a member.<br><br>562(2). If these constitutional provisions were omitted and there were no other constitutional limitations, the power to expel would nevertheless exist and could be exercised by a majority. The only effect of the constitutional provisions is to make the concurrence of two-thirds of the members elected necessary to expel a member. In all other respects, the power is absolute. | | 45(6). . . A reprimand shall carry no sanctions other than the reading of the reprimand into the Journal of the House of Representatives. Censure of a member may include conditions or restrictions placed upon the member, but may not have the effect of expulsion, such as terminating salary or benefits or denying a legislative district representation via floor votes.<br><br>45(8) . . . Reprimand or censure of a member shall require the affirmative vote of a majority of the members of the House. | 52(F) . . . Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the Senate. | | | senate.gov: **Censure**-- Among the ways in which the Senate has disciplined its members is censure, sometimes referred to as condemnation or denouncement. Censure is a formal statement of disapproval in the form of a resolution that is adopted by majority vote. The term "censure" is not found in the Constitution, and the word does not have to appear in the resolution. A censure does not remove a senator from office nor does it deny to a senator his or her rights or privileges. Since 1789 the Senate has censured nine of its members for conduct that senators determined to be inappropriate or detrimental to the Senate. | house.history.gov: **Reprimand** -- Reprimand requires a simple majority vote on the resolution brought before the House and, in some instances, may be implemented simply by the adoption of the committee report. A reprimanded Member is not required to stand in the well of the House to accept a verbal admonishment.<br><br>**Censure** does not remove a Member from office. Once the House approves the sanction by majority vote, the censured Member must stand in the well of the House ("the bar of the House" was the nineteenth-century term) while the Speaker or presiding officer reads aloud the censure resolution and its preamble as a form of public rebuke.<br><br>See also Rule 24: (d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.<br><br>(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:<br>(1) Expulsion from the House of Representatives.<br>(2) Censure.<br>(3) Reprimand.<br>(4) Fine.<br>(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.<br>(6) Any other sanction determined by the Committee to be appropriate. |
| include an explanation of good cause? | **Article V, section 10. Organization and procedure.** (1) . . . Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members. | | 562(5). The oath of each individual member of a house, and that member's duty under it to act conscientiously for the general good, is the only safeguard to the fellow members against an unjust and causeless expulsion. . . . | 9.03(b) Any complaint must be substantially similar in form to the requirements of Sections 21.201(b) and (c), Labor Code. | House Rule 45(2)(b) A complaint shall be in writing and contain one or more allegations that may constitute:<br><br>(i) Conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body;<br><br>(ii) Disclosure of information that is confidential as provided in House rules;<br><br>(iii) Conduct constituting a felony under any state law, or which violates any state law relating to the use of public office for private pecuniary gain;<br><br>(iv) A violation of any state law or House rule relating to conflicts of interest involving legislative duties; or<br><br>(v) A violation of any state law or House rule that brings discredit to the House of Representatives or that constitutes a breach of public trust. | Rule 52(B) The complaint shall be in writing, signed, verified and contain one or more of the following allegations:<br><br>(1) Substantial conduct unbecoming a Senator;<br><br>(2) A material violation of the Rules of the Senate . . .;<br><br>(3) A violation of any state law relating to the use of public office for private pecuniary gain;<br><br>(4) A violation of any state law relating to conflicts of interest; or<br><br>(5) A violation of any state law that brings discredit or embarrassment to the Senate or that constitutes a breach of public trust. | | | | |
| should the ethics committee organize routinely or only in the event of a complaint? | **2-2-135. Ethics committees.** (1) Each house of the legislature shall establish an ethics committee. Subject to 5-5-234, the committee must consist of two members of the majority party and two members of the minority party. The committees may meet jointly. Each committee shall educate members concerning the provisions of this part concerning legislators and may consider conflicts between public duty and private interest as provided in 2-2-112. The joint committee may consider matters affecting the entire legislature.<br><br>**5-2-205. Authority for standing committees to meet during interim.** . . . (3) An ethics committee provided for in 2-2-135 may meet at any time during the session or the interim. | S30-160. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a determination pursuant to subsection (4). . . .<br><br>(4) A Senator may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.<br><br>H30-70. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a determination pursuant to subsection (4). . . .<br><br>(4) A representative may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest. | | 301.018 (a) Each general investigating committee may begin work as soon as it desires after its members are appointed. | House Rule 45(1)(a). Within twelve days of the convening of the first regular session of each Legislature, an Ethics and House Policy Committee shall be organized and its membership shall be determined. . . .<br>(d) The committee shall elect one of the majority party members of the committee as chairman of the committee by a four-fifths majority vote . . . | Rule 52(A) . . . Whenever [a complaint concerning a violation of rules or law by a member of the Senate] is received [by the president pro tem], the President Pro Tempore shall appoint a committee on ethics of six members . . . | | | | Rule 5(A) The regular meeting day of the Committee shall be the second Tuesday of each month . . . When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered. |
| how should a complaint be filed? | | See S30-160 and H30-70. | 220(1). Questions that relate to the body or to its members in such a manner as to affect proper functioning of the body are questions of privilege. It is necessary that these questions be under the immediate control of the body. They relate to the rights and privileges of the body or to any of its members in their official capacity, or to the comfort and convenience of the body or its members in the performance of their official duties.<br><br>221. Some of the questions that are recognized as questions of privilege of the house are as follows: . . . (b) Expelling or censuring a member or the member's capacity to serve. . . . (e) Freedom from disturbance. (f) Disorderly conduct of members. . . .<br><br>226(2). It is in order to raise a question of privilege at any time. The presiding officer must decide whether it is a question of privilege and is of sufficient urgency to justify interrupting a speaker.<br><br>226(3). A member wishing to raise a question of privilege should rise and address the presiding officer and, without waiting to be recognized, say, "I rise to a question of privilege of the house" . . . | 9.03(a) An individual claiming to be aggrieved by a violation of the house rules, this resolution, or house policy related to appropriate workplace conduct may file a complaint with [the chair or vice chair of the house general investigation committee]. | House Rule 45(2)(a) The chairman of the Ethics and House Policy Committee shall receive complaints from any member of the House . . . (b) a complaint shall be in writing . . . (c) The complaint shall be specific . . . | Rule 52(A) The President Pro Tempore shall receive complaints from any Senator concerning the alleged violation of the Rules of the Senate or the provisions of applicable law by a member of the Senate. . . . | | **Rule No. 38. Complaints.** 1. A person may file a complaint alleging a breach of the Legislative Code of Ethical Standards in accordance with the Standing Rules of each House, except that a person may not file a complaint alleging the same or substantially similar conduct with more than one House.<br><br>2. If the complaint alleges an ethical breach by or against a Legislator or the ethical breach otherwise involves a particular Legislator, the complaint must be filed with the Legislator's House, even if the complaint also alleges an ethical breach by or against a member of legislative staff or a lobbyist. | | Rule 15 (a) A complaint submitted to the Committee shall be in writing, dated, and [notarized] setting forth in simple, concise, and direct statements--<br>(1) the name and legal address of the party filing the [complainant];<br>(2) the name and position or title of the respondent(s);<br>(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and<br>(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.<br>(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint. |
| should there be a "statute of limitations"? investigation of previous members? | **Article V, section 10. Organization and procedure.** (1) . . . Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members. | | 796(1). Either house of the legislature has the power to investigate and institute an inquiry into the truth of an alleged bribery of any of its members or the members of a previous legislature connected with its legislative functions. . . .<br><br>800(7). Either house may request, but not command, the attendance of a member of the other. In case a member refuses to attend or testify, the house desiring the member's testimony may make the request by message to the other house, expressing clearly the purpose of the attendance. | | House Rule 45(4)(a) The committee shall conduct an initial review of the written complaint and, by a four-fifths vote, shall dismiss any ethics complaint that: . . . (iii) Alleges violations that occurred either before the accused member was first elected to the House of Representatives or for which an applicable statute of limitation has run. | Rule 52(D) . . . The committee may dismiss any ethics complaint that: . . . (2) Contains alleged violations that occurred: (i) two years or more before the date on which the complaint was submitted to the committee; or (ii) before the accused Senator was sworn in to the Senate. | | | | 15(i) The committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress. |
| if we use the Texas model, how should it work in Montana? | | | | 9.03(f) If the respondent is a member of the house, the committee's investigation must be conducted by a competent individual who is not an officer, employee, or annuitant of state government. The prohibition under this subsection does not apply to a retired or former judge . . .<br>(g) The [investigator] shall only perform the investigative functions of determining facts and reporting those facts to the committee and shall not perform any other functions for, or provide other services to, the committee in connection with a complaint.<br><br>9.03(e) . . . The committee's rules . . . must include a due process hearing by the committee before a report is prepared under subsection (h) of this section. | | | | | | |
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| should the committee make a recommendation to the body? | | S.30-160(3). If there is a recommendation for the Ethics Committee, the recommendation is made to the Senate.<br><br>H.30-70(3). If there is a recommendation from the Ethics Committee, the recommendation is made to the House.<br><br>Why is this a question? The 2025 senate floor motion that convened the ethics committee didn't contemplate a recommendation. | | (h) If the committee [does not dismiss] the complaint, the committee shall determine whether the respondent violated a house rule, this resolution, or house policy as alleged in a complaint and shall prepare a report containing: (1) the committee's findings of fact and conclusions of law to support its final determination; and (2) if the committee finds that the respondent violated a house rule, this resolution, or house policy, a recommendation for any discipline or remedial action, in proportion to the seriousness of the conduct, necessary to prevent the violation from occurring again. | | Rule 52(F) . . . After the hearing, the committee may make recommendations to the Senate. The committee may recommend dismissal of the charges, reprimand, censure, or expulsion. | | | | Rule 24(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:<br>(1) Expulsion from the House of Representatives.<br>(2) Censure.<br>(3) Reprimand.<br>(4) Fine.<br>(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.<br>(6) Any other sanction determined by the Committee to be appropriate. |
| should there be a statement on rule amenability? should rules be legislative or judicial in style? | **Article V, section 10. Organization and procedure.** (1) . . . Each house shall . . . make rules for its proceedings. . . . | **E.10-40 (2025). Rule changes.** The committee may amend these rules by a majority vote.<br><br>See E.10-60 and E.10-70 (2025). | 562(3). A house, in passing upon the question of expelling a member, has the power to adopt any procedure and to change it at any time and without notice.<br><br>562(4) Adequate notice, formal charges and a public hearing with the right to cross-examine witnesses have been held to be necessary components of procedural due process that must be afforded to a member prior to expulsion.<br><br>798(2) Legislative bodies, by the mere employment of methods of procedure that resemble those employed or required in judicial proceedings, are not to be held to be engaged in the exercise of a judicial function and to be thereby infringing upon the area exclusively assigned to the judicial branch of state government. | 301.018 Each general investigating committee created under this subchapter shall meet, organize, and adopt rules of evidence and procedure and any other necessary rules. The committee rules may not conflict with Section 301.025. | | Rule 52(F) . . . The Senator complained against may request a hearing before the committee, before which he shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. | | | | Ethics Committee Rules, 1(c) when the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter. |
| should there be a statement on the ethics committee rules in relationship to general legislative rules/practices? | | **E.10-80 (2025). Referring to people and organizations by name.** (1) To promote clarity in the committee's fact-finding process, the legislative practice of avoiding referring to people and organizations by name is not operative.<br><br>(2) People should generally be referred to by last name, with an appropriate salutation (Mr., Ms., Dr., etc.) or with the person's elective or appointive title (Senator, Director, etc.).<br><br>**E.10-100 (2025). Mason's Manual.** In conformity with JR60-20 and S60-20, Mason's Manual of Legislative Procedure (2020) provides additional rules in all cases | | 9.03(k) To the extent of any conflict between this section and Rule 4 of the House Rules, this section prevails. | | Rule 52(H) The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations, and hearings, which rules shall be consistent with this rule and other applicable rules of the Senate and state statutes. | | | | |