

1 HOUSE JOINT RESOLUTION NO. 40

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY AND A PERFORMANCE AUDIT OF THE JUDICIAL
6 STANDARDS COMMISSION.

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8 WHEREAS, Article VII, section 11, of the Montana Constitution provides for removal and discipline of
9 judges and requires that the Legislature create a Judicial Standards Commission; and

10 WHEREAS, the Legislature has enacted Title 3, chapter 1, part 11, MCA, to create the commission and
11 provide for its operation; and

12 WHEREAS, the 2021 Legislature considered several bills related to the removal and discipline of
13 judges; and

14 WHEREAS, the Legislature provides authority in section 3-1-1125, MCA, to the Legislative Auditor to
15 audit the Judicial Standards Commission "to determine whether it is efficiently and effectively processing
16 complaints against judicial officers in the state" and includes the right of the Legislative Auditor to access
17 otherwise confidential materials; and

18 WHEREAS, the Legislature has not conducted a legislative interim study of the Judicial Standards
19 Commission using the interim committee study process; and

20 WHEREAS, gathering public comment related to matters contained in reports published as required by
21 section 3-1-1126, MCA, disclosed as required by section 3-1-1121, MCA, or otherwise available to the public
22 according to Title 3, chapter 1, part 11, MCA, will aid both in any scoping work done for a performance audit
23 and in the interim committee study process; and

24 WHEREAS, by prioritizing a performance audit and an interim study during the 2021-2022 interim, the
25 Legislature would benefit from a two-pronged review of the Judicial Standards Commission that could provide
26 additional information about the commission, its work, and any elements of its structure or operation that could
27 be improved through legislation.

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

3 (1) That the Legislative Council be requested to designate an appropriate interim committee or
4 statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the structure,
5 duties, and operation of the Judicial Standards Commission.

6 (2) That the Legislative Audit Committee be requested to prioritize a performance audit of the Judicial
7 Standards Commission to determine whether the commission is effectively and efficiently processing
8 complaints against judicial officers.

9 BE IT FURTHER RESOLVED, that the interim committee study:

10 (1) review the history, structure, and operation of the Judicial Standards Commission and other topics
11 selected by the interim committee;

12 (2) examine methods used by other states to resolve complaints against judicial officers; and

13 (3) involve the public and other stakeholders identified by the committee.

14 BE IT FURTHER RESOLVED, that if the Legislative Audit Committee conducts an audit of the Judicial
15 Standards Commission, the interim committee assigned to conduct the interim study also reviews the resulting
16 audit report and requests legislation, if needed, to enact any recommendations from the audit.

17 BE IT FURTHER RESOLVED, that if the interim committee study is assigned to staff, any findings or
18 conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

19 BE IT FURTHER RESOLVED, that all aspects of the interim committee study and the performance
20 audit, including presentation and review requirements, be concluded prior to September 15, 2022.

21 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
22 comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

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