

## 1 SENATE JOINT RESOLUTION NO. 40

2 INTRODUCED BY P. FLOWERS, K. BOGNER, F. MANDEVILLE, J. ESP, D. HAYMAN, M. REGIER, T.  
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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 THE LEGISLATIVE PROCUREMENT PROCESS AND  
7 THE USE OF HOUSE AND SENATE LEADERSHIP FUNDS; AND REQUIRING THAT THE FINAL RESULTS  
8 OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

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10 WHEREAS, Title 18, chapter 4, of the Montana Code Annotated is referred to as the Montana  
11 Procurement Act; and

12 WHEREAS, the purposes of the Montana Procurement Act are codified in section 18-4-122, MCA,  
13 which provides for increased public confidence in the procedures followed in public procurement and the  
14 continued development of procurement policies and practices; and

15 WHEREAS, the Montana Procurement Act is broadly applicable to a government body, which includes  
16 the Legislative Branch; and

17 WHEREAS, the Department of Administration has general procurement authority under the Montana  
18 Procurement Act, including the adoption of administrative rules regarding the procurement process, which  
19 impacts the procurement processes in the Legislative Branch; and

20 WHEREAS, the Legislative Branch and the Department of Administration have consistently entered  
21 into a delegation agreement that provides the Legislative Branch with the authority to enter certain types of  
22 contracts without the direct assistance of the Department of Administration; and

23 WHEREAS, contracts are executed for the benefit of the Legislative Branch and Legislative Branch  
24 divisions using the direct assistance of the Department of Administration for higher-value contracts and the  
25 indirect assistance of the Department of Administration for lower-value contracts through the use of a  
26 delegation agreement; and

27 WHEREAS, contracts are also executed for the benefit of legislative leaders of the House and the  
28 Senate using the direct assistance of nonpartisan Legislative Services Division staff and the indirect assistance

1 of the Department of Administration through the use of a delegation agreement; and

2 WHEREAS, the type of legislative leadership funds that are used in contracts varies based on the  
3 activities being sought by legislative leaders; and

4 WHEREAS, the procurement rules that are applied to specific contracts vary depending on a variety of  
5 factors in statute, in administrative rules, and in the delegation agreement; and

6 WHEREAS, legislative leaders of the House and the Senate do not receive formal training on the  
7 complexities of the procurement process; and

8 WHEREAS, the public and members of the Legislature do not always have a clear understanding of  
9 how leadership funds are allocated and expended.

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

13 That the Legislative Council study the procurement process in the Legislative Branch and the allocation  
14 and expenditure of leadership funds. The study must include:

15 (1) developing processes for procurement for the Legislative Branch, the Legislative Branch  
16 divisions, the House, and the Senate, including whether there is a need for more internal controls;

17 (2) determining the type of training necessary for House and Senate leadership in procurement  
18 procedures;

19 (3) providing more transparency to the public and members of the Legislature regarding the  
20 allocation and use of leadership funds; and

21 (4) considering revisions to the Montana Procurement Act as it applies to the Legislative Branch.

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

23 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
24 comments, or recommendations, be reported to the 70th Legislature.

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