

HOUSE BILL NO. 244

INTRODUCED BY THOMAS, B. BROWN, HOFFMAN, HARPER,
WHALEN, O'KEEFE, COBB

BY REQUEST OF THE SECRETARY OF STATE

IN THE HOUSE

JANUARY 17, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

JANUARY 18, 1991 FIRST READING.

JANUARY 24, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 25, 1991 PRINTING REPORT.

JANUARY 26, 1991 ON MOTION, CONSIDERATION PASSED.

JANUARY 28, 1991 SECOND READING, DO PASS.

JANUARY 29, 1991 ENGROSSING REPORT.

JANUARY 30, 1991 THIRD READING, PASSED.
AYES, 88; NOES, 12.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 7, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

FEBRUARY 9, 1991 SECOND READING, CONCURRED IN.

FEBRUARY 11, 1991 THIRD READING, CONCURRED IN.
AYES, 47; NOES, 1.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

FEBRUARY 23, 1991 REPORTED CORRECTLY ENROLLED.

FEBRUARY 25, 1991 SIGNED BY PRESIDENT.

SIGNED BY SPEAKER.

DELIVERED TO GOVERNOR.

FEBRUARY 28, 1991 RETURNED FROM GOVERNOR WITH RECOMMENDED AMENDMENTS.

MARCH 9, 1991 SECOND READING, GOVERNOR'S RECOMMENDED AMENDMENTS NOT CONCURRED IN.

IN THE SENATE

MARCH 23, 1991 SECOND READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN.

MARCH 25, 1991 THIRD READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN.

IN THE HOUSE

MARCH 27, 1991 ON MOTION, FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 28, 1991 ON MOTION, FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 17, 1991 FREE CONFERENCE COMMITTEE REPORTED.

APRIL 18, 1991 SECOND READING, FREE CONFERENCE COMMITTEE REPORT ADOPTED.

APRIL 19, 1991 THIRD READING, FREE CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 19, 1991 FREE CONFERENCE CONFERENCE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1991 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 244
 2 INTRODUCED BY Thomas Bob Brown
 3 BY REQUEST OF THE SECRETARY OF STATE Whalen
 4 Okufe Cobb

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 6 PROCEDURE FOR POLLING THE LEGISLATURE FOLLOWING VETO OF A
 7 BILL WHEN THE LEGISLATURE IS NOT IN SESSION; TO CLARIFY THE
 8 USE OF FACSIMILE SIGNATURES; AMENDING SECTIONS 5-2-105 AND
 9 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 5-2-105, MCA, is amended to read:

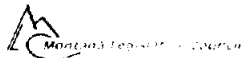
13 "5-2-105. Facsimile signatures authorized. (1) As used
 14 in this section, "facsimile signature" means a reproduction
 15 of the manual signature of a legislator by engraving,
 16 imprinting, stamping, facsimile transmission, or other
 17 means.

18 (2) On state documents requiring a signature, a
 19 legislator may use a facsimile signature in lieu of his
 20 manual signature. Before using a facsimile signature, the
 21 legislator shall file a copy of both his manual and or
 22 facsimile ~~signatures~~ signature, certified by him under oath,
 23 with the presiding officer of the house of which he is a
 24 member."

25 **Section 2.** Section 5-4-306, MCA, is amended to read:

1 "5-4-306. Return when legislature not in session. (1)
 2 If, on the day the governor desires to return a bill without
 3 his approval and with his objections thereto to the bill to
 4 the house in which it originated, that house has adjourned
 5 for the day (but not for the session), he may deliver the
 6 bill with his message to the presiding officer, secretary,
 7 clerk, or any member of such house. Such The delivery is as
 8 effectual as though returned in open session if the
 9 governor, on the first day the house is again in session, by
 10 message, notifies it of such the delivery and of the time
 11 when and the person to whom such the delivery was made.

12 (2) If the legislature is not in session when the
 13 governor vetoes a bill, he shall return the bill with his
 14 reasons for the veto to the secretary of state. ~~The~~ If the
 15 bill was not approved by two-thirds of the members present,
 16 as defined in the joint rules of the legislature, the
 17 secretary of state shall within 5 working days of receipt of
 18 the bill and veto message mail a copy of the title of the
 19 bill and the veto message to each member of the legislature.
 20 If the bill was approved by two-thirds of the members of
 21 each-house present, as defined in the joint rules of the
 22 legislature, the secretary of state shall poll the members
 23 of the legislature. The secretary of state shall within 5
 24 working days of receipt of the bill and veto message send by
 25 certified mail to each legislator, at an address provided by



-2- INTRODUCED BILL
 HB 244

1 the legislator, include-with a copy of the bill and the veto
2 message, instructions for casting a vote, and notice of the
3 date by which each legislator shall return his vote. The
4 date for return must be within 30 days after the date on
5 which the bill, and veto message, and voting instructions
6 are sent. A legislator may cast and return a vote by
7 delivering it in person, mailing it, or sending a facsimile
8 transmission of it to the office of the secretary of state.
9 The secretary of state shall tally the votes within 1
10 working day after the date for return of the votes. If
11 two-thirds or more of the members of each house vote to
12 override the veto, the bill shall become law.

13 (3) The legislature may reconvene to reconsider any
14 bill vetoed by the governor when the legislature is not in
15 session by using the statutory procedure provided for
16 convening in special session."

17 NEW SECTION. Section 3. Effective date. [This act] is
18 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 House BILL NO. 244
2 INTRODUCED BY Thomas Bob Brown
3 BY REQUEST OF THE SECRETARY OF STATE Whalen
4 Kufe Cobb

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
6 PROCEDURE FOR POLLING THE LEGISLATURE FOLLOWING VETO OF A
7 BILL WHEN THE LEGISLATURE IS NOT IN SESSION; TO CLARIFY THE
8 USE OF FACSIMILE SIGNATURES; AMENDING SECTIONS 5-2-105 AND
9 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 5-2-105, MCA, is amended to read:

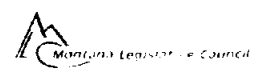
13 "5-2-105. Facsimile signatures authorized. (1) As used
14 in this section, "facsimile signature" means a reproduction
15 of the manual signature of a legislator by engraving,
16 imprinting, stamping, facsimile transmission, or other
17 means.

18 (2) On state documents requiring a signature, a
19 legislator may use a facsimile signature in lieu of his
20 manual signature. Before using a facsimile signature, the
21 legislator shall file a copy of both his manual and or
22 facsimile signatures signature, certified by him under oath,
23 with the presiding officer of the house of which he is a
24 member."

25 **Section 2.** Section 5-4-306, MCA, is amended to read:

1 "5-4-306. Return when legislature not in session. (1)
2 If, on the day the governor desires to return a bill without
3 his approval and with his objections thereto to the bill to
4 the house in which it originated, that house has adjourned
5 for the day (but not for the session), he may deliver the
6 bill with his message to the presiding officer, secretary,
7 clerk, or any member of such house. Such The delivery is as
8 effectual as though returned in open session if the
9 governor, on the first day the house is again in session, by
10 message, notifies it of such the delivery and of the time
11 when and the person to whom such the delivery was made.

12 (2) If the legislature is not in session when the
13 governor vetoes a bill, he shall return the bill with his
14 reasons for the veto to the secretary of state. ~~The~~ If the
15 bill was not approved by two-thirds of the members present,
16 as defined in the joint rules of the legislature, the
17 secretary of state shall within 5 working days of receipt of
18 the bill and veto message mail a copy of the title of the
19 bill and the veto message to each member of the legislature.
20 If the bill was approved by two-thirds of the members of
21 each-house present, as defined in the joint rules of the
22 legislature, the secretary of state shall poll the members
23 of the legislature. The secretary of state shall within 5
24 working days of receipt of the bill and veto message send by
25 certified mail to each legislator, at an address provided by



1. the legislator, include-with a copy of the bill and the veto
2 message, instructions for casting a vote, and notice of the
3 date by which each legislator shall return his vote. The
4 date for return must be within 30 days after the date on
5 which the bill, and veto message, and voting instructions
6 are sent. A legislator may cast and return a vote by
7 delivering it in person, mailing it, or sending a facsimile
8 transmission of it to the office of the secretary of state.
9 The secretary of state shall tally the votes within 1
10 working day after the date for return of the votes. If
11 two-thirds or more of the members of each house vote to
12 override the veto, the bill shall become law.

13 (3) The legislature may reconvene to reconsider any
14 bill vetoed by the governor when the legislature is not in
15 session by using the statutory procedure provided for
16 convening in special session."

17 NEW SECTION. Section 3. Effective date. [This act] is
18 effective on passage and approval.

-End-

1 House BILL NO. 244
 2 INTRODUCED BY Thomas Bob Brown Hoffman Stacy
 3 BY REQUEST OF THE SECRETARY OF STATE Whalen
 4 Rife Cobb

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 6 PROCEDURE FOR POLLING THE LEGISLATURE FOLLOWING VETO OF A
 7 BILL WHEN THE LEGISLATURE IS NOT IN SESSION; TO CLARIFY THE
 8 USE OF FACSIMILE SIGNATURES; AMENDING SECTIONS 5-2-105 AND
 9 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 5-2-105, MCA, is amended to read:
 13 "5-2-105. Facsimile signatures authorized. (1) As used
 14 in this section, "facsimile signature" means a reproduction
 15 of the manual signature of a legislator by engraving,
 16 imprinting, stamping, facsimile transmission, or other
 17 means.

18 (2) On state documents requiring a signature, a
 19 legislator may use a facsimile signature in lieu of his
 20 manual signature. Before using a facsimile signature, the
 21 legislator shall file a copy of both his manual and or
 22 facsimile signatures signature, certified by him under oath,
 23 with the presiding officer of the house of which he is a
 24 member."

25 **Section 2.** Section 5-4-306, MCA, is amended to read:

1 "5-4-306. Return when legislature not in session. (1)
 2 If, on the day the governor desires to return a bill without
 3 his approval and with his objections thereto to the bill to
 4 the house in which it originated, that house has adjourned
 5 for the day (but not for the session), he may deliver the
 6 bill with his message to the presiding officer, secretary,
 7 clerk, or any member of such house. Such The delivery is as
 8 effectual as though returned in open session if the
 9 governor, on the first day the house is again in session, by
 10 message, notifies it of such the delivery and of the time
 11 when and the person to whom such the delivery was made.

12 (2) If the legislature is not in session when the
 13 governor vetoes a bill, he shall return the bill with his
 14 reasons for the veto to the secretary of state. ~~The~~ If the
 15 bill was not approved by two-thirds of the members present,
 16 as defined in the joint rules of the legislature, the
 17 secretary of state shall within 5 working days of receipt of
 18 the bill and veto message mail a copy of the title of the
 19 bill and the veto message to each member of the legislature.
 20 If the bill was approved by two-thirds of the members of
 21 each-house present, as defined in the joint rules of the
 22 legislature, the secretary of state shall poll the members
 23 of the legislature. The secretary of state shall within 5
 24 working days of receipt of the bill and veto message send by
 25 certified mail to each legislator, at an address provided by



1 the legislator, include with a copy of the bill and the veto
2 message, instructions for casting a vote, and notice of the
3 date by which each legislator shall return his vote. The
4 date for return must be within 30 days after the date on
5 which the bill, and veto message, and voting instructions
6 are sent. A legislator may cast and return a vote by
7 delivering it in person, mailing it, or sending a facsimile
8 transmission of it to the office of the secretary of state.
9 The secretary of state shall tally the votes within 1
10 working day after the date for return of the votes. If
11 two-thirds or more of the members of each house vote to
12 override the veto, the bill shall become law.

13 (3) The legislature may reconvene to reconsider any
14 bill vetoed by the governor when the legislature is not in
15 session by using the statutory procedure provided for
16 convening in special session."

17 NEW SECTION. Section 3. Effective date. [This act] is
18 effective on passage and approval.

-End-

1 HOUSE BILL NO. 244

2 INTRODUCED BY THOMAS, B. BROWN, HOFFMAN, HARPER,

3 WHALEN, O'KEEFE, COBB

4 BY REQUEST OF THE SECRETARY OF STATE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
7 PROCEDURE FOR POLLING THE LEGISLATURE FOLLOWING VETO OF A
8 BILL WHEN THE LEGISLATURE IS NOT IN SESSION; TO CLARIFY THE
9 USE OF FACSIMILE SIGNATURES; AMENDING SECTIONS 5-2-105 AND
10 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 **Section 1.** Section 5-2-105, MCA, is amended to read:

14 "5-2-105. Facsimile signatures authorized. (1) As used
15 in this section, "facsimile signature" means a reproduction
16 of the manual signature of a legislator by engraving,
17 imprinting, stamping, facsimile transmission, or other
18 means.

19 (2) On state documents requiring a signature, a
20 legislator may use a facsimile signature in lieu of his
21 manual signature. Before using a facsimile signature, the
22 legislator shall file a copy of both his manual and or
23 facsimile signatures signature, certified by him under oath,
24 with the presiding officer of the house of which he is a
25 member."

1 **Section 2.** Section 5-4-306, MCA, is amended to read:

2 "5-4-306. Return when legislature not in session. (1)
3 If, on the day the governor desires to return a bill without
4 his approval and with his objections thereto to the bill to
5 the house in which it originated, that house has adjourned
6 for the day (but not for the session), he may deliver the
7 bill with his message to the presiding officer, secretary,
8 clerk, or any member of such house. Such The delivery is as
9 effectual as though returned in open session if the
10 governor, on the first day the house is again in session, by
11 message, notifies it of such the delivery and of the time
12 when and the person to whom such the delivery was made.

13 (2) If the legislature is not in session when the
14 governor vetoes a bill, he shall return the bill with his
15 reasons for the veto to the secretary of state. ~~The~~ If the
16 bill was not approved by two-thirds of the members present,
17 as defined in the joint rules of the legislature, the
18 secretary of state shall within 5 working days of receipt of
19 the bill and veto message mail a copy of the title of the
20 bill and the veto message to each member of the legislature.
21 If the bill was approved by two-thirds of the members of
22 each-house present, as defined in the joint rules of the
23 legislature, the secretary of state shall poll the members
24 of the legislature. The secretary of state shall within 5
25 working days of receipt of the bill and veto message send by

REFERENCE BILL

HB 244

1 certified mail to each legislator, at an address provided by
2 the legislator, include-with a copy of the bill and the veto
3 message, instructions for casting a vote, and notice of the
4 date by which each legislator shall return his vote. The
5 date for return must be within 30 days after the date on
6 which the bill, and veto message, and voting instructions
7 are sent. A legislator may cast and return a vote by
8 delivering it in person, mailing it, or sending a facsimile
9 transmission of it to the office of the secretary of state.
10 The secretary of state shall tally the votes within 1
11 working day after the date for return of the votes. If
12 two-thirds or more of the members of each house vote to
13 override the veto, the bill shall become law.

14 (3) The legislature may reconvene to reconsider any
15 bill vetoed by the governor when the legislature is not in
16 session by using the statutory procedure provided for
17 convening in special session."

18 NEW SECTION. Section 3. Effective date. [This act] is
19 effective on passage and approval.

-End-

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 244
(REFERENCE COPY, AS AMENDED)
February 28, 1991

1. Page 2, line 17.
Following: "present," on line 16
Strike: "as defined in the joint rules of the legislature,"
2. Page 2, lines 22 and 23.
Following: "present," on line 22
Strike: "as defined in the joint rules of the legislature,"

GOV. Amend.
HB 244

Free Conference Committee
on House Bill 244
Report No. 1, April 17, 1991

4-17-91
10:40am
[Signature]

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 244 (reference copy -- salmon) and recommend it be amended as follows:

1. Page 2, lines 16 and 17.
Strike: "present," on line 16 through "legislature" on line 17,
Insert: "voting on the final vote on the bill"
2. Page 2, lines 22 and 23.
Strike: "present," on line 22 through "legislature" on line 23
Insert: "voting on the final vote on the bill"

And this Free Conference Committee report be adopted.

For the House:

Paula Darko
Rep. Paula Darko, Chair

Fred Thomas
Rep. Fred Thomas

Mike Kadas
Rep. Mike Kadas

For the Senate:

Fred Van Valkenburg
Sen. Fred Van Valkenburg, Chair

Chet Blaylock
Sen. Chet Blaylock

Bob Brown
Sen. Robert Brown

ADOPT

REJECT

F.C.C.R. #1
HB 244
821012CC.HSF

HOUSE BILL NO. 244

INTRODUCED BY THOMAS, B. BROWN, HOFFMAN, HARPER,

WHALEN, O'KEEFE, COBB

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROCEDURE FOR POLLING THE LEGISLATURE FOLLOWING VETO OF A BILL WHEN THE LEGISLATURE IS NOT IN SESSION; TO CLARIFY THE USE OF FACSIMILE SIGNATURES; AMENDING SECTIONS 5-2-105 AND 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-2-105, MCA, is amended to read:

"5-2-105. Facsimile signatures authorized. (1) As used in this section, "facsimile signature" means a reproduction of the manual signature of a legislator by engraving, imprinting, stamping, facsimile transmission, or other means.

(2) On state documents requiring a signature, a legislator may use a facsimile signature in lieu of his manual signature. Before using a facsimile signature, the legislator shall file a copy of both his manual and or facsimile ~~signatures~~ signature, certified by him under oath, with the presiding officer of the house of which he is a member."

Section 2. Section 5-4-306, MCA, is amended to read:

"5-4-306. Return when legislature not in session. (1)

If, on the day the governor desires to return a bill without his approval and with his objections thereto to the bill to the house in which it originated, that house has adjourned for the day (but not for the session), he may deliver the bill with his message to the presiding officer, secretary, clerk, or any member of such house. Such The delivery is as effectual as though returned in open session if the governor, on the first day the house is again in session, by message, notifies it of such the delivery and of the time when and the person to whom such the delivery was made.

(2) If the legislature is not in session when the governor vetoes a bill, he shall return the bill with his reasons for the veto to the secretary of state. The If the bill was not approved by two-thirds of the members present, as--defined--in-the-joint-rules-of-the-legislature VOTING ON THE FINAL VOTE ON THE BILL, the secretary of state shall within 5 working days of receipt of the bill and veto message mail a copy of the title of the bill and the veto message to each member of the legislature. If the bill was approved by two-thirds of the members of-each-house present, as-defined-in-the-joint-rules-of-the-legislature VOTING ON THE FINAL VOTE ON THE BILL, the secretary of state shall poll the members of the legislature. The secretary of state

1 shall within 5 working days of receipt of the bill and veto
2 message send by certified mail to each legislator, at an
3 address provided by the legislator, include-with a copy of
4 the bill and the veto message, instructions for casting a
5 vote, and notice of the date by which each legislator shall
6 return his vote. The date for return must be within 30 days
7 after the date on which the bill, and veto message, and
8 voting instructions are sent. A legislator may cast and
9 return a vote by delivering it in person, mailing it, or
10 sending a facsimile transmission of it to the office of the
11 secretary of state. The secretary of state shall tally the
12 votes within 1 working day after the date for return of the
13 votes. If two-thirds or more of the members of each house
14 vote to override the veto, the bill shall become law.

15 (3) The legislature may reconvene to reconsider any
16 bill vetoed by the governor when the legislature is not in
17 session by using the statutory procedure provided for
18 convening in special session."

19 NEW SECTION. Section 3. Effective date. [This act] is
20 effective on passage and approval.

-End-