

1 *Senate* BILL NO. 51  
 2 INTRODUCED BY Stony, Galt, Durr  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE  
 5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE  
 6 CONSTITUTION TO REQUIRE A TWO-THIRDS VOTE OF EACH HOUSE OF  
 7 THE LEGISLATURE TO OVERRIDE A GUBERNATORIAL VETO, TO  
 8 DETERMINE GUBERNATORIAL DISABILITY, TO CALL A CONSTITUTIONAL  
 9 CONVENTION, OR TO PROPOSE CONSTITUTIONAL AMENDMENTS;  
 10 CLARIFYING THE VOTE REQUIREMENT IN THE CASE OF GUBERNATORIAL  
 11 VETO OR DISABILITY AND CHANGING THE VOTE REQUIREMENT FROM  
 12 TWO-THIRDS OF THE ENTIRE MEMBERSHIP IN THE CASE OF  
 13 CONSTITUTIONAL CONVENTION OR AMENDMENTS."

14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Article VI, section 10, of the Montana  
 17 constitution is amended to read as follows:

18 "Section 10. Veto power. (1) Each bill passed by the  
 19 legislature, except bills proposing amendments to the  
 20 Montana constitution, bills ratifying proposed amendments to  
 21 the United States constitution, resolutions, and initiative  
 22 and referendum measures, shall be submitted to the governor  
 23 for his signature. If he does not sign or veto the bill  
 24 within five days after its delivery to him if the  
 25 legislature is in session or within 25 days if the

1 legislature is adjourned, it shall become law. The governor  
 2 shall return a vetoed bill to the legislature with a  
 3 statement of his reasons therefor.

4 (2) The governor may return any bill to the  
 5 legislature with his recommendation for amendment. If the  
 6 legislature passes the bill in accordance with the  
 7 governor's recommendation, it shall again return the bill to  
 8 the governor for his reconsideration. The governor shall not  
 9 return a bill for amendment a second time.

10 (3) If after receipt of a veto message, two-thirds of  
 11 the members present of each house of the legislature approve  
 12 the bill, it shall become law.

13 (4) If the legislature is not in session when the  
 14 governor vetoes a bill, he shall return the bill with his  
 15 reasons therefor to the legislature as provided by law. The  
 16 legislature may reconvene to reconsider any bill so vetoed.

17 (5) The governor may veto items in appropriation  
 18 bills, and in such instances the procedure shall be the same  
 19 as upon veto of an entire bill."

20 Section 2. Article VI, section 14, of the Montana  
 21 constitution is amended to read as follows:

22 "Section 14. Succession. (1) If the governor-elect is  
 23 disqualified or dies, the lieutenant governor-elect upon  
 24 qualifying for the office shall become governor for the full  
 25 term. If the governor-elect fails to assume office for any

1 other reason, the lieutenant governor-elect upon qualifying  
2 as such shall serve as acting governor until the  
3 governor-elect is able to assume office, or until the office  
4 becomes vacant.

5 (2) The lieutenant governor shall serve as acting  
6 governor when so requested in writing by the governor. After  
7 the governor has been absent from the state for more than 45  
8 consecutive days, the lieutenant governor shall serve as  
9 acting governor.

10 (3) He shall serve as acting governor when the  
11 governor is so disabled as to be unable to communicate to  
12 the lieutenant governor the fact of his inability to perform  
13 the duties of his office. The lieutenant governor shall  
14 continue to serve as acting governor until the governor is  
15 able to resume the duties of his office.

16 (4) Whenever, at any other time, the lieutenant  
17 governor and attorney general transmit to the legislature  
18 their written declaration that the governor is unable to  
19 discharge the powers and duties of his office, the  
20 legislature shall convene to determine whether he is able to  
21 do so.

22 (5) If the legislature, within 21 days after  
23 convening, determines by two-thirds vote of ~~its~~ its members  
24 of each house that the governor is unable to discharge the  
25 powers and duties of his office, the lieutenant governor

1 shall serve as acting governor. Thereafter, when the  
2 governor transmits to the legislature his written  
3 declaration that no inability exists, he shall resume the  
4 powers and duties of his office within 15 days, unless the  
5 legislature determines otherwise by two-thirds vote of ~~its~~  
6 the members of each house. If the legislature so  
7 determines, the lieutenant governor shall continue to serve  
8 as acting governor.

9 (6) If the office of governor becomes vacant by reason  
10 of death, resignation, or disqualification, the lieutenant  
11 governor shall become governor for the remainder of the  
12 term, except as provided in this constitution.

13 (7) Additional succession to fill vacancies shall be  
14 provided by law.

15 (8) When there is a vacancy in the office of governor,  
16 the successor shall be the governor. The acting governor  
17 shall have the powers and duties of the office of governor  
18 only for the period during which he serves.\*

19 Section 3. Article XIV, section 1, of the Montana  
20 constitution is amended to read as follows:

21 \*Section 1. Constitutional convention. The  
22 legislature, by an affirmative vote of two-thirds of ~~all~~ the  
23 members, ~~whether one or more bodies of each house,~~ of each house, may at  
24 any time submit to the qualified electors the question of  
25 whether there shall be an unlimited convention to revise,

1 alter, or amend this constitution."

2 Section 4. Article XIV, section 8, of the Montana  
3 constitution is amended to read as follows:

4 "Section 8. Amendment by legislative referendum.  
5 Amendments to this constitution may be proposed by any  
6 member of the legislature. If adopted by an affirmative roll  
7 call vote of two-thirds of ~~all~~ the members thereof ~~whether~~  
8 ~~one-or-more-bodies of each house~~, the proposed amendment  
9 shall be submitted to the qualified electors at the next  
10 general election. If approved by a majority of the electors  
11 voting thereon, the amendment shall become a part of this  
12 constitution on the first day of July after certification of  
13 the election returns unless the amendment provides  
14 otherwise."

15 Section 5. Submission to electorate. When this  
16 amendment is submitted to the qualified electors of Montana,  
17 there shall be printed on the ballot the full title,  
18 sections 1, 2, 3, and 4 of this act, and the following  
19 words:

20  FOR the above amendment requiring a uniform vote of  
21 two-thirds of the members of each house of the  
22 legislature to override a gubernatorial veto, to  
23 determine gubernatorial disability, to call a  
24 constitutional convention, and to propose  
25 constitutional amendments.

1  AGAINST the above amendment and for continuing the  
2 present two-thirds vote requirements.

-End-

Approved by Committee  
on State Administration

## SENATE BILL NO. 51

INTRODUCED BY STORY, GALT, DOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE CONSTITUTION TO REQUIRE A TWO THIRDS VOTE OF EACH HOUSE OF THE LEGISLATURE TO OVERRIDE A GUBERNATORIAL VETO, TO DETERMINE GUBERNATORIAL DISABILITY, TO CALL A CONSTITUTIONAL CONVENTION, OR TO PROPOSE CONSTITUTIONAL AMENDMENTS; CLARIFYING THE VOTE REQUIREMENT IN THE CASE OF GUBERNATORIAL VETO OR GUBERNATORIAL DISABILITY AND CHANGING THE VOTE REQUIREMENT FROM TWO THIRDS OF THE ENTIRE MEMBERSHIP IN THE CASE OF, AND CALLING OF A CONSTITUTIONAL CONVENTION OR AMENDMENTS."

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

Section 1. Article VI, section 10, of the Montana constitution is amended to read as follows:

"Section 10. Veto power. (1) Each bill passed by the legislature, except bills proposing amendments to the Montana constitution, bills ratifying proposed amendments to the United States constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor for his signature. If he does not sign or veto the bill within five days after its delivery to him if the

legislature is in session or within 25 days if the legislature is adjourned, it shall become law. The governor shall return a vetoed bill to the legislature with a statement of his reasons therefor.

(2) The governor may return any bill to the legislature with his recommendation for amendment. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the governor for his reconsideration. The governor shall not return a bill for amendment a second time.

(3) If after receipt of a veto message, two-thirds of the members present of each house of the legislature PRESENT AND VOTING approve the bill, it shall become law.

(4) If the legislature is not in session when the governor vetoes a bill, he shall return the bill with his reasons therefor to the legislature as provided by law. The legislature may reconvene to reconsider any bill so vetoed.

(5) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill."

Section 2. Article VI, section 14, of the Montana constitution is amended to read as follows:

"Section 14. Succession. (1) If the governor-elect is disqualified or dies, the lieutenant governor-elect upon qualifying for the office shall become governor for the full

1 term. If the governor-elect fails to assume office for any  
2 other reason, the lieutenant governor-elect upon qualifying  
3 as such shall serve as acting governor until the  
4 governor-elect is able to assume office, or until the office  
5 becomes vacant.

6 (2) The lieutenant governor shall serve as acting  
7 governor when so requested in writing by the governor. After  
8 the governor has been absent from the state for more than 45  
9 consecutive days, the lieutenant governor shall serve as  
10 acting governor.

11 (3) He shall serve as acting governor when the  
12 governor is so disabled as to be unable to communicate to  
13 the lieutenant governor the fact of his inability to perform  
14 the duties of his office. The lieutenant governor shall  
15 continue to serve as acting governor until the governor is  
16 able to resume the duties of his office.

17 (4) Whenever, at any other time, the lieutenant  
18 governor and attorney general transmit to the legislature  
19 their written declaration that the governor is unable to  
20 discharge the powers and duties of his office, the  
21 legislature shall convene to determine whether he is able to  
22 do so.

23 (5) If the legislature, within 21 days after  
24 convening, determines by two-thirds vote of ~~its~~ the members  
25 of each house that the governor is unable to discharge the

1 powers and duties of his office, the lieutenant governor  
2 shall serve as acting governor. Thereafter, when the  
3 governor transmits to the legislature his written  
4 declaration that no inability exists, he shall resume the  
5 powers and duties of his office within 15 days, unless the  
6 legislature determines otherwise by two-thirds vote of ~~its~~  
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8 determines, the lieutenant governor shall continue to serve  
9 as acting governor.

10 (6) If the office of governor becomes vacant by reason  
11 of death, resignation, or disqualification, the lieutenant  
12 governor shall become governor for the remainder of the  
13 term, except as provided in this constitution.

14 (7) Additional succession to fill vacancies shall be  
15 provided by law.

16 (8) When there is a vacancy in the office of governor,  
17 the successor shall be the governor. The acting governor  
18 shall have the powers and duties of the office of governor  
19 only for the period during which he serves."

20 Section 3. Article IV, section 1, of the Montana  
21 constitution is amended to read as follows:

22 "Section 1. Constitutional convention. The  
23 legislature, by an affirmative vote of two-thirds of all the  
24 ~~members, whether one or more bodies of each house,~~ may at  
25 any time submit to the qualified electors the question of

1 whether there shall be an unlimited convention to revise,  
2 alter, or amend this constitution."

3 ~~Section 4. Article XIV, section 8, of the Montana~~  
4 ~~constitution is amended to read as follows:~~

5 ~~"Section 8. Amendment by legislative referendum.~~  
6 ~~Amendments to this constitution may be proposed by any~~  
7 ~~member of the legislature. If adopted by an affirmative roll~~  
8 ~~call vote of two-thirds of all the members thereof, whether~~  
9 ~~one or more bodies of each house, the proposed amendment~~  
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11 ~~general election. If approved by a majority of the electors~~  
12 ~~voting thereon, the amendment shall become a part of this~~  
13 ~~constitution on the first day of July after certification of~~  
14 ~~the election returns unless the amendment provides~~  
15 ~~otherwise."~~

16 Section 4. Submission to electorate. When this  
17 amendment is submitted to the qualified electors of Montana,  
18 there shall be printed on the ballot the full title,  
19 sections 1, 2, 3, and 4 of this act, and the following  
20 words:

21  FOR the above amendment ~~requiring a uniform vote of~~  
22 ~~two-thirds of the members of each house of the~~  
23 ~~legislature to override a gubernatorial veto, to~~  
24 ~~determine gubernatorial disability, to call a~~  
25 ~~constitutional convention, and to propose~~

1 ~~constitutional amendments~~ CLARIFYING THE VOTE  
2 REQUIREMENT IN THE CASE OF GUBERNATORIAL VETO,  
3 GUBERNATORIAL DISABILITY, AND CALLING OF A  
4 CONSTITUTIONAL CONVENTION.

5  AGAINST the above amendment and for continuing the  
6 present two-thirds vote requirements.

-End-

## SENATE BILL NO. 51

INTRODUCED BY STORY, GALT, DOVER

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Section 1. Article VI, section 10, of the Montana constitution is amended to read as follows:

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legislature is in session or within 25 days if the legislature is adjourned, it shall become law. The governor shall return a vetoed bill to the legislature with a statement of his reasons therefor.

(2) The governor may return any bill to the legislature with his recommendation for amendment. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the governor for his reconsideration. The governor shall not return a bill for amendment a second time.

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2 other reason, the lieutenant governor-elect upon qualifying  
3 as such shall serve as acting governor until the  
4 governor-elect is able to assume office, or until the office  
5 becomes vacant.

6 (2) The lieutenant governor shall serve as acting  
7 governor when so requested in writing by the governor. After  
8 the governor has been absent from the state for more than 45  
9 consecutive days, the lieutenant governor shall serve as  
10 acting governor.

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12 governor is so disabled as to be unable to communicate to  
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14 the duties of his office. The lieutenant governor shall  
15 continue to serve as acting governor until the governor is  
16 able to resume the duties of his office.

17 (4) Whenever, at any other time, the lieutenant  
18 governor and attorney general transmit to the legislature  
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21 legislature shall convene to determine whether he is able to  
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24 convening, determines by two-thirds vote of ~~its~~ the members  
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8 determines, the lieutenant governor shall continue to serve  
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11 of death, resignation, or disqualification, the lieutenant  
12 governor shall become governor for the remainder of the  
13 term, except as provided in this constitution.

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17 the successor shall be the governor. The acting governor  
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19 only for the period during which he serves."

20 Section 3. Article XIV, section 1, of the Montana  
21 constitution is amended to read as follows:

22 "Section 1. Constitutional convention. The  
23 legislature, by an affirmative vote of two-thirds of ~~all~~ the  
24 ~~members, whether one or more bodies of each house,~~ members, may at  
25 any time submit to the qualified electors the question of



1 whether there shall be an unlimited convention to revise,  
2 alter, or amend this constitution."

3 ~~Section 4, Article XIV, section 8, of the Montana~~  
4 ~~constitution is amended to read as follows:~~

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6 ~~Amendments to this constitution may be proposed by any~~  
7 ~~member of the legislature. If adopted by an affirmative roll~~  
8 ~~call vote of two thirds of all the members thereof, whether~~  
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12 ~~voting thereon, the amendment shall become a part of this~~  
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17 amendment is submitted to the qualified electors of Montana,  
18 there shall be printed on the ballot the full title,  
19 sections 1, 2, 3, and 4 of this act, and the following  
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SENATE BILL NO. 51

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THIRD READING  
Second Printing

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19 ~~constitution on the first day of July after certification of~~  
20 ~~the election returns unless the amendment provides~~  
21 ~~otherwise."~~

22 SECTION 4. ARTICLE XIV, SECTION 8, OF THE MONTANA  
23 CONSTITUTION IS AMENDED TO READ AS FOLLOWS:

24 "Section 8. Amendment by legislative referendum.  
25 Amendments to this constitution may be proposed by any

1 member of the legislature. If adopted by an affirmative  
2 roll call vote of two-thirds of all the members thereof,  
3 ~~whether one or more bodies of each house,~~ the proposed  
4 amendment shall be submitted to the qualified electors at  
5 the next general election. If approved by a majority of the  
6 electors voting thereon, the amendment shall become a part  
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8 certification of the election returns unless the amendment  
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10 Section 5. Submission to electorate. When this  
11 amendment is submitted to the qualified electors of Montana,  
12 there shall be printed on the ballot the full title,  
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14 words:

15  FOR the above amendment ~~requiring a uniform vote of~~  
16 ~~two-thirds of the members of each house of the~~  
17 ~~legislature to override a gubernatorial veto, to~~  
18 ~~determine gubernatorial disability, to call a~~  
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21 REQUIREMENT IN THE CASE OF GUBERNATORIAL VETO,  
22 GUBERNATORIAL DISABILITY, AND CALLING OF A  
23 CONSTITUTIONAL CONVENTION REQUIRING A UNIFORM VOTE OF  
24 TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF THE  
25 LEGISLATURE TO OVERRIDE A GUBERNATORIAL VETO, TC

1 DETERMINE GUBERNATORIAL DISABILITY, TO CALL A  
2 CONSTITUTIONAL CONVENTION, AND TO PROPOSE  
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-End-