

House Bill 108

In The House

January 7, 1981	Introduced and referred to Committee on Rules.
January 9, 1981	Fiscal note requested.
January 12, 1981	Fiscal note returned.
January 22, 1981	Rereferred to Committee on State Administration.
February 3, 1981	Committee recommend bill do pass as amended.
February 4, 1981	Bill printed and placed on members desks.
February 6, 1981	Second reading do pass.
February 7, 1981	Correctly engrossed.
February 9, 1981	Third reading passed.

In The Senate

February 10, 1981	Introduced and referred to Committee on State Administration.
March 5, 1981	Committee recommend bill not concurred.

In The House

March 5, 1981	Returned from Senate not concurred.
---------------	-------------------------------------

1 HOUSE BILL NO. 108  
2 INTRODUCED BY Edison Keyser-Jesse Wadsworth  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
5 5-4-306, MCA, PROVIDING FOR A POLLING PROCEDURE BY THE  
6 SECRETARY OF STATE OF THE LEGISLATORS WHEN THE LEGISLATURE  
7 IS NOT IN SESSION AND THE GOVERNOR VETDES A BILL AND  
8 PROVIDING FOR AN EFFECTIVE DATE WHICH IS BASED ON THE DATE  
9 OF APPROVAL BY THE ELECTORATE OF MONTANA OF A CONSTITUTIONAL  
10 AMENDMENT REQUIRING A POLL BY THE SECRETARY OF STATE."

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

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

13 "5-4-306. Return when legislature not in session. (1)  
14 If, on the day the governor desires to return a bill without  
15 his approval and with his objections thereto to the house in  
16 which it originated, that house has adjourned for the day  
17 (but not for the session), he may deliver the bill with his  
18 message to the presiding officer, secretary, clerk, or any  
19 member of such house. Such delivery is as effectual as  
20 though returned in open session if the governor, on the  
21 first day the house is again in session, by message,  
22 notifies it of such delivery and of the time when and the  
23 person to whom such delivery was made.

24 (2) If the legislature is not in session when the  
25

1 governor vetoes a bill, he shall return the bill with his  
2 reasons for the veto to the secretary of state. The  
3 secretary of state shall immediately ~~mail a copy of the bill~~  
4 ~~and the veto message to each member of the legislature~~  
5 initiate a polling procedure of the legislators in  
6 accordance with [section 2].

7 ~~(3) The legislature may reconvene to reconsider any~~  
8 ~~bill so vetoed by using the statutory procedure provided for~~  
9 ~~convening in special session"~~

10 NEW SECTION. Section 2. Procedure for polling  
11 legislators to determine intent to override the governor's  
12 veto. (1) Within 3 days after the secretary of state  
13 receives a bill under 5-4-306(2), the secretary of state  
14 shall send to each member of the legislature by certified  
15 mail a ballot that contains:

- 16 (a) a copy of the bill and the veto message;
- 17 (b) the date by which legislators must return the  
18 ballot, which may not be more than 15 days after the date on  
19 which the ballots are mailed by the secretary of state; and
- 20 (c) a stamped return envelope.

21 (2) The secretary of state shall keep the ballots  
22 secret until all legislators have voted or until the day  
23 after the date set for return of the ballots, whichever  
24 occurs first.

25 Section 3. Effective date. This act is effective

LC 0847/01

1 immediately upon approval by the electorate of Montana in a  
2 general election of a constitutional amendment specifically  
3 providing for polling of the legislators whenever the  
4 governor vetoes a bill and the legislature is not in  
5 session.

-End-

## STATE OF MONTANA

REQUEST NO. 65-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received Jan. 9, 19 81, there is hereby submitted a Fiscal Note for House Bill 108 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Proposal to change polling procedure of the Legislature whenever the Governor vetoes a bill and the Legislature is not in session.

## ASSUMPTIONS:

1. Number of bills requiring proposed polling procedure not to exceed three (3) per legislative session.
2. Costs of placing proposed constitutional amendment on 1982 ballot can be absorbed into Secretary of State's requested budget.
3. Proposed polling procedure becomes effective for bills originating with the Forty Eighth Legislature.


FISCAL IMPACT:	<u>FY'82</u>	<u>FY'83</u>	<u>BIENNIUM</u>
Expenditures under proposed legislation	-0-	\$900	\$900
Expenditures under current statute	-0-	225	225
Net impact of proposed legislation	-0-	675	675
INCREASED COST FOR BIENNIUM			<u>\$675</u>

## LOCAL IMPACT:

None anticipated.

## LONG-RUN EFFECTS:

None anticipated.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: \_\_\_\_\_

Approved by Comm.  
on Rules

HOUSE BILL NO. 108

INTRODUCED BY ELLISON, KEYSER, IVERSON, NOROTVEIT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5-4-306, MCA, PROVIDING FOR A POLLING PROCEDURE BY THE SECRETARY OF STATE OF THE LEGISLATORS WHEN THE LEGISLATURE IS NOT IN SESSION AND THE GOVERNOR VETOES A BILL AND PROVIDING FOR AN EFFECTIVE DATE WHICH IS BASED ON THE DATE OF APPROVAL BY THE ELECTORATE OF MONTANA OF A CONSTITUTIONAL AMENDMENT REQUIRING A POLL BY THE SECRETARY OF STATE."

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

Section 1. 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 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 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 delivery and of the time when and the person to whom such 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 secretary of state shall immediately ~~mail a copy of the bill and the veto message to each member of the legislature~~ initiate a polling procedure of the legislators in accordance with [section 2].

~~(3) The legislature may reconvene to reconsider any bill so vetoed by using the statutory procedure provided for convening in special session.~~ (3) THE LEGISLATURE MAY RECONVENE TO RECONSIDER ANY BILL SO VETUED BY USING THE STATUTORY PROCEDURE PROVIDED FOR CONVENING IN SPECIAL SESSION."

NEW SECTION. Section 2. Procedure for polling legislators to determine intent to override the governor's veto. (1) Within 3 days after the secretary of state receives a bill under 5-4-306(2), the secretary of state shall send to each member of the legislature by certified mail a ballot that contains:

(a) a copy of the bill and the veto message;  
(b) the date by which legislators must return the ballot, which may not be more than 15 days after the date on which the ballots are mailed by the secretary of state; and  
(c) a stamped return envelope.

(2) The secretary of state shall keep the ballots secret until all legislators have voted or until the day

1 after the date set for return of the ballots, whichever  
2 occurs first.

3 (3) IF TWO-THIRDS OR MORE OF THE MEMBERS VOTE TO  
4 OVERRIDE THE VETO, THE BILL BECOMES LAW ON JULY 1 IN THE  
5 SAME YEAR THAT THE BILL WAS INTRODUCED, NOTWITHSTANDING ANY  
6 EARLIER EFFECTIVE DATE CONTAINED IN THE BILL. IF THE BILL  
7 CONTAINS AN EFFECTIVE DATE THAT IS LATER THAN JULY 1, THE  
8 BILL BECOMES EFFECTIVE ON THE LATER DATE.

9 Section 3. Effective date. This act is effective  
10 immediately upon approval by the electorate of Montana in a  
11 general election of a constitutional amendment specifically  
12 providing for polling of the legislators whenever the  
13 governor vetoes a bill and the legislature is not in  
14 session.

-End-

## HOUSE BILL NO. 108

INTRODUCED BY ELLISON, KEYSER, IVERSON, NORDTVEIT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5-4-306, MCA, PROVIDING FOR A POLLING PROCEDURE BY THE SECRETARY OF STATE OF THE LEGISLATORS WHEN THE LEGISLATURE IS NOT IN SESSION AND THE GOVERNOR VETOES A BILL AND PROVIDING FOR AN EFFECTIVE DATE WHICH IS BASED ON THE DATE OF APPROVAL BY THE ELECTORATE OF MONTANA OF A CONSTITUTIONAL AMENDMENT REQUIRING A POLL BY THE SECRETARY OF STATE."

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

Section 1. 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 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 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 delivery and of the time when and the person to whom such 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 secretary of state shall immediately mail a copy of the bill and the veto message to each member of the legislature initiate a polling procedure of the legislators in accordance with [section 2].

~~(3) The legislature may reconvene to reconsider any bill so vetoed by using the statutory procedure provided for convening in special session.~~ (3) THE LEGISLATURE MAY RECONVENE TO RECONSIDER ANY BILL SO VETOED BY USING THE STATUTORY PROCEDURE PROVIDED FOR CONVENING IN SPECIAL SESSION.

NEW SECTION. Section 2. Procedure for polling legislators to determine intent to override the governor's veto. (1) Within 3 days after the secretary of state receives a bill under 5-4-306(2), the secretary of state shall send to each member of the legislature by certified mail a ballot that contains:

(a) a copy of the bill and the veto message;

(b) the date by which legislators must return the ballot, which may not be more than 15 days after the date on which the ballots are mailed by the secretary of state; and

(c) a stamped return envelope.

(2) The secretary of state shall keep the ballots secret until all legislators have voted or until the day

1 after the date set for return of the ballots, whichever  
2 occurs first.

3 (3) IF TWO-THIRDS OR MORE OF THE MEMBERS VOTE TO  
4 OVERRIDE THE VETO, THE BILL BECOMES LAW ON JULY 1 IN THE  
5 SAME YEAR THAT THE BILL WAS INTRODUCED, NOTWITHSTANDING ANY  
6 EARLIER EFFECTIVE DATE CONTAINED IN THE BILL. IF THE BILL  
7 CONTAINS AN EFFECTIVE DATE THAT IS LATER THAN JULY 1, THE  
8 BILL BECOMES EFFECTIVE ON THE LATER DATE.

9 Section 3. Effective date. This act is effective  
10 immediately upon approval by the electorate of Montana in a  
11 general election of a constitutional amendment specifically  
12 providing for polling of the legislators whenever the  
13 governor vetoes a bill and the legislature is not in  
14 session.

-End-