

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SPECIAL SESSION LEGISLATIVE POLLING
5 LAWS; INCREASING THE NUMBER OF LEGISLATORS REQUIRED TO TRIGGER A SPECIAL SESSION
6 POLL; REQUIRING THAT THE REQUEST FOR A SPECIAL SESSION INCLUDE DRAFT LEGISLATION TO
7 BE PROPOSED DURING THE SPECIAL SESSION; AMENDING SECTIONS 5-3-105 AND 5-3-106, MCA;
8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 5-3-105, MCA, is amended to read:

13 **"5-3-105. Request by ~~40~~ 30 members to poll legislators.** (1) When the legislature is not in session,
14 any ~~40~~ 30 members may in writing request the secretary of state to poll the legislators to determine if a majority
15 are in favor of a special session.

16 (2) The request must ~~state~~ include:

17 (a) the conditions warranting the call of a special session;

18 (b) the purposes of the special session; and

19 (c) draft legislation to be proposed during the special session drafted by the legislative services
20 division as provided in subsection (3); and

21 (d) the proposed convening date and time of the special session.

22 (3) A legislator may request the legislative services division staff to draft legislation to be proposed
23 during the special session."

24
25 **Section 2.** Section 5-3-106, MCA, is amended to read:

26 **"5-3-106. Procedure for polling legislators.** (1) Within 5 days after receiving a request, the
27 secretary of state shall send to all legislators by certified mail a ballot that contains:

28 (a) the names of the legislators making the request;

- 1 (b) the reasons for calling the special session;
- 2 (c) the purposes of the special session;
- 3 (d) draft legislation to be proposed during the special session drafted by the legislative services
- 4 division as provided in 5-3-105;
- 5 (e) the requested convening date and time of the special session;
- 6 (f) subject to subsection (2), the date by which legislators shall return the ballot, which may not be
- 7 more than 30 days after the date of the mailing of the ballots; and
- 8 (g) a stamped return envelope.
- 9 (2) Within 2 calendar days after receiving a request to consider an existing state of emergency or
- 10 disaster declared under the authority of 10-3-303, the secretary of state shall send a ballot that complies with
- 11 subsection (1) using any reasonable and reliable means, including electronic delivery, and is not required to
- 12 use certified mail. The date by which legislators shall return the ballot specified in this subsection (2) may not
- 13 be more than 7 calendar days after the date the ballots were sent."

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

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