

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS FOR WHAT CONSTITUTES
5 DELIVERY AND RECEIPT OF A VETOED BILL AND THE GOVERNOR'S MESSAGE WHEN THE
6 LEGISLATURE IS IN SESSION; AMENDING SECTION 5-4-306, MCA; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 5-4-306, MCA, is amended to read:

12 **"5-4-306. Return when legislature not in session.** (1) (a) If, on the day the governor desires to
13 return a bill without approval and with objections to the bill to the house in which it originated, that house has
14 adjourned for the day, but not for the session, the governor may deliver the bill with the message to the
15 presiding officer, secretary, clerk, or any member of that house. The delivery is as effectual as though returned
16 in open session if the governor, on the first day the house is again in session, by message, notifies it of the
17 delivery and of the time when and the person to whom the delivery was made either the chief clerk of the house
18 or the secretary of the senate.

19 (b) Delivery is effectual if the originating house has adjourned for the day, but not for the session,
20 or if either house is in session when the chief clerk of the house or the secretary of the senate physically
21 receives the bill with the message and a receipt attached to the bill and the message is time-stamped and
22 dated as being received.

23 (2) If the legislature is not in session when the governor vetoes a bill, the governor shall return the
24 bill with the reasons for the veto to the secretary of state. If the bill was not approved by two-thirds of the
25 members voting on the final vote on the bill, the secretary of state shall within 5 working days of receipt of the
26 bill and veto message mail a copy of the title of the bill and the veto message to each member of the
27 legislature. If the bill was approved by two-thirds of the members voting on the final vote on the bill, the
28 secretary of state shall poll the members of the legislature. The secretary of state shall within 5 working days of

1 receipt of the bill and veto message send by certified mail to each legislator, at an address provided by the
2 legislator, a copy of the bill and the veto message, a ballot, a return envelope, instructions for casting a vote,
3 and notice of the date by which each legislator shall return a vote. The date for return must be within 30 days
4 after the date on which the bill, veto message, and voting instructions are sent. A legislator may cast and return
5 a vote by delivering the ballot and return envelope in person or by mailing the ballot in the return envelope by
6 regular mail, postage paid, or by sending the ballot by facsimile transmission to the office of the secretary of
7 state. A legislator may not change the legislator's vote after the ballot is received by the secretary of state. The
8 secretary of state shall tally the votes within 1 working day after the date for return of the votes. If two-thirds or
9 more of the members of each house vote to override the veto, the bill becomes law.

10 (3) The legislature may reconvene to reconsider any bill vetoed by the governor when the
11 legislature is not in session by using the statutory procedure provided for convening in special session."
12

13 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.
14

15 NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the
16 meaning of 1-2-109, to all legislation passed and approved and returned to the originating house with the
17 governor's veto message on or after the commencement of the 69th legislative session.
18

- END -