

HOUSE BILL NO. 348

INTRODUCED BY G. NIKOLAKAKOS, D. BEDEY, L. JONES, W. MCKAMEY, D. FERN, J. KASSMIER, S.

FITZPATRICK, B. BARKER, J. KARLEN

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

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

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

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

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

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

(b) the purposes of the special session; and

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

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

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

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

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

- 1 (a) the names of the legislators making the request;
- 2 (b) the reasons for calling the special session;
- 3 (c) the purposes of the special session;
- 4 (d) draft legislation to be proposed during the special session drafted by the legislative services
- 5 division as provided in 5-3-105;
- 6 ~~(d)~~(e) the requested convening date and time of the special session;
- 7 ~~(e)~~(f) subject to subsection (2), the date by which legislators shall return the ballot, which may not be
- 8 more than 30 days after the date of the mailing of the ballots; and
- 9 ~~(f)~~(g) a stamped return envelope.

10 (2) Within 2 calendar days after receiving a request to consider an existing state of emergency or

11 disaster declared under the authority of 10-3-303, the secretary of state shall send a ballot that complies with

12 subsection (1) using any reasonable and reliable means, including electronic delivery, and is not required to

13 use certified mail. The date by which legislators shall return the ballot specified in this subsection (2) may not

14 be more than 7 calendar days after the date the ballots were sent."

15

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

17 - END -