

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 20 members to poll legislators.** (1) When the legislature is not in session, any 40 30 20 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."

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

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