Exhibit No. 5
Date 2-16-05
Bill No. SB 447

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME CAROLE MACKIN

ADDRESS 4286 HART LANE, HELENA

HOME PHONE: 227-5237 **WORK PHONE:**

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL ? SB 447

DO YOU: **SUPPORT** ____ **OPPOSE** X **AMEND** ____

COMMENTS:

100 YEARS AGO, THE LEGISLATURE PLACED THE INITIATIVE & REFERENDUM AMENDMENT ON THE BALLOT. THE AMENDMENT ASKED THE LEGISLATOR TO CRAFT A PROCESS.

IN 1972 MONTANA ADOPTED A NEW CONSTITUTION. THE I+R SECTION ONLY ASKS THE LEGISLATURE TO SET THE TIME OF A SPECIAL ELECTION - NOTHING MORE.

THIS BILL SB447 HAS SECTIONS THAT BLOCK USE OF THE I+R RATHER THAN FACILITATE IT.

THE FIRST TIME THAT A PETITIONER TAKES THE AG'S RULING OF LEGAL DEFICIENCY TO THE SUPREME COURT, THEY WILL ALSO CHALLENGE THE CONSTITUTIONALITY OF THE ENTIRE STATUTE. I PREDICT THAT THE STATUTE WILL REVERT TO THE 1974 VERSION

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY