

Exhibit No. 6Date 2-7-072-7-2007
406-227-5237 Bill No. SB-96CAROLE MACKIN
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Comments on SB 96

Two groups of lawmakers make laws in Montana—the legislature and the voters. The laws that come from either group should achieve two goals:

New laws should fit seamlessly into the existing code.

All laws should be interpreted and implemented as the lawmakers intend.

Montana's initiative process benefits from the assistance the legislature provides from its own staff, the Secretary of State and the Attorney General. In large part this assures that initiative laws will fit seamlessly into the existing code.

But SB 96 turns assistance into interference. For instance, Section 7 on page 9, line 30 takes the Secretary of State out of the process of approving or rejecting a petition. The Secretary of State is the only official involved in the initiative process as outlined in the Montana Constitution. Now the law gives the Secretary of State 28 days to review the form. But in SB 96 the Attorney General has the duties and deadlines. The Secretary of State is simply told to act "immediately." So when exactly will the sponsor take delivery of an approved petition form?

I am also concerned about Section 6 on page 8 line 12. The following has been added: "and may not contain a preamble or argumentative language." Preambles basically do two things. They can state policy and instruct executive departments on how to make rules. They can send a clear message to the courts about the intent of the lawmakers.

For example, LC 753 is ready for first reading. This bill has a preamble and I believe it contains argumentative language: "The appearance of signature gatherers within the polling place confuses voters." I oppose LC 753 and if it becomes law I may wish to run a referendum to repeal it. How will the Attorney General handle the petition? Will he reject it because it has a preamble that contains argumentative language?

SB 96 does little to improve the initiative process. Instead, it muddles things and interferes with a viable process. The Attorney General's solutions are worse than the problems he's trying to solve. I ask the committee to table SB 96.