EXHIBIT 5
DATE 02/23/07
HB 777

Amendments to House Bill No. 777
1st Reading Copy

Requested by Representative Edward Butcher

For the House State Administration Committee

Prepared by Sheri Heffelfinger
February 22, 2007 (8:18pm)

UNEDITED DRAFT AMENDMENTS

1. Title, page 1, line 4 through line 5.
Strike: "PROVIDING" on line 4 through ";" on line 5

2. Title, page 1, line 7.
Strike: "REVISING DEFINITIONS;"

3. Title, page 1, line 10 through line 11.
Strike: "REQUIRING" on line 10 through ";" on line 11

4. Title, page 1, line 12.
Strike: "3-2-202, 13-1-101,"
Strike: "13-27-113,"
Strike: "13-27-208,"

5. Title, page 1, line 13.
Strike: "13-27-311,"

6. Title, page 1, line 13.
Following: "13-27-312,"
Insert: "13-27-316,"

7. Title, page 1, line 13.
Strike: "REPEALING" through "MCA;"

8. Page 1, line 18 through page 6, line 20.
Strike: section 1 and section 2 in their entirety
Renumber: subsequent sections

9. Page 6, line 24.
Strike: "(a)"

10. Page 6, line 27.
Strike: line 27 in its entirety

11. Page 6, line 28.
Strike: "Defects"
Insert: "Procedural defects"

12. Page 7, line 3 through line 12.
Strike: section 4 in its entirety
Renumber: subsequent sections

In old Section 5, keep only the changes related to the legislative services division writing the statement of purpose and statement of implication. Everything else reverts to current law

13. Page 9, line 24 through page 10, line 4.
Strike: section 6 in its entirety
Renumber: subsequent sections

14. Page 10, line 30 through page 11, line 8.
Strike: section 8 in its entirety
Renumber: subsequent sections

In old Section 10, reinsert that the budget director will do the fiscal note, but keep the amendments related to legislative staff doing the statement of purpose and the statement of implication.

15. Page 13.
Following: line 17
Insert: {still need to double check all of this and the internal references}. Section 13-27-316 **"13-27-316. Court review of attorney general opinion or statements.** (1) If the proponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by ~~the attorney general~~ pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, or believe that the attorney general was incorrect in determining that the petition was legally deficient, they may, within 10 days of the secretary of state's or attorney general's determination regarding legal sufficiency provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement or the attorney general's determination and requesting the court to alter the statement or modify the attorney general's determination.

(2) If the opponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement ~~formulated by the attorney general~~ pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, or believe that the attorney general was incorrect in determining that the petition was legally sufficient, they may, within 10 days of the date of certification to the governor that the completed petition has been officially filed, file an action in

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the district court in and for the county of Lewis and Clark challenging the adequacy of the statement or the attorney general's conclusion and requesting the court to alter the statement or overrule the attorney general's determination concerning the legal sufficiency of the petition.

(3) (a) Notice must be served upon the secretary of state, the legislative services division, and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement or determination of the attorney general and shall as soon as possible render a decision and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312 or an opinion as to the correctness of the attorney general's determination.

(b) A statement certified by the court must be placed on the petition for circulation and on the official ballot.

(4) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

(5) Any party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court."

{*Internal References to 13-27-316:*
13-27-202 *13-27-312*}"

16. Page 13, line 19.
Strike: section 12 in its entirety
Renumber: subsequent sections

- END -