

Happy Holidays Jeff:

Thank you for your time on the phone today discussing I-184.

As to the concern you have been raising based on what others have told you about the single subject rule (and what was circulated among 350.org members), I-184 avoids those concerns because it is a general revision.

You can see from the first sentence (attached) that I-184 is a “general revision of renewable energy policy and tax law.” Page 51 of the 2016 Montana Bill Drafting Manual states:

(4) General Revision In *State ex rel. Cotter v. District Court*, 49 M 146, 150, 140 P 732 (1914), the Supreme Court stated that a bill whose plain purpose was to revise the laws on a particular subject, as well as an omnibus revision bill covering many subjects, is within the revision exception. In the past, the Supreme Court has found that certain bills come within the general revision exception although the titles do not specifically designate the bills as such. **To date, the Supreme Court has always found a bill within the exception when the title indicated that the bill was a general revision.** If a bill is intended to be a general revision, the title should so state.

The Bill and Its Parts⁵²

example

"AN ACT GENERALLY REVISING THE LAWS RELATING TO PUBLIC SCHOOLS; AMENDING . . ."

The drafter may wish to advise the requester that **a bill that generally revises the law may be expanded to address numerous other matters** (some of which may not be supported by the original requester) through later amendments in either the House or Senate. [Emphasis added]

As to the concern you raised based on what you have been told about I-184 being an appropriations measure not allowed in the initiative process, as I indicated that language was changed so that Legislative Services now approves the provision, saying:

The resubmitted draft omits requirements to statutory appropriations. Specifically, section 2 encourages the Legislature to appropriate money, but does not require it. This appears to rectify inconsistencies with Article III, Section IV of the Montana Constitution contained in the previous draft.

I-184, Section 2 states:

NEW SECTION. Section 2. Statement of intent to legislature. By approving this act, the people of the state of Montana request that the Legislature consider enacting supplemental legislation to implement this act at the legislative session immediately following the general election at which this act was approved. Implementing legislation must include whether a statutory appropriation to the department of labor and industry of amounts in [section 3] and [section 4] accounts are to be added to 17-5-502(3), to achieve the purposes set forth in this act.

I-184 has been through a thorough vetting process that culminated in a letter from Montana’s Chief Deputy Attorney General opining that I-184 is “legally sufficient.” That does not mean either support or opposition for I-184, only that it has passed review required by law.

Attached are our responses to MCV and MEIC. Perhaps you would be so kind as to encourage them and whoever raised the legal concerns discussed above to stop saying things that are false about I-184. On November 21, 2017, I asked Mr. Ullman to circulate our response to those he misinformed about I-184 and he declined. On December 18, 2017, I emailed Mr. Fadie asking him to circulate my corrections and have not received a response. Hopefully, you will correct the record with anyone you may have expressed the above misconceptions to.

This and other information on I-184 is in the about tab on the MTCARES website.

Cordially,
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