

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 5

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1  
2 PROPOSING AN AMENDMENT TO ARTICLE III, OF THE CONSTITUTION OF THE STATE OF  
3 IDAHO, BY THE ADDITION OF A NEW SECTION 29, ARTICLE III, OF THE CONSTI-  
4 TUTION OF THE STATE OF IDAHO, RELATING TO THE LEGISLATIVE RESPONSE TO  
5 ADMINISTRATIVE RULES; STATING THE QUESTION TO BE SUBMITTED TO THE ELEC-  
6 TORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS  
7 REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE  
8 AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

9 Be It Resolved by the Legislature of the State of Idaho:

10 SECTION 1. That Article III, of the Constitution of the State of Idaho,  
11 be, and the same is hereby amended by the addition thereto of a NEW SECTION,  
12 to be known and designated as Section 29, Article III, of the Constitution of  
13 the State of Idaho and to read as follows:

14 SECTION 29. LEGISLATIVE RESPONSE TO ADMINISTRATIVE  
15 RULES. The legislature may review any administrative rule to  
16 ensure it is consistent with the legislative intent of the statute  
17 that the rule was written to interpret, prescribe, implement or en-  
18 force. After that review, the legislature may approve or reject, in  
19 whole or in part, any rule as provided by law. Legislative approval  
20 or rejection of a rule is not subject to gubernatorial veto under  
21 section 10, article IV, of the constitution of the state of Idaho.

22 SECTION 2. The question to be submitted to the electors of the State of  
23 Idaho at the next general election shall be as follows:

24 "Shall Article III, of the Constitution of the State of Idaho be amended  
25 by the addition of a new Section 29, to provide that the Legislature may re-  
26 view any administrative rule to ensure it is consistent with the legislative  
27 intent of the statute that the rule was written to interpret, prescribe, im-  
28 plement or enforce; to provide that, after review, the Legislature may ap-  
29 prove or reject, in whole or in part, any rule as provided by law; and to  
30 provide that legislative approval or rejection of a rule is not subject to  
31 gubernatorial veto under Section 10, Article IV, of the Constitution of the  
32 State of Idaho?".

33 SECTION 3. The Legislative Council is directed to prepare the state-  
34 ments required by Section 67-453, Idaho Code, and file the same.

35 SECTION 4. The Secretary of State is hereby directed to publish this  
36 proposed constitutional amendment and arguments as required by law.