

SIR 101

Attachment 2

**Senator Steve Vick**

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**From:** Kane, Brian [brian.kane@ag.idaho.gov]  
**Sent:** Monday, February 17, 2014 11:26 AM  
**To:** Senator Steve Vick  
**Cc:** Teresa Nealis  
**Subject:** Re: Veto Override Amendment

Hi Senator Vick,

It would seem that since the powers are being assigned by a new provision of the Constitution, that it meets the requirements of the Separation of Powers clause. In sum, if this were a statutory proposal, it likely would suffer from a Separation of Powers problem, but as a power defined by the Constitution, it is within the authority of Article II, sec. 1. For your review, I have set forth the Separation of Powers article in its entirety:

Section 1. DEPARTMENTS OF GOVERNMENT. The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

I hope that you find this helpful.

Brian

Sent from my Mobile Device

On Feb 17, 2014, at 11:14 AM, "Senator Steve Vick" <[sjvick@senate.idaho.gov](mailto:sjvick@senate.idaho.gov)> wrote:

Dear Brian,

This morning at the print hearing on the veto override legislation the question was asked about a separation of powers issue with the language ordering the governor to call a special session. It didn't come up in any of our discussions but since it came up in the hearing I thought I should check.

Thanks for your help.

Regards,

*Steve*

Senator Steve Vick  
District 2  
Kootenai County