

IN THE SENATE

SENATE BILL NO. 1112, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE LEGISLATURE; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-465, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR A SPECIAL SESSION CONVENED BY THE LEGISLATURE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-465, Idaho Code, and to read as follows:

67-465. SPECIAL SESSION CONVENED BY THE LEGISLATURE. (1) In order to convene a special session of the legislature, the members of the house of representatives and the members of the senate must deliver, by either hand delivery or certified letter, return receipt requested, to the speaker of the house of representatives and the president pro tempore of the senate a single, joint petition signed by at least sixty percent (60%) of the members of the house of representatives and sixty percent (60%) of the members of the senate. The petition must include:

- (a) The name and legislative district of each petitioner;
- (b) The handwritten or electronic signature of each petitioner, including signatures on any number of counterparts, and such counterparts shall constitute one and the same petition;
- (c) The specific subject or subjects to be considered during the special session; and
- (d) The identified need for the special session.

(2) The speaker of the house of representatives shall be responsible for verifying the petitioners from the house of representatives, and the president pro tempore of the senate shall be responsible for verifying the petitioners from the senate. Upon verification of the requisite percentages of signatories and elements of a petition established by this section, the speaker of the house of representatives and the president pro tempore of the senate will notify all members of the legislature that the petition has met the legal requirements to convene a special session, shall publish a copy of the petition upon which the special session is based on the legislature's website, and shall declare the location, time, and date for the convocation of the session. Such session must convene no sooner than forty-eight (48) hours or later than fifteen (15) days after the petition is delivered to the speaker of the house of representatives and the president pro tempore of the senate; provided, however, if a demonstrable emergency exists that requires immediate action by the legislature, the speaker of the house of representatives and the president pro tempore of the senate may agree to waive the requirement to convene the legislature sooner than forty-eight (48) hours from the date of the delivery of the petition.

1           (3) In the event either or both the speaker of the house of representa-  
2 tives and the president pro tempore of the senate is deceased, has resigned,  
3 or is incapacitated, the next highest-ranking member of the leadership of  
4 that officer's party must fulfill that officer's duties under this section.

5           (4) If the speaker of the house of representatives or the president pro  
6 tempore of the senate determines the petition lacks the requisite percent-  
7 ages of signatories or elements of a petition established by this section,  
8 they shall notify the members of the legislature that the petition is de-  
9 ficient and the reasons for the deficiency, and no special session shall be  
10 convened. Said petition shall not be used at any future time for the conven-  
11 ing of a special session.

12           (5) At a special session convened pursuant to this section, the legis-  
13 lature shall have no power to consider or pass any bills or resolutions on any  
14 subjects other than those specified in the petition and those necessary to  
15 provide for the expenses of the special session.

16           (6) A special session convened pursuant to this section takes prece-  
17 dence over an extraordinary session convened by the governor, pursuant to  
18 the governor's authority under section 8, article III, of the constitution  
19 of the state of Idaho, during any part of the special session.

20           (7) A special session must convene in the capitol unless the speaker  
21 of the house of representatives and the president pro tempore of the senate  
22 jointly deem it unsafe or unwise to do so, in which case the session may be  
23 convened at any location in the state as jointly designated by the speaker of  
24 the house of representatives and the president pro tempore of the senate.

25           (8) The legislature sitting in special session shall determine the  
26 length of the session.