

REVISED

STATEMENT OF PURPOSE

RS32036C1 / H0085

This legislation addresses the initiative process, within the bounds of the Idaho Constitution and a decision of the Idaho Supreme Court. The Idaho Supreme Court is clear that the initiative power is essentially coextensive with the Legislature's power to enact legislation. But Article III, Section 1 of the Constitution says, "The people reserve to themselves the power to propose laws and enact the same at the polls independent of the legislature." The Constitution is silent on what role the Governor could play in the process. Because the case law says that people's right to initiate legislation is essentially the same as the Legislature's, and because the Legislature cannot enact a law independent of presentment to the Governor, the initiative legislation should also be subject to presentment to the Governor for his signature or veto. While the Legislature has expertise on staff to advise on matters of policy and appropriations, the voters do not. So the information they rely on when deciding to vote might not be as helpful. Since initiatives are allowed to have an emergency clause to allow immediate implementation, the legislature may not be in session to preview initiative legislation. It would be prudent to implement veto power to the Governor over any initiative passed by the people.

FISCAL NOTE

In the event of a veto by the Governor, there is an estimated cost of up to \$300,000 for the Secretary of State to publish proposed override and arguments in a voter's pamphlet as required by law. The costs will occur anyway if any other amendments or ballot initiatives qualify for the November general election ballot. The pamphlet with initiatives and constitutional amendments will be published and mailed to every household in the state by late September of the year applied.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).