

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 2

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, RELATING TO
4 LEGISLATIVE DELEGATION OF RULEMAKING AUTHORITY; STATING THE QUESTION
5 TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO
6 PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF
7 STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

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

13 SECTION 29. LEGISLATIVE DELEGATION OF RULEMAKING AUTHOR-
14 ITY. The legislature may delegate rulemaking authority to exec-
15 utive agencies as provided by law. No rule shall supersede the
16 legislature's authority under this constitution. The legislature
17 may approve or reject, in whole or in part, administrative rules as
18 provided by law without compliance with section 10, article IV, of
19 the constitution of the state of Idaho.

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

22 "Shall Article III, of the Constitution of the State of Idaho be amended
23 by the addition of a new section 29, to confirm that the legislature may au-
24 thorize executive rulemaking; however, the legislature shall not relinquish
25 oversight, which such oversight is done by approval or rejection, in whole or
26 in part, of an executive rule; and to provide that the legislature's approval
27 or rejection of such a rule shall not require the approval of the governor?".

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

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