

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 326

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE LEGISLATURE; AMENDING SECTION 67-465, IDAHO CODE, TO REVISE A PROVISION REGARDING INTERVENTION BY THE LEGISLATURE IN AN ACTION REGARDING AN IDAHO STATUTE, TO PROVIDE FOR THE AUTHORITY TO INTERVENE IN CERTAIN INSTANCES, AND TO PROVIDE APPLICABILITY; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-465, Idaho Code, be, and the same is hereby amended to read as follows:

67-465. INTERVENTION IN ACTIONS REGARDING ~~CONSTITUTIONALITY OF A AN~~ IDAHO STATUTE. (1) When a party to an action challenges in state or federal court the constitutionality of an Idaho statute, facially or as applied, challenges an Idaho statute as violating or being preempted by federal law, or otherwise challenges the construction or validity of an Idaho statute, either or both houses of the legislature may seek to intervene, at the sole discretion of the senate president pro tempore or the speaker of the house of representatives, or both, in the action as agents of the state of Idaho and as a matter of right, or permissively, by ~~servng~~ filing a motion ~~upon the parties in the court~~ as provided in state or federal rules of civil procedure, whichever is applicable.

(2) The authority to intervene pursuant to the provisions of subsection (1) of this section:

(a) Does not require evidence that the intervenor's interests differ from any branch, department, office, or official of the state of Idaho;
and

(b) Operates regardless of whether the state of Idaho itself is a named party.

(3) The provisions of this section shall apply to any litigation that is pending on or after the effective date of this act.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.