

Amendment Number and Question
SJR 102

“Shall Section 8, Article III, of the Constitution of the State of Idaho be amended to provide that the Legislature must convene in organizational sessions commencing on the first Thursday of December after the general election, unless a different day shall have been appointed by law, and in special session by the President Pro Tempore of the Senate and the Speaker of the House of Representatives no later than fifteen days following the receipt of a joint written petition of at least sixty percent of the membership of each house specifying subjects to be considered, and to provide that the Legislature shall have no power in such a special session to consider or pass any bills or resolutions on any subjects other than those specified in the petition and those necessary to provide for the expenses of the session?”.

Legislative Council’s Statement of Meaning, Purpose, and Result to Be Accomplished

Currently, the Legislature may meet in a special session only upon call of the Governor. The proposed amendment would allow the Legislature to convene itself in special session if 60% of the members in each house submit a petition to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The petition must specify the subjects to be addressed in the special session, and only those subjects could be considered during the special session.

The amendment also requires the Legislature to hold an organizational session in December following a general election. The purpose of the organizational session is to prepare for the upcoming regular session. The proposed amendment would formalize in the Idaho Constitution the Legislature’s longstanding practice of holding an organizational session.

Statements FOR the Proposed Amendment

1. This constitutional amendment is needed to correct an imbalance of power among the three branches of government. The executive and judicial branches of government have no restrictions on their ability to conduct business when and as they deem appropriate, and the legislative branch should have the same power.
2. Idaho is one of just 12 states whose legislature has no power to convene itself into a special session under certain circumstances. The Idaho Legislature should not be dependent on the Governor to call it into special session when extraordinary events occur. For example, in 2020, the Idaho Legislature wished to convene to consider Covid-19 matters and the expenditure of federal funding related to the pandemic but the Governor delayed convening the Legislature. Idaho should join the 38 states (including all of Idaho’s neighboring states) that recognize the legislative branch of government’s

right to determine independently when it should convene and conduct the business of the people it represents.

3. Authorizing the Legislature to convene itself into special session will prevent the need for one or both houses of the Legislature to defer adjourning sine die indefinitely as happened in 2021 when the House of Representatives wanted to preserve its right to take up anticipated issues later in the year. Deferring the date of adjourning sine die results in numerous administrative problems such as delaying effective dates of legislation and administrative rules. If the Legislature is able to convene itself, there will be no need to avoid adjourning sine die.
4. The proposed amendment contains sufficient safeguards against any potential abuse of power by limiting the subjects of legislation to be considered during a special session to those listed in the petition, just as a special session called by the Governor is limited to the subjects listed in the Governor's proclamation.

Statements AGAINST the Proposed Amendment

1. The Legislature has conducted its business for over 130 years without needing the ability to call itself into special session. This constitutional amendment is not necessary because the Governor has called and can continue to call the Legislature into a special session when necessary. Passing this amendment would remove a check and balance from the Idaho Constitution.
2. The Idaho Legislature is a part-time citizen legislature. The proposed amendment provides no limitations on how often special sessions may be called or how long they may last. Idaho should not move toward having a full-time legislature, and Idaho's part-time citizen legislators with other careers should not be burdened with sudden, unpredictable special sessions.
3. Idaho businesses and citizens need the stable, predictable, and routine timeline of the regular legislative session to communicate with legislators regarding the effects that pending legislation may have on businesses and citizens. The ability of the Legislature to convene itself into various special sessions may result in the passage of legislation that has not been properly vetted and could result in unintended consequences for Idaho businesses and citizens.
4. The proposed amendment requires a petition signed by only 60% of the members of each house of the Legislature. This threshold is too low. Many states require a higher percentage, such as 67% or 75%. A higher percentage would deter the Legislature from convening itself for subjects that may be trivial, vague, or not widely agreed upon.