

Short Ballot Title

An initiative requiring citation to the specific constitutional provision authorizing enactment of state or federal law.

Long Ballot Title

An initiative related to citation of authority; amending Title 73 Idaho Code, by addition of a new Chapter 5 that every bill, act, ordinance, resolution or rule adopted or enacted by a legislative or executive body, or the people, shall include the citation of the express language from the federal or state constitution that provides the specific authority for the provisions in the bill, act, ordinance, resolution or rule. Further, that any federal law, rule, order or other act by the federal government that violates the provisions of this act would be declared invalid in this state. Creation of a registry of nullified laws.

Text of Initiative

SECTION 1. That Title 73, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 73, Idaho Code, and to read as follows:

CHAPTER 5 THE IDAHO RIGHT TO CONSTITUTIONAL GOVERNMENT ACT

73-501. SHORT TITLE. This act may be known and cited as the "Idaho Right to Constitutional Government Act."

73-502. DECLARATION. The people find that this nation and this state were founded as constitutional republican forms of government with democratically elected representatives enacting and implementing laws consistent with those constitutions to promote the general welfare of all the people. All elected officials take an oath to uphold the constitutions. The role of government was intended to remain as limited as possible in order to expand the liberties of the people as far as possible. Over the past few decades, legislative and executive branches have gone far beyond their original purposes and powers, and have grown to the extent that the economic and regulatory burdens placed upon the people is becoming unbearable and is infringing on the rights of law-abiding citizens to enjoy their property, their freedoms, and the fruits of their labors. The people further find that the United States congress has frequently ignored its own House rule XIII 3(d) which requires "Each report of a committee on a public bill or public joint resolution shall contain the following: (1) A statement citing the specific powers granted to congress in the Constitution to enact the law proposed by the bill or resolution." The people intend by this chapter to ensure that all laws and rules adopted by the federal and state governments are firmly grounded in their respective constitutions so that those governments might return to their proper realms and focus on the essential services that best strike the balance between the need for government and the need for people to be free.

73-503. CITATION OF AUTHORITY— STATE OF IDAHO. (1) Every bill, act, ordinance, resolution, or rule adopted or enacted by a legislative or executive body, or the people, shall include

the citation of the express language from the federal or state Constitution that provides the specific authority for the provisions included in the bill, act, ordinance, resolution, or rule.

(2) Every bill, act, ordinance, resolution, or rule adopted or enacted by a legislative or executive body, or the people, shall limit the provisions of the bill, act, ordinance, resolution, or rule to the express language included in the citation from the federal or state Constitution that provides the specific authority such provisions.

(3) Every bill, act, ordinance, resolution, or rule adopted or enacted by a legislative or executive body, or the people, shall include a brief rationale as how the provisions of the bill, act, ordinance, resolution, or rule are provided specific authority in the express language of the federal or state Constitution cited, including the language of the text itself, a reasonable construction and extension of the text, the intent as best can be ascertained of those who adopted the text, and the historical understanding and context in which the text was adopted.

73-504. CITATION OF AUTHORITY — FEDERAL GOVERNMENT. (1) Every law, rule, order, or other act adopted or enacted by the federal government should include the citation of the express language from the federal Constitution that provides the specific authority for the provisions included in the law, rule, order, or other act.

(2) Every law, rule, order, or other act adopted or enacted by the federal government should limit the provisions of the law, rule, order, or other act to the express language included in the citation from the federal Constitution that provides the specific authority such provisions.

(3) Every law, rule, order, or other act adopted or enacted by the federal government should include a brief rationale as how the provisions of law, rule, order, or other act are provided specific authority in the express language of the federal or state Constitution cited, including the language of the text itself, a reasonable construction and extension of the text, the intent as best can be ascertained of those who adopted the text, and the historical understanding and context in which the text was adopted.

73-505. NULLIFICATION OF INVALID LAWS. Any federal law, rule, order, or other act by the federal government violating the provisions of this act is hereby declared to be invalid in this state, is not recognized by and is specifically rejected by this state, and is considered as null and void and of no effect in this state.

73-506. REGISTRY OF NULLIFIED FEDERAL LAWS. (1) Any resident of the state of Idaho can send a written communication to the secretary of state formally informing the State of Idaho that one or more Public Laws of the United States have been passed in violation of 73-504, Idaho Code. The form of communication shall be in such form as required by the secretary of state.

(2) The secretary of state shall file a copy of a Public Law challenge pursuant to subsection (1) and transmit a copy to the attorney general within five days of receiving the challenge.

(3) The attorney general or a designee of the attorney general shall consider the arguments set forth in such filing. If in his professional opinion the Public Law is invalid as provided by 73-505, Idaho Code, then he shall officially certify such law as invalid. Such determination shall be made within 90 days of receiving the challenge from the secretary of state.

(4) The legislature of the state of Idaho can also certify the nullification of any such Public Law by a simple majority of both the Senate and House of Representatives.

(5) The attorney general or designee of the attorney general shall create a database of all Public Laws certified as nullified as produced pursuant to parts (3)-(4) called the "Registry of

Nullified Federal Laws". Nullified laws shall be added to the database within five (5) working days of such certification. The database shall be made available to the public and shall also be made available on the web page of the office of the attorney general.

(6) Failure of a Public Law to appear in the "Registry of Nullified Federal Laws" shall not be construed to mean that such law is not also null and void under this act. The database is intended as a tool to help public officials such as local sheriffs and Idaho peace officers keep track of those laws which should not be enforced in the state.

73-507. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.