

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 2

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III, OF THE CONSTITUTION OF THE
2 STATE OF IDAHO, RELATING TO THE COMMISSION FOR REAPPORTIONMENT; STAT-
3 ING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEG-
4 ISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECT-
5 ING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS RE-
6 QUIRED BY LAW.
7

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

9 SECTION 1. That Section 2, Article III, of the Constitution of the
10 State of Idaho be amended to read as follows:

11 Section 2. MEMBERSHIP OF HOUSE AND SENATE. (1) Following the
12 decennial census of 1990 and in each legislature thereafter, the
13 senate shall consist of not less than thirty nor more than thirty-
14 five members. The legislature may fix the number of members of the
15 house of representatives at not more than two times as many repre-
16 sentatives as there are senators. The senators and representatives
17 shall be chosen by the electors of the respective counties or dis-
18 tricts into which the state may, from time to time, be divided by
19 law.

20 (2) Whenever there is reason to reapportion the legislature or
21 to provide for new congressional district boundaries in the state,
22 or both, because of a new federal census or because of a decision
23 of a court of competent jurisdiction, a commission for reapportion-
24 ment shall be formed on order of the secretary of state. The commis-
25 sion shall be composed of ~~six~~ seven members. The leaders of the two
26 largest political parties of each house of the legislature shall
27 each designate one member and the state chairmen of the two largest
28 political parties, determined by the vote cast for governor in the
29 last gubernatorial election, shall each designate one member. The
30 seventh member shall be selected by a majority vote of the gover-
31 nor, lieutenant governor, state controller, state treasurer, and
32 superintendent of public instruction. In the event any appointing
33 authority does not select the members within fifteen calendar days
34 following the secretary of state's order to form the commission,
35 such members shall be appointed by the Supreme Court. No member of
36 the commission may be an elected or appointed official in the state
37 of Idaho at the time of designation or selection.

38 (3) The legislature shall enact laws providing for the implemen-
39 tation of the provisions of this section, including terms of com-
40 mission members, the method of filling vacancies on the commission,

1 additional qualifications for commissioners and additional stan-
2 dards to govern the commission. The legislature shall appropriate
3 funds to enable the commission to carry out its duties.

4 (4) Within ninety days after the commission has been organized
5 or the necessary census data are available, whichever is later, the
6 commission shall file a proposed plan for apportioning the senate
7 and house of representatives of the legislature with the office of
8 the secretary of state. At the same time, and with the same effect,
9 the commission shall prepare and file a plan for congressional dis-
10 tricts. Any final action of the commission on a proposed plan shall
11 be approved by a majority vote of ~~two-thirds~~ of the members of the
12 commission. All deliberations of the commission shall be open to
13 the public.

14 (5) The legislative districts created by the commission shall
15 be in effect for all elections held after the plan is filed and un-
16 til a new plan is required and filed, unless amended by court order.
17 The Supreme Court shall have original jurisdiction over actions in-
18 volving challenges to legislative apportionment.

19 (6) A member of the commission shall be precluded from serving in
20 either house of the legislature for five years following such mem-
21 ber's service on the commission.

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

24 "Shall Section 2, Article III, of the Constitution of the State of Idaho
25 be amended to increase the number of members on the commission for reappor-
26 tionment and to provide that final actions of the commission on a proposed
27 plan shall be approved by a simple majority vote?"

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.