# IN THE SUPREME COURT OF THE STATE OF IDAHO

RONALD M. NATE, et al.,

Petitioners,

v.

LAWERENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondent,

and

GOVERNOR C.L. "BUTCH" OTTER,

Respondent-Intervenor.

Supreme Court No. 45001-2017

Original Proceeding

## RESPONDENT-INTERVENOR GOVERNOR OTTER'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF MANDAMUS


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## STATEMENT OF THE CASE

The Idaho House of Representatives passed House Bill 67 on February 2, 2017. H. Journal of the Idaho Leg., 64th Leg., 1st Sess. at 4 (February 2, 2017). The legislation eliminated the tax on the first $750 of an individual's income and reduced the top corporate and individual income tax brackets to 7.2%. The fiscal impact of the proposed tax relief was a reduction in general fund revenues by approximately $51.2 million beginning in fiscal year 2017. (Governor's Verified Pet. for Intervention, Appendix D). The Idaho Senate amended House Bill 67 on March 16, 2017, and again on March 21, 2017. *Available at* https://legislature.idaho.gov/sessioninfo/2017/legislation/H0067/.[1] House Bill 67aaS, aaS replaced all of the House's language and left only the original bill number. *Id.* The new language eliminated the grocery tax credit,[2] raising roughly $149 million in revenue and removed the sales tax on food products as defined by the Federal Supplemental Nutrition Assistance Program (SNAP). *Id.* The legislation also backfilled the loss of revenue to local governments from the proposed tax cut with additional general fund revenue. *Id.* The total net reduction to general fund revenues under the new legislative language is estimated at $79 million. *Id.*

On Wednesday, March 29, 2017, the Idaho House adjourned *sine die* at 10:48 AM. H. Journal of the Idaho Leg., 64th Leg., 1st Sess. at 2 (March 29, 2017). The Idaho Senate adjourned the same day at 12:00 PM. S. Journal of the Idaho Leg., 64th Leg., 1st Sess. at 3 (March 29, 2017). House Bill 67aaS, aaS ("H 67aaS, aaS) was delivered to the Office of the Governor two days after the legislature adjourned *sine die* on Friday, March 31, 2017 at 12:05 PM. *Available at*

[1] Reference to any legislative journal or session information website is subject to judicial notice pursuant to Idaho Rule of Evidence 201(b)(2). *Troutner v. Hill*, 116 Idaho 337 (Ct. App. 1989).

[2] In 2008 the Idaho Legislature passed and the Governor signed legislation providing an income tax credit as an offset for the sales tax Idahoans paid on food consumed at home. The law provided an incremental credit that increased by $10 every tax year until it maxed out at $100 for most people offsetting, on average, the state sales tax paid for food. *See* https://legislature.idaho.gov/sessioninfo/2008/legislation/H0588/. The grocery tax credit has been fully implemented. Seniors and disabled individuals receive a credit of $120 a year while other filers receive $100 per year off their income tax liability with the state. *Id.*

https://legislature.idaho.gov/ sessioninfo/2017/legislation/H0067/. Governor Otter vetoed and returned H 67aaS, aaS with his objections to the Secretary of State on Tuesday, April 11, 2017, at 6:16 PM, which was the ninth day, excluding Sundays, after the bill was presented to him. (Governor's Verified Pet. for Intervention, Appendix B). Governor Otter vetoed the bill well within the timeframe established under *Cenarrusa v. Andrus*. 99 Idaho 404 (Idaho 1978).

Petitioner Ron Nate[3] ("Petitioner") asks this Court to force the Secretary of State to set aside the lawful veto of the Governor and replace it with a determination that H 67aaS, aaS became law without signature. For the reasons set forth herein, Governor Otter respectfully submits that the Petitioner lacks standing to pursue this action and fails to meet the stringent requirements necessary for mandamus.

If this Court refuses to dismiss the Petition for the aforementioned reasons, it should declare H 67aaS, aaS unconstitutional because the Senate exceeded its authority when it initiated this legislation, which raises revenue, in contravention of the Idaho Constitution.

Finally, if after reviewing the foregoing, the Court reaches the question of whether *Cenarrusa v. Andrus* remains viable—it should uphold this long-standing precedent under the doctrine of *stare decisis*. If this Court decides to reverse *Cenarrusa*, such reversal should only apply prospectively and not affect the veto of H 67aaS, aaS.

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[3] Idaho Appellate Rule 5 ("IAR 5") addresses special writs and proceedings. Subsection (c) states that "[s]pecial writs shall issue only upon petitions verified by the party beneficially interested therein...." The portion of IAR 5(c) requiring a petitioner to be "beneficially interested" has not been addressed by this Court. Its meaning is at issue here. In the present case, only one petitioner, Ron Nate, verified the Petition. The Rule does not allow for only one party to verify a petition that lists unverified petitioners. Those petitioners who failed to properly verify the petition should be dismissed. For the remaining Petitioner, Ron Nate, to be able to go forward with the Petition, he must show that the requested relief benefits him. Petitioner Nate has failed to provide any factual information in his petition that shows how he is benefited by setting aside the veto of H 67aaS, aaS, especially in light of the fact that the existing tax credit would be repealed as of January 1, 2018 and the sales tax on groceries will be removed on June 1, 2018. Instead, the Petitioner is benefited because the grocery tax credit will continue to be in place on January 1, 2018. Petitioner fails to quantify how much money he would retain over and above the grocery tax credit once the tax on groceries would be removed. Not only does Petitioner lack standing, he has failed to meet the threshold requirement of IAR 5(c).

## ISSUES PRESENTED

1. Does the Petitioner have standing to bring this action?
2. Under the requirements for mandamus, did the Secretary of State fail to perform a duty when he followed the precedent of this Court and accepted the veto of H 67aaS, aaS?
3. Is H 67aaS, aaS constitutional under Article III, section 14 of the Idaho Constitution?
4. Should this Court affirm *Cenarrusa* under the doctrine of *stare decisis*?

## ARGUMENTS

The Petitioner fails to allege any facts concerning an urgent constitutional violation to warrant this Court exercising its original jurisdiction. *Idaho Watersheds v. State Bd. of Land Comm'rs*, 133 Idaho 55, 57 (1999); *Coeur d'Alene Tribe v. Denney*, 161 Idaho 508, 387 P.3d 761, 765 (2015). Moreover, the Petitioner, without demonstrating a concrete injury, has inappropriately asked this Court to compel the Secretary of State to certify a properly vetoed bill as law. *See Miles v. Idaho Power Co.*, 116 Idaho 635, 641 (1989); *see also Keenan v. Price*, 68 Idaho 423, 428 (1948); *Coeur d'Alene Tribe* 387 P.3d at 765. The Petitioner articulates only a generalized grievance concerning the processes of state government in his Petition. *Troutner v. Kempthorne*, 142 Idaho 389, 391 (2006); (Amended Pet. For Writ of Mandamus, ¶¶1-37). This is not sufficient to confer standing; this is merely an interest in the outcome of the political process shared alike by all Idaho citizens. *United States v. Richardson*, 418 U.S. 166, 170 (1974). The Petition should be denied because the Petitioner fails to show he has standing, even under the relaxed standard articulated by this Court. *Coeur d'Alene Tribe* 387 P.3d at 767.

Additionally, mandamus is not appropriate in this case. Petitioner fails to demonstrate that this issue warrants an extraordinary remedy and that more suitable alternatives do not exist. *Wasden ex rel. State v. Idaho State Bd. of Land Comm'rs*, 150 Idaho 547, 552 (2010). The

Petitioner is simply using mandamus to challenge a long-standing precedent when other, more appropriate judicial and legislative alternatives exist. Perhaps more importantly, the Petitioner cannot define a clear legal right to have the vetoed bill certified as law without signature nor a legal duty for the Respondent to act—both being necessary for mandamus to issue. *Reynard v. City of Caldwell*, 53 Idaho 62, 80 (1933).

Finally, the legislation in question is unconstitutional. This Court has determined that the Senate can reject or amend bills that raise revenue. *Gallagher v. State*, 141 Idaho 665, 668 (2005); *Worthen v. State*, 96 Idaho 175, 179 (1974). The Senate exceeded its authority to amend a revenue bill when it "radiator capped"[4] H 67aaS, aaS and initiated an entirely different and new bill that increased the individual income tax burden of Idahoans on January 1, 2018.

## I. PETITIONER LACKS STANDING

The threshold question is whether the Petitioner has standing to seek a writ of mandamus. "It is a fundamental tenet of American jurisprudence that a person wishing to invoke a court's jurisdiction must have standing." *Van Valkenburgh v. Citizens for Term Limits*, 135 Idaho 121, 124 (2000). The doctrine of standing does not focus on the issues a party wishes to adjudicate but rather the party itself. *Miles*, 116 Idaho at 641. Standing "focuses directly on the question [of] whether a particular interest or injury is adequate to invoke the protection of judicial decision." *State v. Phillip Morris, Inc.*, 158 Idaho 874, 881 (2015).

### A. Petitioner has failed to meet the requirements of standing under the standard articulated in *Coeur d'Alene Tribe.*

Petitioner has not established standing under the relaxed standards announced in *Coeur d'Alene Tribe*. 387 P.3d at 767. Even the most "relaxed" standing requirements are triggered

[4] "Radiator capping" is a term to describe the legislative practice of one body completely replacing an entire bill proposed by the opposite body with entirely new language. The term "radiator capping" is used because in the end all that is left of the original vehicle (legislation) is merely the bill number.

only by an urgent constitutional violation. *Id.* As this Court stated, ordinary standing requirements may be altered only where "the matter concerns a significant and distinct constitutional violation of an urgent nature." *Id.* at 766. There, though the Tribe failed to demonstrate that it had suffered an injury in fact, this Court found that it was enough to allege "a significant and distinct violation of mandatory provisions of the state constitution." *Id.* Here, the Governor and Secretary of State acted in accordance with the Constitution and this Court's precedent, which makes such a violation impossible.

The same requirement of demonstrating an urgent constitutional violation was imposed on the petitioners in *Sweeney v. Otter* and *Keenan v. Price*. 119 Idaho 135, 138 (1990); 68 Idaho 423, 429 (1948). In *Keenan*, this Court accepted jurisdiction concerning a candidate's place on an upcoming ballot, but "only because of the importance of the questions presented [validity of his candidacy] and **the urgent necessity for immediate determination** thereof...." 68 Idaho at 429 (emphasis added). Similarly, in *Sweeney*, standing was allowed because the petition alleged sufficient facts concerning a constitutional violation (the tie-breaking vote of the Lieutenant Governor in selecting senate leadership) and more importantly because "urgent necessity existed for immediate determination of important questions due to the brevity of time for filing such a petition." 119 Idaho at 138.

Conversely, in *Idaho Falls Redevelopment Agency v. Countryman*, this Court refused to issue a writ where the Petitioner had adequate remedies at law and sufficient time to pursue those remedies. 118 Idaho 43, 45 (1990). The *Countryman* Court stated that a matter of public importance (compelling the city to publish notice of sale bonds) provided "no proof of a crisis or urgent situation that would require this Court to issue the writ of mandamus." *Id.* at 45. There, it was acknowledged that constitutional issues likely existed, but this Court held that it was not

necessary to reach them as the Petitioner failed to prove any urgency. *Id.* In the present case, the Petitioner fails to show any constitutional violation and also fails to show any issue demanding an urgent response. Even if the bill had become law, eliminating the sales tax on groceries was not set to take effect until June 1, 2018. H.R. 67, 2017 LEG., 64TH SESS. (Idaho 2017). This delay—thirteen months—before the proposed tax relief was set to begin, hardly demonstrates an urgent situation, or crisis requiring the immediate attention of this Court.

Moreover, the fact is there was no constitutional violation. (Governor's Verified Pet. for Intervention at 3). Governor Otter vetoed and returned the legislation to the Secretary of State within the timeframe provided under *Cenarrusa*. 99 Idaho at 409. The Secretary of State does not have the power to substitute his interpretation of the Constitution when it has been clearly addressed by the Court. *Id.* at 404. *Cenarrusa* bound, and continues to bind, the Secretary of State and the Governor. Since they both acted in accordance with *Cenarrusa* there was no constitutional violation at the time of the veto. (Governor's Verified Pet. for Intervention at 3). Since there was no constitutional violation, the Petitioner cannot satisfy the most significant of the relaxed requirements for standing.

Additionally, the Petition should be denied because the Petitioner has not demonstrated he is the only person or entity that could bring a challenge to the veto. *Coeur d'Alene Tribe*, 387 P.3d at 766. This Court has been willing to relax ordinary standing requirements on a petition for extraordinary relief in cases where there is an urgent constitutional violation and "no party could otherwise have standing to bring a claim." *Id.* In deciding to entertain the Tribe's petition this Court discussed that it was the only entity that could bring the claim, stating: "there would be no one to enforce the important constitutional provisions involved in this case." *Id.* Similarly, in *Koch v. Canyon County*, this Court focused on the fact that if it were to hold that the petitioners

did not have standing it would be tantamount to deleting a provision of the constitution "because nobody would have standing" to bring a challenge. 145 Idaho 158, 162 (2008).

This Court has been reluctant to dismiss cases on standing issues when obvious constitutional questions require attention; however, unlike the aforementioned cases, the Petitioner makes no attempt to establish why he is the only entity that could bring this action. In fact, he describes himself simply as an "individual citizen[ ]" "who buy[s] groceries in the State of Idaho." (Verified Petition at 4). Traditional declaratory action to challenge *Cenarrusa* could be brought in district court by any number of parties who wish to revisit the wisdom of that holding in the context of this veto. The Petitioner has not distinguished himself as the only party that could pursue an action against the precedent of this Court or the actions of the executive branch. Consequently, the Petition should be dismissed since the Petitioner has not shown a clear violation of the Constitution, nor that he is the only party that could litigate the precedent and veto, which are necessary for meeting the relaxed standard for standing.

**B. Petitioner also fails to meet the traditional standard for standing.**

The essence of traditional standing has been whether the party seeking to invoke the court's jurisdiction has alleged a personal stake and if that stake reflects an actual or imminent injury in fact, one peculiar and particular to the petitioner. *Miles*, 116 Idaho at 641 (citing *Duke Power Co. v. Carolina Envtl. Study Grp.*, 438 U.S. 59, 72 (1978). To achieve standing a party "generally must allege or demonstrate an injury in fact and a substantial likelihood that the judicial relief requested will prevent or redress the claimed injury." *Troutner*, 142 Idaho at 391 (citing *Miles*, 116 Idaho at 641). An injury in fact is "distinct and palpable and not one suffered alike by all citizens in the jurisdiction." *Miles*, 116 Idaho at 641.

Standing protects courts from having to hear from every citizen frustrated with state officials and the political process. *Troutner*, 142 Idaho at 391-92. In *United States v. Richardson*, the U.S. Supreme Court stated that "a mere interest in a problem, no matter how long-standing the interest and no matter how qualified the [party] is in evaluating the problem, is not sufficient by itself to render the [party] 'adversely affected' or 'aggrieved.'" 418 U.S. at 177. No amount of interest or concern with the mechanics of government will produce sufficient injury to establish standing. *Troutner*, 142 Idaho at 391. Thus, standing also serves to protect courts from unnecessarily substituting their decisions for that of another branch. As stated in *Hollingsworth v. Perry*:

> The doctrine of standing serves to prevent the judicial process from being used to usurp the powers of the political branches. In light of this overriding and time-honored concern about keeping the Judiciary's power within its proper constitutional sphere, [the Court] must put aside the natural urge to proceed directly to the merits of [an] important dispute and to 'settle' it for the sake of convenience and efficiency.

133 S. Ct. 2652, 2661 (2013).

The Petitioner has not suffered a concrete injury. At most, the Petitioner in this case has asserted a generalized grievance. The Petitioner claims he is an "individual citizen[ ]...who buy[s] groceries in the State of Idaho." (Amended Pet. for Writ of Mandamus, ¶6). By his own admission the Petitioner is similarly situated with all individuals who buy groceries. *Id.* Simply stating an interest in legislation or even advocating for a bill that fails to become law does not create an injury in fact sufficient for standing. *Hollingsworth*, 133 S. Ct. at 2662. Generalized grievances or hypotheticals, no matter how sincere, are insufficient to confer standing traditionally. *Id.* Therefore, this Court should refuse to exercise its original jurisdiction as the Petitioner has not demonstrated he has standing. For this reason and those stated above, original

jurisdiction should not extend in this case and the Petition should be denied for a lack of standing.

## II. MANDAMUS IS NOT APPROPRIATE IN THIS ACTION

Mandamus is not an appropriate remedy to redress the Petitioner's claims. A writ of mandamus is an extraordinary remedy. *Rogers v. Gooding Pub. Joint Sch. Dist. No. 231*, 135 Idaho 480, 482 (2001). A writ will not issue where there is an adequate remedy in the ordinary course of law, either equitable or legal. *See, e.g.*, *Countryman*, 118 Idaho at 44; *Butters v. Hauser*, 131 Idaho 498, 501 (1998) (citing *Edwards v. Indus. Comm'n of State*, 130 Idaho 457, 459-60 (1997)). Nor will a writ issue unless the Petitioner can demonstrate that he has a clear legal right to have done that which is sought and there is a clear legal duty for the public official to perform the act (i.e. a non-discretionary ministerial act). *Countryman*, 118 Idaho at 44; *see also Brady v. City of Homedale*, 130 Idaho 569, 571 (1997) . Even if a clear legal right exists and mandamus is appropriate, a writ will not issue if the hardship resulting to the public from the issuance of the writ outweighs the Petitioner's injury, or if third parties have interests that conflict with the Petitioner. *See, e.g.*, *Hunke v. Foote*, 84 Idaho 391, 399 (1962); *Sanderson v. Salmon River Canal Co.*, 34 Idaho 145, 154 (1921) .

### A. The Petitioner fails to demonstrate that a plain, speedy and adequate remedy does not exist.

The issuance of a writ of mandamus is appropriate only when "there is not a plain, speedy and adequate remedy in the ordinary course of law." IDAHO CODE ANN. § 7-303 (2015). A plain remedy is one that "must be evident, obvious, simple, or not complicated." *Wasden*, 150 Idaho at 552. The "adequacy of the remedy is not to be tested by the convenience or inconvenience of the parties to a particular case." *Willman v. Dist. Court,* 4 Idaho 11, 13 (1894). Further, the burden of proving the absence of an adequate or speedy remedy in the ordinary

course of law rests upon the party seeking the writ of mandamus. *Edwards*, 130 Idaho 457, 459-60 (1997.

The Petitioner fails to show that either the district court or legislative process is not an adequate or speedy remedy in the ordinary course of law. This Court, in *Wasden*, held that the district court is a viable alternative to a writ. 150 Idaho at 553. The Petitioner has not availed himself of that process even though it is available. Additionally, the legislature reconvenes in less than nine months. IDAHO CODE ANN. § 67-404 (2015). The legislative process also affords the Petitioner with an obvious and adequate remedy in the form of pursuing another bill. The Petitioner could attempt to achieve the relief he seeks through either option. Petitioner admits this, stating that "the district court and the legislature may be proper forums to resolve the issue," but he says it simply is not fast enough for the "constitutional question at stake." (Amended Pet. for Writ of Mandamus, ¶¶ 17-29) Again the "adequacy of the remedy is not to be tested by the convenience or inconvenience of the parties to a particular case." *Willman*, 4 Idaho at 13. The Petitioner cannot maintain that either the district court or legislative process is inconvenient when the tax relief he supports would not occur until June 1, 2018. Both processes could provide a remedy before the proposed tax relief would be implemented. As such, the Court should deny the requested relief because there are appropriate alternatives to a writ consistent with the precedent outlined in *Wasden*.

**B. The Petitioner has not established a clear legal right that would warrant mandamus.**

For a writ of mandamus to be issued the Petitioner must also establish a clear legal right to have the requested act performed. *Reynard*, 53 Idaho at 80; *Brady*, 130 Idaho at 571. This Court said that "the purpose of a writ of mandamus is not to establish a legal right but to enforce one which has already been established...." *Reynard*, 53 Idaho at 80. The Court further clarifies

this requirement by saying, "the right [to the performance sought] must be so clear as not to admit of reasonable doubt or controversy." *Id.* This includes "not only the character of the claim, but also the form in which it is presented." *Id.*

The Petitioner has not established a legal right to the relief sought. He presents no arguments pointing to an established legal right to demand the Secretary of State declare the bill law without signature. Again the Petitioner's primary claim is that he was a proponent of H 67aaS, aaS. (Amended Pet. for Writ of Mandamus, ¶6). The Petitioner advocated for repealing the law taxing food and eliminating the grocery tax credit. *Id.* He is unhappy with the outcome of the political process, namely the Governor vetoing the bill. Frustration does not establish a legal right nor justify the relief sought from the Secretary of State. Frustration with the political process is simply not sufficient to establish a legal right to force the Secretary of State to overturn the veto of the Governor.

There is no provision in the Constitution or law that conveys a right upon the proponent of legislation to commandeer an elected official's authority to override the legal action of another constitutional officer. Thus, the Petition fails to show a clear legal right to have the Secretary reverse the Governor's veto and declare H 67aaS, aaS law without signature.

**C. Secretary Denney has a legal duty to accept Governor Otter's veto.**

Mandamus is only appropriate when the public officer has a clear legal duty to perform and the desired act is ministerial or executive in nature. *Almgren v. Idaho Dept. of Lands*, 136 Idaho 180, 183 (2001). In other words, mandamus will not issue to compel the performance of a discretionary act. *McCuskey v. Canyon Cnty.*, 123 Idaho 657, 663 (1993).

In this case, Idaho law and precedent establish the role of the Secretary in response to the Governor's veto. IDAHO CODE ANN. § 67-505 (2015). The law requires the Secretary to accept

the veto as long as it comports with the timeframe and requirements laid out in *Cenarrusa*, which it did. 99 Idaho at 409-410. There is no question that the Governor complied with the precedent of this Court when he returned the vetoed bill on the ninth day after it was presented to him. (Governor's Verified Pet. for Intervention, at 2). Contrary to the Petitioner's assertion, the Secretary's legal duty was to follow the law, not ignore it. Thus, the Petitioner neither establishes a critical component of mandamus, nor explains how the Secretary could legally refuse the veto. Therefore, the Petition should be denied.

**D. The balance of harms cuts against the Petitioner receiving relief.**

Mandamus is not a writ of right. *Kerley v. Wetherell*, 61 Idaho 31, 48 (1939). Issuing a writ is left to the sound judicial discretion of the Court. *Id.* This Court held that it must consider the impacts flowing from the issuance of a writ and must consider the public interest:

> If the evils following the issuance of the writ will outweigh the evils sought to be corrected, the court may, in the exercise of discretion refuse to issue the writ even though respondents may have shown a clear legal right for which mandamus is an appropriate remedy....

*Hunke*, 84 Idaho at 399.

Issuing this writ would harm the executive branch and future governors by effectively reducing the ten days under the Constitution the chief executive has to consider bills post *sine die*. Issuing the writ would upset the existing balance between the legislature and executive branch when dealing with bills after adjournment. Mandamus would not only overturn the veto, it also would effectively allow the legislature to dictate the amount of time a governor will have to consider bills, which by rule now provides up to five days after adjournment, but could be longer. Joint Rule 4, 5 Idaho Leg.[5] In contrast, the Petitioner does not suffer any hardship if his relief is denied. The elimination of sales tax on food under H 67aaS, aaS was not scheduled to

[5] *Available at* https://legislature.idaho.gov/house/house-joint-rules/.

occur until June 1, 2018. H.R. 67, 2017 Leg., 64th Sess. (Idaho 2017);[6] As previously discussed, the legislature meets in January 2018, which provides a viable avenue for the Petitioner to take up this cause again and eliminates any argument that he will endure a hardship equal to or greater than the Governor.

The hardship of the proposed relief falls entirely on the Governor and his role in the legislative process by functionally limiting the time he has to consider bills. Even if this Court believes the Petitioner has met the burden of showing a writ is appropriate, which he has not, it should refrain from issuing such extraordinary relief because of the disproportionate impact it would have on the executive branch.

## III. HOUSE BILL 67aaS, aaS IS UNCONSTITUTIONAL

Questions of constitutionality can be raised at any time. *Wanke v. Ziebarth Const. Co.*, 69 Idaho 64, 76 (1948). Article III, section 14 of the Idaho Constitution states: "[b]ills may originate in either house, but may be amended or rejected in the other, **except that bills for raising revenue shall originate in the house of representatives**." IDAHO CONST. art. III, § 14 (emphasis added). This Court has recognized that the Constitution "does not prohibit the Senate from denying passage of a revenue bill, and it does not specifically prohibit the Senate from amending a revenue bill." *Gallagher*, 141 Idaho at 668 (quoting *Worthen*, 96 Idaho at 179). In other words, "[t]his Court has already explicitly held that the Senate may amend House originated revenue bills." *Id.*

The question, however, becomes at what point does the Senate exceed its authority to amend a bill and instead generates an entirely new piece of legislation? This Court has not dealt with the Senate's practice of "radiator capping" revenue bills that originate in the House. The

[6] *Available at* https://legislature.idaho.gov/sessioninfo/2017/legislation/h0067/.

practice was not implicated in the previous two cases that examined the authorities granted under Article III, section 14 of the Idaho Constitution.

In both *Gallagher* and *Worthen* this Court examined legislation which raised revenues by increasing the tax liability of individuals in Idaho. In *Gallagher*, a taxpayer challenged the constitutionality of an increase in the cigarette, sales and use taxes asserting that the Senate's amendments resulted in the bill originating in that body in violation of Article III, section 14 of the Idaho Constitution.[7] 141 Idaho at 668. Similarly in *Worthen*, the Senate struck "that portion [of the House bill] which permitted individuals to deduct the amount of their federal income tax liability in determining their taxable income for the State of Idaho." 96 Idaho at 177. The Senate also added language treating corporations the same as individuals under the income tax code in Idaho, thus raising the income tax burden for everyone in Idaho. *Id.* In both cases, the Senate exercised its authority to amend minor components of a House bill, namely the percent of sales and use tax to be collected, the duration of collection and which components of federal tax code would adopted in Idaho. *Gallagher*, 141 Idaho at 668; *Worthen*, 96 Idaho at 177. In both cases, this Court focused on preserving the authority of the Senate to amend bills that raised revenue. *Id.* The Court took this position because it did not want the absurd result of limiting the Senate to only rejecting revenue bills from the House, which would have ultimately frustrated the entire legislative process. *Worthen*, 96 Idaho at 178.

The Governor does not assert that the Senate cannot amend revenue bills that originate in the House. He does, however, assert that the Senate did not simply amend H 67, instead it "radiator capped" the legislation and initiated an entirely new bill.

[7] The Senate amendments in *Gallagher* increased the original amount of sales and use tax and duration of collecting the tax that was proposed in the House legislation. *Gallagher*, 141 Idaho at 668.

There are examples over the course of previous legislative sessions where the Senate has amended components, parts or pieces of revenue bills initiated in the House. This was certainly the case in *Gallagher* and *Worthen* as the Senate worked within the four corners and subject matter of the House bill. However, *Gallagher* and *Worthen* are distinguishable from this case. Here, the Senate did more than merely change components of the original H 67; it completely replaced the language of the legislation, changing the focus and purpose of the bill. H.R. 67, 2017 Leg., 64th Sess. (Idaho 2017).[8]

In this case, prior to Senate action, H 67 dealt exclusively with reducing the income tax rates for individuals and corporations. *Id.* The Senate "radiator capped" the legislation and replaced every word of the bill with completely new language that instead eliminated the grocery tax credit and sales tax on food items. *Id.* This was the first time during the 2017 legislative session that language eliminating the grocery tax credit and removing sales tax on food appeared in legislation.[9] *Id.*

It is facetious to say the Senate merely amended H 67. The Senate's action resulted in entirely new legislation, which did not originate in the House of Representatives. *Id.* Furthermore, it negates the authority of the House under Article III, section 14 of the Idaho Constitution to allow the Senate to "radiator cap" legislation and originate a new revenue bill. To find that the Senate can "radiator cap" a revenue bill as it did here would not only negate the House's responsibility under the Constitution, but also would obstruct the legislative process between the two bodies. *Worthen*, 96 Idaho at 179.

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[8] *Available at* https://legislature.idaho.gov/sessioninfo/2017/legislation/h0067/.

[9] The Senate's proposal eliminating the grocery tax credit on January 1, 2018, would have increased the income tax burden of every individual who had previously received the credit and generated approximately $148 million more in fiscal year 2019 for the state general fund. H.R. 67, 2017 Leg., 64th Sess. (Idaho 2017); *available at* https://legislature.idaho.gov/sessioninfo/2017/legislation/h0067/.

Under the Constitution, H 67aaS, aaS raises revenue and since the new language and subject matter first appeared in the Senate it originated there and thus violates Article III, section 14 of the Idaho Constitution. Therefore, this Court should determine that H 67aaS, aaS is unconstitutional and dismiss the Petitioner's case.

## IV. *STARE DECISIS* REQUIRES THIS COURT TO AFFIRM *CENARRUSA v. ANDRUS*

Before this Court reaches the question of whether *Cenarrusa* is constitutional, it should dismiss the Petition since there are other grounds for denying the relief sought. *Houghland Farms Inc. v. Johnson*, 119 Idaho 72, 77 (1990) (stating the Court "should not consider overruling a controlling precedent, if there are other grounds for disposing of an appeal."). The Petitioner does not meet the traditional or relaxed standing requirements because there is no injury or constitutional violation. Nor does the Petitioner satisfy the requirements for a writ of mandamus as discussed above. H 67aaS, aaS is also unconstitutional under Article III, section 14 of the Idaho Constitution. Any of these reasons are enough to dismiss this action and deny the Petitioner the relief he seeks. Accordingly, Governor Otter believes this Court can dismiss the Petition without reviewing *Cenarrusa*.

Alternatively, if a review of the case is necessary, it must start with the fact that *Cenarrusa* is settled law. Reviewing precedent for the sake of rehashing old arguments is inappropriate and inefficient. *Scott v. Gossett*, 66 Idaho 329, 335 (1945). The Petitioner maintains that the Constitution imposes "a strict deadline by which the Governor must act" to veto legislation. (Amended Brief in Support of Pet. for Writ of Mandamus, at 13). The Petitioner argues that *Cenarrusa* ignores this strict deadline and therefore was manifestly wrong and reversing it is necessary to vindicate the plain or obvious principles of the Constitution. (Amended Brief in Support of Pet. for Writ of Mandamus, at 17). The Petitioner raises the exact

same arguments advanced by Secretary Cenarrusa almost forty years ago. He adds nothing new or different, in terms of legal theories, from those considered by the *Cenarrusa* Court. 99 Idaho 404, 406 (1978). Nor can the Petitioner distinguish the substantive facts of this case from those presented in *Cenarrusa*. *Id.* at 405-07. In the end, the Petitioner cannot even show an unjust result, distinct from the original objections presented in *Cenarrusa*, from continuing to apply this precedent. *Id.* Therefore, the Petition should be dismissed because the holding of *Cenarrusa* is still valid and controlling.

Nonetheless, if this Court questions the viability of *Cenarrusa,* it should uphold the case under the doctrine of *stare decisis*[10]. *Stare decisis* is an important facet of our legal system. It provides certainty and predictability by assuring that courts "must follow [controlling precedent], unless it is manifestly wrong, it has proven over time to be unjust or unwise, or overruling it is necessary to vindicate plain, obvious principles of law and remedy continued injustice." *Hoffer v. Shappard*, 160 Idaho 868, 883 (2016) (quoting *State v. Owens*, 158 Idaho 1, 4-5 (2015)); *Houghland Farms*, 119 Idaho at 77.

**A. *Cenarrusa* is still good law.**

*Stare decisis* limits this Court from overturning its precedent unless it determines that a prior holding is "manifestly wrong." *Owens*, 158 Idaho at 4-5. More specifically,

> [t]he general rule is that when the highest court of a state has construed a constitutional provision, the rule of stare decisis--that a question once deliberately examined and decided should be considered as settled--applies, unless it is demonstrably made to appear that the construction manifestly is wrong.

[10] Meaning "to stand by decided matters." The phrase is an abbreviation of the Latin "stare decisis et non quieta movere" which in English means "to stand by decisions and not to disturb settled matters." Paul A. Carey, *Stare decisis and techniques of legal reasoning and legal argument* 1 (1987).

*Scott*, 66 Idaho at 335. Cases asking this Court to change a previous interpretation of the Constitution should be discouraged unless the issues are of a dire nature. *Id.* at 336. Additionally, there is a higher standard for overturning cases involving powers and duties of state officers:

> A judicial construction by the court of last resort of this state, on a provision of the constitution dealing with the legislative and fiscal powers and duties of state officers, after once acted upon, should not be altered by subsequent decision except for the gravest reasons. Neither should the question be re-opened for further consideration after such a lapse of time as to enable the lawmaking power to further legislate on the subject.

*Id.* at 335.

*Cenarrusa* was not manifestly wrong. The facts of *Cenarrusa* demonstrate a clear disagreement between two constitutional officers over an aspect of the Idaho Constitution. 99 Idaho at 406. Governor Andrus read Article IV, section 10 of the Idaho Constitution to mean he had ten days from presentment after the Legislature adjourned *sine die* to deliberate and veto a bill. *Id.* Conversely, Secretary Cenarrusa interpreted the same section to mean the Governor had ten days after adjournment, regardless of the date of presentment, to veto a bill or it became law. *Id.* The *Cenarrusa* Court was faced with an open question of Idaho Constitutional law and concluded that the Governor's deliberative period begins upon *presentment*. *Id.* at 410. The depth of analysis in *Cenarrusa* shows that this decision was not a casual dismissal of the Secretary's concerns; rather, it was a robust examination of the branches and their authorities.

In fact, in light of all the complexities before the *Cenarrusa* Court, the decision was correct. The Court in *Cenarrusa* went to great lengths to review the role of the Governor in the legislative process. *Id.* (citing *State ex rel. Brassey v. Hansen,* 81 Idaho 403, 411 (1959) (concluding, "[t]he governor's consideration of a bill is an essential element...")). It determined that aside from the U.S. Supreme Court's holding in *Edwards* which discussed the veto authority

of the President, and a case from Illinois on a similar issue, there was "little else to guide [them] in their interpretation of Article IV section 10...." *Cenarrusa*, 99 Idaho at 409.

The *Cenarrusa* Court, quoting *Edwards v. United States*, discussed the "fundamental purpose of the constitutional provision to provide appropriate opportunity for the President to consider the bills presented to him." 286 U.S. 482, 493 (1932). In that case, the U.S. Supreme Court determined that neither the President nor Congress could interfere with the other's authority through inaction. *Id.* Specifically, "[t]he power thus conferred upon the President cannot be narrowed or cut down by Congress, nor the time within which it is to be exercised, lessened, directly or indirectly." *Id.* (quoting *The Pocket Veto Case,* 279 U.S. 655, 677-678 (1929)). The U.S. Supreme Court also recognized that this becomes increasingly more important as the number of bills for the President to consider multiplies. *Id.*

The Idaho Supreme Court also attempted to review cases in other states to determine whether any other rulings were applicable. At that time, there was only one similar case. In that case, the Illinois Governor was presented with two bills more than ten days after the legislature adjourned *sine die*. *State ex rel. Peterson v. Hughes,* 25 N.E.2d 75, 76 (1939). The *Cenarrusa* Court agreed with the Illinois Supreme Court's determination about the policy implications of the executive veto authority:

> The purpose of granting the Chief Executive authority to approve legislative matters was to enable him to prevent, as far as possible, the evils that flow from hasty and ill-considered legislation. The provision was one of the constitutional checks and balances exercised by one department of government over the other. It is a basic part of our scheme of government and is jealously guarded by the courts.

*Hughes*, 25 N.E.2d at 78.

The Court even reviewed transcripts from the Idaho constitutional convention to assess what its intent was for the executive's veto authority. *Cenarrusa*, 99 Idaho at 410. Based on the

proceedings of the constitutional convention, the *Cenarrusa* Court determined that the two time periods outlined in Article IV, section 10 were not at all related or "that the five days must somehow be taken as a universal minimum." *Id.*

This Court previously conducted a thorough analysis of all the issues raised by the Petitioner when it ruled in *Cenarrusa.* There is a very high threshold to reverse this Court's interpretations of the Constitution. Petitioner's dislike of *Cenarrusa* does not make it "manifestly wrong," nor is it enough to satisfy the rigorous test to reverse long-standing precedent. Instead, for the foregoing reasons, *Cenarrusa* was reasonable and should be upheld.

**B. The result of *Cenarrusa* was a balancing of legislative and executive authorities.**

*Stare decisis* will compel a court to uphold a precedent unless it has "proven over time to be unjust or unwise." *Owens*, 158 Idaho at 5. Cases challenging vetoes in Idaho are rare. In fact, this is only the second time this Court will address the validity of a veto after the legislature adjourned *sine die* and the first application of *Cenarrusa* in that context. Thus, there is not a body of case law to weigh the wisdom of this precedent against; however, this fact should evince the value *Cenarrusa* has provided to the executive branch and legislature in making laws over the past thirty-nine years.

The Court in *Cenarrusa* went to great lengths to analyze the language of Article IV, section 10 of the Idaho Constitution. Again, the analysis included a review of the executive veto authority for the President and other governors in an attempt to understand the scope and nature of this power. *Cenarrusa*, 99 Idaho at 407-409. The Court even looked at the Idaho constitution convention for historic perspective on the meaning of Article IV, section 10 of the Idaho Constitution. *Id.* at 410. From all of this, the *Cenarrusa* Court determined that: the Governor's consideration of legislation is "an essential element of the legislative process;" the Constitution

requires presentment of all bills to the Governor that have passed the legislature; and there is nothing in the Constitution "governing the time within which the legislature must present bills to the governor." *Id.* at 407-409. Under *Cenarrusa*, these seemingly incongruent provisions were interpreted in a way that one did not defeat the other. *Id.* at 408 (quoting *Hughes*, 25 N.E.2d at 80) ("Any construction which reduces the ten-day period belonging to the Governor or imposes a duty upon the General Assembly to present all bills before the date of adjournment, would lead to the defeat of the benefits which the constitutional provision was intended to guarantee.").

The wisdom of *Cenarrusa* is that it balanced these different authorities in a harmonious manner that fulfilled the promise of each. *Id.* at 408 (quoting *Petersen v. Hughes*, 372 Ill. 602, 607, 25 N.E.2d 75, 80 (1939)). That balance is still important today. The volume of bills delivered after adjournment is similar today as it was in 1976.[11] The Legislature still controls the timeframe for presenting bills to the Governor through its rulemaking process. Joint Rules 4, 5, Idaho Leg.[12] (allowing up to five days for bills to be presented to the Governor). There is still no provision in law or the Constitution that precludes the legislature from delivering a bill more than ten days after adjournment, nor is there an expedient remedy for the Governor if such delay occurs. *Cenarrusa*, 99 Idaho at 409 (stating "[t]here is no provision in our Constitution governing the time within which the legislature must present bills to the governor, and it is not for this Court to impose any limitation as to time."). The ruling in *Cenarrusa*, namely that the Governor has ten days from the date of presentment to act, has removed any possible, negative impacts to him associated with the legislature's prerogative to determine how to process bills that have passed both bodies. *Id.* (stating "a construction placing the legislature in control of the time

[11] In 1974, the legislature delivered 96 bills to Governor Andrus after it adjourned *sine die*. IDAHO SENATE JOURNAL, 1974, pp 294-295, 326. Similarly, in 1975, 93 bills were delivered to the governor after adjournment. IDAHO SENATE JOURNAL, 1975, pp 263, 281-282. Compare that to 69 bills delivered to Governor Otter after adjournment in 2016; 79 bills in 2014; and 103 bills in 2010. (Affidavit of Carrie Maulin, Appendix).

[12] *Available at* https://legislature.idaho.gov/house/house-joint-rules/.

frame available to a governor for consideration of a bill can only lead to an undermining of the dignity of the position to which each of these two equal and coordinated branches of government are entitled in their transactions with each other.").

Reversing *Cenarrusa*, however, would create an injustice for the executive branch. Without the holding in *Cenarrusa* the Governor would be subject to the whims of the legislature and its process for presenting legislation, which in turn could limit the timeframe for the Governor to consider and act on bills. For example, the legislature in 2013, delivered two bills five days after it adjourned *sine die*. Without *Cenarrusa*, the Governor would have had only six days (one of the days was Sunday) to consider, veto, articulate his objections and return the bill to the Secretary. (Affidavit of Carrie Maulin, Appendix). In 2015, three bills were again delivered five days after the Legislature adjourned, which without *Cenarrusa*, would have left the Governor only six days (again this timeframe included Sunday) to review and act. *Id.* Moreover, there has only been one session (2009) during Governor Otter's tenure when the legislature delivered all of the remaining bills on the date of adjournment. *Id.* Reversing *Cenarrusa* means that in nine out of ten years, Governor Otter would have had less than ten days to consider on average forty-five bills. *Id.* This prospect was considered and rejected under *Cenarrusa*. 99 Idaho at 409 (stating "[i]f we were to hold that the governor was without power to veto a bill more than ten days after adjournment, the legislature would be in a position to defeat at will one of the constitutionally granted powers of a separate and coequal branch of government merely by delaying presentment....A construction of the Constitution which defeats the very purpose of allowing the governor an opportunity to consider the wisdom of a bill is to be avoided.").

**C. There is no injustice to remedy because of *Cenarrusa.***

Under *State v. Owens*, the final exception to applying *stare decisis* is whether overruling the precedent is necessary to vindicate plain, obvious principles of law and remedy a continued injustice. 158 Idaho at 4-5. The Petitioner mistakenly asserts that reversing *Cenarrusa* is necessary to vindicate the plain, obvious language of Article IV, section 10 of the Idaho Constitution.

The Petitioner argues that the holding in *Cenarrusa* ignores the language of the Constitution, which he believes imposes a strict deadline on the Governor to veto and return bills from the date of adjournment. (Amended Brief in Support of Pet. for Writ of Mandamus, at 14). This issue was addressed in *Cenarrusa*. 99 Idaho at 406 ("The key issue, then is whether presentment is required before the governor's time for consideration of a bill begins to run....In other words, does this section allow a governor a certain minimum number of days for consideration of bills...after adjournment, or does it establish an absolute deadline of ten days after adjournment for the filing of vetoed bills with the secretary of state.").

The *Cenarrusa* Court was cognizant of the timeframes set forth in Article IV, section 10; however, it did not see that language as clear or plain. *Id.* at 409. The language of Article IV, section 10 establishes: (1) a requirement that all bills passed by the legislature be presented to the governor before they can become law; (2) it is the sole purview of the legislature to determine the method and time to present passed bills to the governor; and (3) there is a finite period of time for the Governor to consider, veto and return a bill to either the legislature or secretary. IDAHO CONST. art. IV, § 10; *Cenarrusa*, 99 Idaho at 407-409.

The uncertainty for the *Cenarrusa* Court was how to give effect to the aforementioned language, without diminishing the powers of two separate, but co-equal branches of government.

*Id.* (quoting *Hughes*, 25 N.E.2d 75, 80). The Court eventually settled on an interpretation of this constitutional provision that would not defeat "the very purpose of allowing the governor an opportunity to consider the wisdom of a bill...." *Id.* at 409.

The Petitioner also argues that the *Cenarrusa* decision itself is a continued injustice because it was tantamount to a *de facto* amendment of the Constitution. (Amended Brief in Support of Pet. for Writ of Mandamus, at 18). The Petitioner's argument ignores the role of the judiciary in our system of government. The judiciary is entrusted with interpreting the law. *Marbury v. Madison*, 5 U.S. 137 (1803); *Sunshine Mining Co. v. Allendale Mut. Ins. Co.*, 105 Idaho 133, 136 (1983) (holding "[t]he Idaho Supreme Court has inherent power to render decisions regarding Idaho law."). *Cenarrusa* was a lawful exercise of this Court's authority to interpret provisions of the Constitution. 99 Idaho at 409. To argue *Cenarrusa* was not produces the absurd result of completely negating the role of the judiciary.

Additionally *Cenarrusa* cannot be a continued injustice because of the infrequent application of the precedent. This is the first challenge to a post-adjournment veto since *Cenarrusa*.[13] Until now, the precedent concerning post-adjournment vetoes has sat unused. It is hard to imagine an injustice that would require reversing this precedent resulting from *Cenarrusa* since the holding has not been applied in almost forty years.

The principles set forth in *Cenarrusa* are still meaningful and should be upheld. The doctrine of *stare decisis* compels this Court to uphold *Cenarrusa* because Petitioner has failed to demonstrate how its principles are manifestly wrong, unwise or unjust. Petitioner has also failed to show why overruling the nearly forty-year-old interpretation is required or the existence of a continued error or injustice related to *Cenarrusa* that should be remedied. This Court has

[13] The issue in *Coeur d'Alene Tribe v. Denney* was not a post-adjournment veto. 161 Idaho 508 (2015). The issue was which timeframe (5 or 10 days) applied to a veto during the session when the legislature adjourned for the Easter holiday, but not *sine die*. *Id.*

previously examined and decided the issues at bar under *Cenarrusa* and it should be considered settled and the Petition dismissed.

## V. ANY DETERMINATION REVERSING *CENARRUSA* SHOULD APPLY PROSPECTIVELY

It is clear that rulings of this Court apply prospectively; however, this Court also can determine whether any decision reversing *Cenarrusa* will apply to the current veto. *BHA Investments, Inc. v. Boise*, 141 Idaho 168, 173 (2004). Unlike previous cases before the Court that discussed retroactive application of a judicial decision, this action concerns a very limited and rarely discussed provision of the Idaho Constitution. There are no pending cases concerning other vetoes or implicating Article IV, section 10 of the Idaho Constitution. Moreover, there are no previous vetoes issued by Governor Otter that could be challenged if the Court decides to overturn *Cenarrusa*. (Affidavit of Carrie Maulin, Appendix). The real issue is not retroactive application of this Court's possible decision should it decide to reverse *Cenarrusa*, but instead whether such a decision should apply to the veto of H 67aaS, aaS. If this Court strikes down *Cenarrusa*, then the decision should apply prospectively and not to the veto of H 67aaS, aaS.

Judicial decisions usually apply retroactively to all pending and previous cases; however, "[f]or policy reasons...this Court has discretion to limit the retroactive application of a particular decision. We may hold that it does not apply even to the case in which the decision was announced...." *Id.* (citing *Jones v. Watson*, 98 Idaho 606 (1977)). This Court has said "[w]hen deciding to limit the retroactive application of a decision, we weigh three factors: (1) the purpose of the decision; (2) the reliance upon the prior law; and (3) the effect upon the administration of justice if the decision is applied retroactively." *Id.* (citing *Thompson v. Hagan*, 96 Idaho 19 (1974)). The Court balances the first factor against the other two "to determine whether to limit

the retroactive application of the decision." *Id.* (citing *Jones* 98 Idaho at 606). For the following reasons this Court should only apply an adverse ruling prospectively.

**A. Prospective application is appropriate because it fulfills the purpose of a possible new pronouncement from this Court.**

If this Court is persuaded to reverse *Cenarrusa*, then the purpose and holding should be limited to establishing a new deadline for the Governor to veto legislation after the legislature adjourns *sine die*. The purpose of having a new timeframe only makes sense if applied prospectively. Governors, secretaries of state and legislatures operated under *Cenarrusa* for almost forty years. They cannot go back and revisit any of the vetoes that were previously issued and compliant with the precedent of this Court; however, they can transition and adhere to a new deadline starting in the 2018 legislative session (the next possible time this issue could arise) without frustrating a possible new interpretation of the Court.

**B. The Governor and Secretary of State have relied on *Cenarrusa*; therefore any change to this process should be prospective.**

The Governor throughout his time in office has relied on *Cenarrusa* to guide him in dealing with legislation delivered after adjournment. Reliance on prior law in this context was discussed in *BHA Investments, Inc. v. City of Boise*, 141 Idaho 168, 173 (2004). In *BHA Investments* this Court examined whether the City of Boise's reliance on its own ordinance to charge a liquor license transfer fee was appropriate. The Court determined that the city should have known it lacked the authority to impose a transfer fee since no court had ruled it could and the ordinance was inconsistent with state law. *Id.* Although the Court ultimately determined that the city's ordinance was invalid and applied its decision retroactively, *BHA Investments* is still instructive. In this case, Governor Otter was not relying on his interpretation of Article IV, section 10, he was relying on a pronouncement of this Court, which again has not been

challenged in thirty-nine years. Following this Court and its decisions is required; precedent is not merely advisory. Governor Otter approached this session as he has every other, believing he had ten days from the date of presentment to veto and return a bill delivered after adjournment. Therefore, the Governor's compliance with *Cenarrusa* should be given significant weight in the determination to preserve the veto and apply any adverse decision prospectively.

### C. Prospectively applying a decision to reverse *Cenarrusa* will not impact the administration of justice.

The third factor in determining the applicability of a judicial decision is the "effect on the administration of justice, 'that is, the number of cases that would be reopened if the decision is applied retroactively.'" *Id.* at 173 (quoting *V-1 Oil Co. v. Idaho Petroleum Clean Water Trust Fund*, 128 Idaho 890, 895 (1996)). Again, this case is unique. Reversing *Cenarrusa* will likely not result in another case challenging a veto by Governor Otter; however, that should not diminish or outweigh the tremendous reliance the Governor placed on *Cenarrusa.*

Even though the Court looks at the balance of the aforementioned factors, the Governor's reliance on this Court's precedent should in and of itself be enough to warrant prospective application of an adverse ruling on *Cenarrusa.* The Governor was following legal precedent. To apply the decision retroactively would be saying he made a mistake in doing so, which simply is not true. Moreover, the Court, if it chooses, can achieve the impact it desires if it reverses *Cenarrusa* by allowing the parties to implement the new deadline for vetoes in the next legislative session.

## CONCLUSION

Respondent-Intervenor Governor Otter joins in portions of the arguments advanced by Respondent Secretary of State. The Governor prays that this Court deny the relief requested by the Petitioner and if necessary, declare H 67aaS, aaS unconstitutional. Further, the Governor also

prays that the Court affirm *Cenarrusa* if it reaches the question of the whether that precedent is still good law. If this Court decides to reverse *Cenarrusa* then the Governor prays that it will apply the decision prospectively and preserve the veto of H 67aaS, aaS. Finally, the Governor prays for attorney's fees and costs as allowed by the Idaho Appellate Rules.

Dated: May 19, 2017

Respectfully submitted,

DAVID F. HENSLEY
CALLY A. YOUNGER

*Attorneys for Respondent-Intervenor*
Governor C.L. "Butch" Otter

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 2017, I caused to be served a true and correct copy of the foregoing Brief of Respondent-Intervenor by the method indicated below and addressed to each of the following:

Original filed via Hand Delivery with the Idaho Supreme Court.

| | |
|---|---|
| LAWERENCE DENNEY<br>SECRETARY OF STATE<br>c/o Brian Kane<br>Assistant Chief Deputy Attorney General<br>954 W. Jefferson Street, 2nd Floor<br>Boise, ID 83720-0010<br>Brian.kane@ag.idaho.gov | _x_ Hand Delivery<br>____ U.S. Mail, postage prepaid<br>____ Facsimile<br>____ Overnight Mail<br>_x_ Email |
| BRYAN SMITH<br>SMITH, DRISCOLL & ASSOC.<br>P.O. Box 50731<br>Idaho Falls, ID 83405<br>Boise, ID 83702<br>Bds@eidaholaw.com | ____ Hand Delivery<br>____ U.S. mail, postage prepaid<br>____ Facsimile<br>_x_ Overnight Mail<br>_x_ Email |

By: _____
DAVID F. HENSLEY
Attorney for Governor C.L. "Butch" Otter

# APPENDIX

**AFFIDAVIT**

STATE OF IDAHO )
) SS.
COUNTY OF ADA )

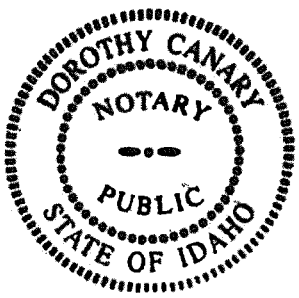
Comes now Carrie Maulin and states as follows:

1. I am over the age of majority and have personal knowledge of the information contained herein.
2. I am Chief Clerk of the Idaho House of Representatives.
3. I requested that the Legislative Services Office create the foregoing document.
4. The Legislative Services Office created the foregoing document on 4/28/2017 by compiling information drawn from the House and Senate Journals using the legislature's in house database.
5. I have reviewed the foregoing document. I am familiar with the content therein and to the best of my knowledge, believe it to be a true and correct statement of the bills presented to the Governor after the legislature has adjourned *Sine Die* from the years 2008-2017.

Further, your affiant sayeth naught.

Carrie Maulin
Chief Clerk of the House

Subscribed and sworn to me this 18 day of May, 2017




Notary Public Dorothy Canary

Residing at Canyon County

My commission expires: 6-17-2021

**Session Year - 2008**

**House - Sine Die - Wednesday, April 2, 2008 at 4:34 p.m.**

**Senate - Sine Die - Wednesday, April 2, 2008 at 6:13 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0599 | April 3, 2008 | 2:06 p.m. |
| House | H0477 | April 3, 2008 | 2:06 p.m. |
| House | H0481 | April 3, 2008 | 2:06 p.m. |
| House | H0630 | April 3, 2008 | 2:06 p.m. |
| House | H0656 | April 3, 2008 | 2:06 p.m. |
| House | H0680 | April 3, 2008 | 2:06 p.m. |
| House | H0682 | April 3, 2008 | 2:06 p.m. |
| House | H0695 | April 3, 2008 | 2:06 p.m. |
| House | H0696 | April 3, 2008 | 2:06 p.m. |
| House | H0691 | April 3, 2008 | 2:06 p.m. |
| Senate | S1361 | April 3, 2008 | 2:30 p.m. |
| Senate | S1518 | April 3, 2008 | 2:30 p.m. |
| Senate | S1519 | April 3, 2008 | 2:30 p.m. |

**Session Year - 2009**

**House - Sine Die - Friday, May 8, 2009 at 2:05 p.m.**

**Senate - Sine Die - Friday, May 8, 2009 at 1:49 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0211 | May 8, 2009 | 4:25 p.m. |
| House | H0374 | May 8, 2009 | 4:25 p.m. |
| House | H0376 | May 8, 2009 | 4:25 p.m. |
| House | H0377 | May 8, 2009 | 4:25 p.m. |
| House | H0378 | May 8, 2009 | 4:25 p.m. |
| House | H0303 | May 8, 2009 | 4:25 p.m. |
| House | H0338 | May 8, 2009 | 4:25 p.m. |
| House | H0275 | May 8, 2009 | 2:30 p.m. |
| Senate | S1130 | May 8, 2009 | 2:30 p.m. |
| Senate | S1225 | May 8, 2009 | 2:30 p.m. |
| Senate | S1235 | May 8, 2009 | 2:30 p.m. |
| Senate | S1239 | May 8, 2009 | 2:30 p.m. |
| Senate | S1246 | May 8, 2009 | 2:30 p.m. |
| Senate | S1228 | May 8, 2009 | 4:25 p.m. |
| Senate | S1236 | May 8, 2009 | 4:25 p.m. |
| Senate | S1245 | May 8, 2009 | 4:25 p.m. |

**Session Year - 2010**
**House - Sine Die - Monday, March 29, 2010 at 9:19 p.m.**
**Senate - Sine Die -Monday, March 29, 2010 at 8:55 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0704 | March 31, 2010 | 8:15 a.m. |
| House | H0705 | March 31, 2010 | 8:15 a.m. |
| House | H0534 | March 31, 2010 | 8:15 a.m. |
| House | H0576 | March 31, 2010 | 8:15 a.m. |
| House | H0509 | March 31, 2010 | 8:15 a.m. |
| House | H0598 | March 31, 2010 | 8:15 a.m. |
| House | H0589 | March 31, 2010 | 8:15 a.m. |
| House | H0614 | March 31, 2010 | 8:15 a.m. |
| House | H0681 | March 31, 2010 | 8:15 a.m. |
| House | H0699 | March 31, 2010 | 8:15 a.m. |
| House | H0688 | March 31, 2010 | 11:40 a.m. |
| House | H0675 | March 31, 2010 | 11:40 a.m. |
| House | H0684 | March 31, 2010 | 11:40 a.m. |
| House | H0710 | March 31, 2010 | 11:40 a.m. |
| House | H0711 | March 31, 2010 | 11:40 a.m. |
| House | H0712 | March 31, 2010 | 11:40 a.m. |
| House | H0713 | March 31, 2010 | 11:40 a.m. |
| House | H0631 | March 31, 2010 | 11:40 a.m. |
| House | H0692 | March 31, 2010 | 11:40 a.m. |
| House | H0667 | March 31, 2010 | 11:40 a.m. |
| House | H0676 | March 31, 2010 | 11:40 a.m. |
| House | H0722 | March 31, 2010 | 11:40 a.m. |
| House | H0721 | March 31, 2010 | 11:40 a.m. |
| House | H0717 | March 31, 2010 | 11:40 a.m. |
| House | H0716 | March 31, 2010 | 11:40 a.m. |
| House | H0715 | March 31, 2010 | 11:40 a.m. |
| House | H0714 | March 31, 2010 | 11:40 a.m. |
| House | H0726 | March 31, 2010 | 11:40 a.m. |
| House | H0723 | March 31, 2010 | 11:40 a.m. |
| House | H0724 | March 31, 2010 | 11:40 a.m. |
| House | H0725 | March 31, 2010 | 11:40 a.m. |
| House | H0637 | March 31, 2010 | 11:40 a.m. |
| House | H0682 | March 31, 2010 | 11:40 a.m. |
| House | H0708 | March 31, 2010 | 11:40 a.m. |
| House | H0727 | March 31, 2010 | 11:40 a.m. |
| House | H0728 | March 31, 2010 | 11:40 a.m. |
| House | H0600 | March 31, 2010 | 11:40 a.m. |
| House | H0459 | March 30, 2010 | 2:30 p.m. |
| House | H0602 | March 30, 2010 | 2:30 p.m. |
| House | H0398 | March 30, 2010 | 2:30 p.m. |
| House | H0438 | March 30, 2010 | 2:30 p.m. |
| House | H0542 | March 30, 2010 | 2:30 p.m. |
| House | H0574 | March 30, 2010 | 2:30 p.m. |

**Session Year - 2010**
**House - Sine Die - Monday, March 29, 2010 at 9:19 p.m.**
**Senate - Sine Die -Monday, March 29, 2010 at 8:55 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0425 | March 30, 2010 | 2:30 p.m. |
| House | H0608 | March 30, 2010 | 2:30 p.m. |
| House | H0596 | March 30, 2010 | 2:30 p.m. |
| House | H0496 | March 30, 2010 | 2:30 p.m. |
| House | H0555 | March 30, 2010 | 2:30 p.m. |
| House | H0543 | March 30, 2010 | 2:30 p.m. |
| House | H0603 | March 30, 2010 | 2:30 p.m. |
| House | H0550 | March 30, 2010 | 2:30 p.m. |
| House | H0554 | March 30, 2010 | 2:30 p.m. |
| House | H0593 | March 30, 2010 | 2:30 p.m. |
| House | H0613 | March 30, 2010 | 2:30 p.m. |
| House | H0531 | March 30, 2010 | 2:30 p.m. |
| House | H0691 | March 30, 2010 | 2:30 p.m. |
| House | H0640 | March 31, 2010 | 8:15 a.m. |
| House | H0645 | March 31, 2010 | 8:15 a.m. |
| House | H0653 | March 31, 2010 | 8:15 a.m. |
| House | H0697 | March 31, 2010 | 8:15 a.m. |
| House | H0698 | March 31, 2010 | 8:15 a.m. |
| House | H0701 | March 31, 2010 | 8:15 a.m. |
| House | H0702 | March 31, 2010 | 8:15 a.m. |
| House | H0703 | March 31, 2010 | 8:15 a.m. |
| House | H0615 | March 31, 2010 | 8:15 a.m. |
| House | H0665 | March 31, 2010 | 8:15 a.m. |
| House | H0545 | March 31, 2010 | 8:15 a.m. |
| House | H0493 | March 31, 2010 | 8:15 a.m. |
| Senate | S1327 | March 30, 2010 | 11:00 a.m. |
| Senate | S1345 | March 30, 2010 | 11:00 a.m. |
| Senate | S1357 | March 30, 2010 | 11:00 a.m. |
| Senate | S1365 | March 30, 2010 | 11:00 a.m. |
| Senate | S1375 | March 30, 2010 | 11:00 a.m. |
| Senate | S1409 | March 30, 2010 | 11:00 a.m. |
| Senate | S1410 | March 30, 2010 | 11:00 a.m. |
| Senate | S1428 | April 1, 2010 | 11:45 a.m. |
| Senate | S1429 | April 1, 2010 | 11:45 a.m. |
| Senate | S1430 | April 1, 2010 | 11:45 a.m. |
| Senate | S1431 | April 1, 2010 | 11:45 a.m. |
| Senate | S1432 | April 1, 2010 | 11:45 a.m. |
| Senate | S1433 | April 1, 2010 | 11:45 a.m. |
| Senate | S1434 | April 1, 2010 | 11:45 a.m. |
| Senate | S1435 | April 1, 2010 | 11:45 a.m. |
| Senate | S1436 | April 1, 2010 | 11:45 a.m. |
| Senate | S1437 | April 1, 2010 | 11:45 a.m. |
| Senate | S1438 | April 1, 2010 | 11:45 a.m. |

**Session Year - 2010**
**House - Sine Die - Monday, March 29, 2010 at 9:19 p.m.**
**Senate - Sine Die -Monday, March 29, 2010 at 8:55 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| Senate | S1439 | April 1, 2010 | 11:45 a.m. |
| Senate | S1440 | April 1, 2010 | 11:45 a.m. |
| Senate | S1441 | April 1, 2010 | 11:45 a.m. |
| Senate | S1442 | April 1, 2010 | 11:45 a.m. |
| Senate | S1443 | April 1, 2010 | 11:45 a.m. |
| Senate | S1301 | April 1, 2010 | 11:45 a.m. |
| Senate | S1310 | April 1, 2010 | 11:45 a.m. |
| Senate | S1311 | April 1, 2010 | 11:45 a.m. |
| Senate | S1320 | April 1, 2010 | 11:45 a.m. |
| Senate | S1340 | April 1, 2010 | 11:45 a.m. |
| Senate | S1361 | April 1, 2010 | 11:45 a.m. |
| Senate | S1382 | April 1, 2010 | 11:45 a.m. |
| Senate | S1383 | April 1, 2010 | 11:45 a.m. |
| Senate | S1384 | April 1, 2010 | 11:45 a.m. |
| Senate | S1385 | April 1, 2010 | 11:45 a.m. |
| Senate | S1398 | April 1, 2010 | 11:45 a.m. |
| Senate | S1399 | April 1, 2010 | 11:45 a.m. |
| Senate | S1400 | April 1, 2010 | 11:45 a.m. |
| Senate | S1417 | April 1, 2010 | 11:45 a.m. |
| Senate | S1344 | April 1, 2010 | 11:45 a.m. |
| Senate | S1346 | April 1, 2010 | 11:45 a.m. |
| Senate | S1390 | April 1, 2010 | 11:45 a.m. |
| Senate | S1401 | April 1, 2010 | 11:45 a.m. |
| Senate | S1408 | April 1, 2010 | 11:45 a.m. |
| Senate | S1422 | April 1, 2010 | 11:45 a.m. |
| Senate | S1425 | April 1, 2010 | 11:45 a.m. |
| Senate | S1444 | April 1, 2010 | 11:45 a.m. |
| Senate | S1445 | April 1, 2010 | 11:45 a.m. |
| Senate | S1335 | April 1, 2010 | 11:45 a.m. |
| Senate | S1403 | April 1, 2010 | 11:45 a.m. |
| Senate | S1407 | April 1, 2010 | 11:45 a.m. |
| Senate | S1419 | April 1, 2010 | 11:45 a.m. |
| Senate | S1420 | April 1, 2010 | 11:45 a.m. |
| Senate | S1423 | April 1, 2010 | 11:45 a.m. |
| Senate | S1424 | April 1, 2010 | 11:45 a.m. |
| Senate | S1426 | April 1, 2010 | 11:45 a.m. |
| Senate | S1427 | April 1, 2010 | 11:45 a.m. |

**Session Year - 2011**
**House - Sine Die - Thursday, April 7, 2011 at 2:21 p.m.**
**Senate - Sine Die - Thursday, April 7, 2011 at 12:36 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0326 | April 8, 2011 | 3:30 p.m. |
| House | H0341 | April 8, 2011 | 3:30 p.m. |
| House | H0331 | April 8, 2011 | 3:30 p.m. |
| House | H0343 | April 8, 2011 | 3:30 p.m. |
| House | H0351 | April 8, 2011 | 3:30 p.m. |
| House | H0310 | April 8, 2011 | 3:30 p.m. |
| House | H0195 | April 8, 2011 | 3:30 p.m. |
| House | H0297 | April 8, 2011 | 3:30 p.m. |
| House | H0193 | April 8, 2011 | 3:30 p.m. |
| House | H0129 | April 8, 2011 | 3:30 p.m. |
| House | H0230 | April 8, 2011 | 3:30 p.m. |
| House | H0335 | April 8, 2011 | 3:30 p.m. |
| House | H0336 | April 8, 2011 | 3:30 p.m. |
| House | H0344 | April 8, 2011 | 3:30 p.m. |
| House | H0345 | April 8, 2011 | 3:30 p.m. |
| House | H0315 | April 8, 2011 | 3:30 p.m. |
| Senate | S1021 | April 8, 2011 | 1:30 p.m. |
| Senate | S1026 | April 8, 2011 | 1:30 p.m. |
| Senate | S1075 | April 8, 2011 | 1:30 p.m. |
| Senate | S1088 | April 8, 2011 | 1:30 p.m. |
| Senate | S1133 | April 8, 2011 | 1:30 p.m. |
| Senate | S1144 | April 8, 2011 | 1:30 p.m. |
| Senate | S1137 | April 8, 2011 | 1:30 p.m. |
| Senate | S1138 | April 8, 2011 | 1:30 p.m. |
| Senate | S1149 | April 8, 2011 | 1:30 p.m. |
| Senate | S1165 | April 8, 2011 | 1:30 p.m. |
| Senate | S1001 | April 8, 2011 | 2:50 p.m. |
| Senate | S1094 | April 8, 2011 | 2:50 p.m. |
| Senate | S1156 | April 8, 2011 | 2:50 p.m. |
| Senate | S1186 | April 8, 2011 | 2:50 p.m. |
| Senate | S1202 | April 8, 2011 | 2:50 p.m. |
| Senate | S1193 | April 8, 2011 | 2:50 p.m. |
| Senate | S1205 | April 8, 2011 | 2:50 p.m. |
| Senate | S1206 | April 8, 2011 | 2:50 p.m. |
| Senate | S1207 | April 8, 2011 | 2:50 p.m. |
| Senate | S1208 | April 8, 2011 | 2:50 p.m. |

**Session Year - 2012**

**House - Sine Die - Thursday, March 29, 2012 at 2:56 p.m.**

**Senate - Sine Die - Thursday, March 29, 2012 at 7:10 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0695 | March 30, 2012 | 10:30 a.m. |
| House | H0696 | March 30, 2012 | 10:30 a.m. |
| House | H0639 | March 30, 2012 | 10:30 a.m. |
| House | H0687 | March 30, 2012 | 10:30 a.m. |
| House | H0691 | March 30, 2012 | 10:30 a.m. |
| House | H0693 | March 30, 2012 | 10:30 a.m. |
| House | H0697 | March 30, 2012 | 10:30 a.m. |
| House | H0660 | March 30, 2012 | 10:30 a.m. |
| House | H0701 | March 30, 2012 | 2:04 p.m. |
| House | H0702 | March 30, 2012 | 2:04 p.m. |
| House | H0703 | March 30, 2012 | 2:04 p.m. |
| House | H0563 | March 30, 2012 | 2:04 p.m. |
| House | H0662 | March 30, 2012 | 2:04 p.m. |
| House | H0698 | March 30, 2012 | 2:04 p.m. |
| House | H0677 | March 29, 2012 | 1:50 p.m. |
| House | H0678 | March 29, 2012 | 1:50 p.m. |
| House | H0679 | March 29, 2012 | 1:50 p.m. |
| House | H0680 | March 29, 2012 | 1:50 p.m. |
| House | H0681 | March 29, 2012 | 1:50 p.m. |
| House | H0611 | March 29, 2012 | 1:50 p.m. |
| House | H0661 | March 29, 2012 | 1:50 p.m. |
| House | H0624 | March 29, 2012 | 1:50 p.m. |
| House | H0649 | March 29, 2012 | 1:50 p.m. |
| House | H0372 | March 29, 2012 | 1:50 p.m. |
| House | H0575 | March 29, 2012 | 1:50 p.m. |
| House | H0684 | March 29, 2012 | 1:50 p.m. |
| House | H0686 | March 29, 2012 | 1:50 p.m. |
| House | H0685 | March 29, 2012 | 1:50 p.m. |
| House | H0672 | March 29, 2012 | 1:50 p.m. |
| House | H0653 | March 29, 2012 | 1:50 p.m. |
| Senate | S1303 | March 30, 2012 | 2:00 p.m. |
| Senate | S1415 | March 30, 2012 | 2:00 p.m. |
| Senate | S1416 | March 30, 2012 | 2:00 p.m. |
| Senate | S1386 | March 30, 2012 | 2:00 p.m. |
| Senate | S1412 | March 30, 2012 | 2:00 p.m. |
| Senate | S1413 | March 30, 2012 | 2:00 p.m. |
| Senate | S1414 | March 30, 2012 | 2:00 p.m. |
| Senate | S1357 | March 30, 2012 | 2:00 p.m. |
| Senate | S1348 | March 30, 2012 | 2:00 p.m. |

**Session Year - 2013**

**House - Sine Die - Thursday, April 4, 2013 at 11:31 a.m.**

**Senate - Sine Die - Thursday, April 4, 2013 at 10:51 a.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0322 | April 4, 2013 | 12:45 p.m. |
| House | H0133 | April 4, 2013 | 12:45 p.m. |
| House | H0327 | April 4, 2013 | 12:45 p.m. |
| House | H0328 | April 4, 2013 | 12:45 p.m. |
| House | H0231 | April 4, 2013 | 12:45 p.m. |
| House | H0245 | April 4, 2013 | 12:45 p.m. |
| House | H0332 | April 4, 2013 | 12:45 p.m. |
| House | H0333 | April 4, 2013 | 12:45 p.m. |
| House | H0334 | April 4, 2013 | 12:45 p.m. |
| House | H0335 | April 4, 2013 | 12:45 p.m. |
| House | H0317 | April 4, 2013 | 12:45 p.m. |
| House | H0324 | April 4, 2013 | 12:45 p.m. |
| House | H0206 | April 5, 2013 | 1:53 p.m. |
| House | H0221 | April 5, 2013 | 1:53 p.m. |
| House | H0259 | April 5, 2013 | 1:53 p.m. |
| House | H0098 | April 5, 2013 | 1:53 p.m. |
| House | H0120 | April 5, 2013 | 1:53 p.m. |
| House | H0343 | April 5, 2013 | 1:53 p.m. |
| House | H0319 | April 5, 2013 | 1:53 p.m. |
| House | H0345 | April 5, 2013 | 1:53 p.m. |
| Senate | S1196 | April 5, 2013 | 9:55 a.m. |
| Senate | S1192 | April 5, 2013 | 9:55 a.m. |
| Senate | S1134 | April 5, 2013 | 9:55 a.m. |
| Senate | S1197 | April 5, 2013 | 9:55 a.m. |
| Senate | S1199 | April 5, 2013 | 9:55 a.m. |
| Senate | S1189 | April 4, 2013 | 9:55 a.m. |
| Senate | S1190 | April 4, 2013 | 9:55 a.m. |
| Senate | S1040 | April 9, 2013 | 10:00 a.m. |
| Senate | S1200 | April 9, 2013 | 10:00a.m. |

**Session Year - 2014**

**House - Sine Die - Thursday, March 20, 2014 at 6:58 p.m.**

**Senate - Sine Die - Thursday, March 20, 2014 at 6:57 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0441 | March 24, 2014 | 2:10 p.m. |
| House | H0470 | March 24, 2014 | 2:10 p.m. |
| House | H0478 | March 24, 2014 | 2:10 p.m. |
| House | H0492 | March 24, 2014 | 2:10 p.m. |
| House | H0518 | March 24, 2014 | 2:10 p.m. |
| House | H0546 | March 24, 2014 | 2:10 p.m. |
| House | H0584 | March 24, 2014 | 2:10 p.m. |
| House | H0589 | March 24, 2014 | 2:10 p.m. |
| House | H0593 | March 24, 2014 | 2:10 p.m. |
| House | H0595 | March 24, 2014 | 2:10 p.m. |
| House | H0598 | March 24, 2014 | 2:10 p.m. |
| House | H0600 | March 24, 2014 | 2:10 p.m. |
| House | H0633 | March 24, 2014 | 2:10 p.m. |
| House | H0634 | March 24, 2014 | 2:10 p.m. |
| House | H0635 | March 24, 2014 | 2:10 p.m. |
| House | H0636 | March 24, 2014 | 2:10 p.m. |
| House | H0637 | March 24, 2014 | 2:10 p.m. |
| House | H0638 | March 24, 2014 | 2:10 p.m. |
| House | H0639 | March 24, 2014 | 2:10 p.m. |
| House | H0640 | March 24, 2014 | 2:10 p.m. |
| House | H0641 | March 24, 2014 | 2:10 p.m. |
| House | H0642 | March 24, 2014 | 2:10 p.m. |
| House | H0643 | March 24, 2014 | 2:10 p.m. |
| House | H0644 | March 24, 2014 | 2:10 p.m. |
| House | H0645 | March 24, 2014 | 2:10 p.m. |
| House | H0646 | March 24, 2014 | 2:10 p.m. |
| House | H0647 | March 24, 2014 | 2:10 p.m. |
| House | H0648 | March 24, 2014 | 2:10 p.m. |
| House | H0649 | March 24, 2014 | 2:10 p.m. |
| House | H0650 | March 24, 2014 | 2:10 p.m. |
| House | H0651 | March 24, 2014 | 2:10 p.m. |
| House | H0565 | March 24, 2014 | 10:15 a.m. |
| Senate | S1302 | March 24, 2014 | 11:25 a.m. |
| Senate | S1393 | March 24, 2014 | 11:25 a.m. |
| Senate | S1394 | March 24, 2014 | 11:25 a.m. |
| Senate | S1396 | March 24, 2014 | 11:25 a.m. |
| Senate | S1410 | March 24, 2014 | 11:25 a.m. |
| Senate | S1232 | March 24, 2014 | 11:25 a.m. |
| Senate | S1355 | March 24, 2014 | 11:25 a.m. |
| Senate | S1248 | March 24, 2014 | 11:25 a.m. |
| Senate | S1353 | March 24, 2014 | 11:25 a.m. |
| Senate | S1359 | March 24, 2014 | 11:25 a.m. |
| Senate | S1397 | March 24, 2014 | 11:25 a.m. |
| Senate | S1398 | March 24, 2014 | 11:25 a.m. |

**Session Year - 2014**

**House - Sine Die - Thursday, March 20, 2014 at 6:58 p.m.**

**Senate - Sine Die - Thursday, March 20, 2014 at 6:57 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| Senate | S1399 | March 24, 2014 | 11:25 a.m. |
| Senate | S1400 | March 24, 2014 | 11:25 a.m. |
| Senate | S1401 | March 24, 2014 | 11:25 a.m. |
| Senate | S1402 | March 24, 2014 | 11:25 a.m. |
| Senate | S1403 | March 24, 2014 | 11:25 a.m. |
| Senate | S1404 | March 24, 2014 | 11:25 a.m. |
| Senate | S1405 | March 24, 2014 | 11:25 a.m. |
| Senate | S1406 | March 24, 2014 | 11:25 a.m. |
| Senate | S1408 | March 24, 2014 | 11:25 a.m. |
| Senate | S1421 | March 24, 2014 | 4:20 p.m. |
| Senate | S1419 | March 24, 2014 | 4:20 p.m. |
| Senate | S1422 | March 24, 2014 | 4:20 p.m. |
| Senate | S1423 | March 24, 2014 | 4:20 p.m. |
| Senate | S1425 | March 24, 2014 | 4:20 p.m. |
| Senate | S1426 | March 24, 2014 | 4:20 p.m. |
| Senate | S1427 | March 24, 2014 | 4:20 p.m. |
| Senate | S1428 | March 24, 2014 | 4:20 p.m. |
| Senate | S1431 | March 24, 2014 | 4:20 p.m. |
| Senate | S1432 | March 24, 2014 | 4:20 p.m. |
| Senate | S1429 | March 24, 2014 | 4:20 p.m. |
| Senate | S1433 | March 24, 2014 | 4:20 p.m. |
| Senate | S1370 | March 24, 2014 | 4:20 p.m. |
| Senate | S1409 | March 24, 2014 | 4:20 p.m. |
| Senate | S1407 | March 24, 2014 | 4:20 p.m. |
| Senate | S1379 | March 24, 2014 | 4:20 p.m. |
| Senate | S1424 | March 24, 2014 | 4:20 p.m. |
| Senate | S1430 | March 24, 2014 | 4:20 p.m. |
| Senate | S1414 | March 24, 2014 | 4:20 p.m. |
| Senate | S1415 | March 24, 2014 | 4:20 p.m. |
| Senate | S1416 | March 24, 2014 | 4:20 p.m. |
| Senate | S1413 | March 24, 2014 | 4:20 p.m. |
| Senate | S1417 | March 24, 2014 | 4:20 p.m. |
| Senate | S1418 | March 24, 2014 | 4:20 p.m. |
| Senate | S1420 | March 24, 2014 | 4:20 p.m. |
| Senate | S1395 | March 24, 2014 | 4:20 p.m. |

**Session Year - 2015**

**House - Sine Die - Saturday, April 11, 2015 at 1:36 a.m.**

**Senate - Sine Die - Saturday, April 11, 2015 at 1:33 a.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0309 | April 13, 2015 | 3:00 p.m. |
| House | H0092 | April 13, 2015 | 3:00 p.m. |
| House | H0312 | April 16, 2015 | 1:20 p.m. |
| Senate | S1192 | April 13, 2015 | 10:45 a.m. |
| Senate | S1174 | April 13, 2015 | 10:45 a.m. |
| Senate | S1112 | April 16, 2015 | 2:50 p.m. |
| Senate | S1135 | April 16, 2015 | 2:50 p.m. |

**Session Year - 2016**
**House - Sine Die - Friday, March 25, 2016 - 12:09 p.m.**
**Senate - Sine Die - Thursday, March 24, 2016 - 9:02 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0556 | March 28, 2016 | 4:33 p.m. |
| House | H0603 | March 28, 2016 | 4:33 p.m. |
| House | H0625 | March 28, 2016 | 4:33 p.m. |
| House | H0626 | March 28, 2016 | 4:33 p.m. |
| House | H0627 | March 28, 2016 | 4:33 p.m. |
| House | H0629 | March 28, 2016 | 4:33 p.m. |
| House | H0630 | March 28, 2016 | 4:33 p.m. |
| House | H0382 | March 28, 2016 | 4:33 p.m. |
| House | H0521 | March 28, 2016 | 4:33 p.m. |
| House | H0477 | March 28, 2016 | 4:33 p.m. |
| House | H0555 | March 28, 2016 | 4:33 p.m. |
| House | H0371 | March 28, 2016 | 4:33 p.m. |
| House | H0494 | March 28, 2016 | 4:33 p.m. |
| House | H0497 | March 28, 2016 | 4:33 p.m. |
| House | H0635 | March 28, 2016 | 4:33 p.m. |
| House | H0636 | March 28, 2016 | 4:33 p.m. |
| House | H0637 | March 28, 2016 | 4:33 p.m. |
| House | H0638 | March 28, 2016 | 4:33 p.m. |
| House | H0640 | March 28, 2016 | 4:33 p.m. |
| House | H0641 | March 28, 2016 | 4:33 p.m. |
| House | H0577 | March 28, 2016 | 4:33 p.m. |
| House | H0642 | March 28, 2016 | 4:33 p.m. |
| House | H0645 | March 28, 2016 | 4:33 p.m. |
| House | H0643 | March 28, 2016 | 4:33 p.m. |
| House | H0646 | March 28, 2016 | 4:33 p.m. |
| House | H0647 | March 28, 2016 | 4:33 p.m. |
| House | H0639 | March 28, 2016 | 4:33 p.m. |
| House | H0649 | March 28, 2016 | 4:33 p.m. |
| House | H0650 | March 28, 2016 | 4:33 p.m. |
| House | H0606 | March 28, 2016 | 4:33 p.m. |
| Senate | S1257 | March 28, 2016 | 1:16 p.m. |
| Senate | S1322 | March 28, 2016 | 1:16 p.m. |
| Senate | S1265 | March 28, 2016 | 1:16 p.m. |
| Senate | S1354 | March 28, 2016 | 1:16 p.m. |
| Senate | S1405 | March 28, 2016 | 2:25 p.m. |
| Senate | S1406 | March 28, 2016 | 2:25 p.m. |
| Senate | S1407 | March 28, 2016 | 2:25 p.m. |
| Senate | S1408 | March 28, 2016 | 2:25 p.m. |
| Senate | S1410 | March 28, 2016 | 2:25 p.m. |
| Senate | S1411 | March 28, 2016 | 2:25 p.m. |
| Senate | S1412 | March 28, 2016 | 2:25 p.m. |
| Senate | S1413 | March 28, 2016 | 2:25 p.m. |
| Senate | S1414 | March 28, 2016 | 2:25 p.m. |

**Session Year - 2016**
**House - Sine Die - Friday, March 25, 2016 - 12:09 p.m.**
**Senate - Sine Die - Thursday, March 24, 2016 - 9:02 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| Senate | S1415 | March 28, 2016 | 2:25 p.m. |
| Senate | S1416 | March 28, 2016 | 2:25 p.m. |
| Senate | S1417 | March 28, 2016 | 2:25 p.m. |
| Senate | S1418 | March 28, 2016 | 2:25 p.m. |
| Senate | S1419 | March 28, 2016 | 2:25 p.m. |
| Senate | S1421 | March 28, 2016 | 2:25 p.m. |
| Senate | S1297 | March 28, 2016 | 2:25 p.m. |
| Senate | S1428 | March 28, 2016 | 4 p.m. |
| Senate | S1317 | March 28, 2016 | 2:25 p.m. |
| Senate | S1253 | March 28, 2016 | 2:25 p.m. |
| Senate | S1420 | March 28, 2016 | 2:25 p.m. |
| Senate | S1426 | March 28, 2016 | 2:25 p.m. |
| Senate | S1427 | March 28, 2016 | 2:25 p.m. |
| Senate | S1404 | March 28, 2016 | 2:25 p.m. |
| Senate | S1429 | March 28, 2016 | 2:25 p.m. |
| Senate | S1430 | March 28, 2016 | 2:25 p.m. |
| Senate | S1425 | March 28, 2016 | 2:25 p.m. |
| Senate | S1424 | March 28, 2016 | 2:25 p.m. |
| Senate | S1422 | March 28, 2016 | 2:25 p.m. |
| Senate | S1423 | March 28, 2016 | 2:25 p.m. |
| Senate | S1315 | March 28, 2016 | 2:25 p.m. |
| Senate | S1300 | March 28, 2016 | 2:25 p.m. |
| Senate | S1301 | March 28, 2016 | 2:25 p.m. |
| Senate | S1360 | March 28, 2016 | 2:25 p.m. |
| Senate | S1409 | March 28, 2016 | 2:25 p.m. |
| Senate | S1201 | March 28, 2016 | 2:25 p.m. |

**Session Year - 2017**

**House - Sine Die - Wednesday, March 29, 2016 - 10:48 a.m.**

**Senate - Sine Die - Wednesday, March 29, 2016 - 12:00 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| House | H0315 | March 31, 2017 | 12:05 p.m. |
| House | H0307 | March 31, 2017 | 12:05 p.m. |
| House | H0313 | March 31, 2017 | 12:05 p.m. |
| House | H0314 | March 31, 2017 | 12:05 p.m. |
| House | H0316 | March 31, 2017 | 12:05 p.m. |
| House | H0317 | March 31, 2017 | 12:05 p.m. |
| House | H0318 | March 31, 2017 | 12:05 p.m. |
| House | H0320 | March 31, 2017 | 12:05 p.m. |
| House | H0321 | March 31, 2017 | 12:05 p.m. |
| House | H0274 | March 31, 2017 | 12:05 p.m. |
| House | H0067 | March 31, 2017 | 12:05 p.m. |
| House | H0326 | March 31, 2017 | 12:05 p.m. |
| House | H0329 | March 31, 2017 | 12:05 p.m. |
| House | H0334 | March 31, 2017 | 12:05 p.m. |
| House | H0328 | March 31, 2017 | 12:05 p.m. |
| Senate | S1120 | March 30, 2017 | 2:00 p.m. |
| Senate | S1125 | March 30, 2017 | 2:00 p.m. |
| Senate | S1177 | March 30, 2017 | 2:00 p.m. |
| Senate | S1178 | March 30, 2017 | 2:00 p.m. |
| Senate | S1179 | March 30, 2017 | 2:00 p.m. |
| Senate | S1139 | March 30, 2017 | 2:00 p.m. |
| Senate | S1185 | March 30, 2017 | 2:00 p.m. |
| Senate | S1186 | March 30, 2017 | 2:00 p.m. |
| Senate | S1187 | March 30, 2017 | 2:00 p.m. |
| Senate | S1189 | March 30, 2017 | 2:00 p.m. |
| Senate | S1090 | March 30, 2017 | 2:00 p.m. |
| Senate | S1151 | March 30, 2017 | 2:00 p.m. |
| Senate | S1150 | March 30, 2017 | 2:00 p.m. |
| Senate | S1119 | March 30, 2017 | 2:00 p.m. |
| Senate | S1154 | March 30, 2017 | 2:00 p.m. |
| Senate | S1192 | March 30, 2017 | 2:00 p.m. |
| Senate | S1193 | March 30, 2017 | 2:00 p.m. |
| Senate | S1194 | March 30, 2017 | 2:00 p.m. |
| Senate | S1191 | March 30, 2017 | 2:00 p.m. |
| Senate | S1196 | March 30, 2017 | 2:00 p.m. |
| Senate | S1166 | March 30, 2017 | 2:00 p.m. |
| Senate | S1197 | March 30, 2017 | 2:00 p.m. |
| Senate | S1203 | March 30, 2017 | 2:00 p.m. |
| Senate | S1199 | March 30, 2017 | 2:00 p.m. |
| Senate | S1198 | March 30, 2017 | 2:00 p.m. |
| Senate | S1200 | March 30, 2017 | 2:00 p.m. |
| Senate | S1201 | March 30, 2017 | 2:00 p.m. |
| Senate | S1205 | March 30, 2017 | 2:00 p.m. |
| Senate | S1202 | March 30, 2017 | 2:00 p.m. |

**Session Year - 2017**
**House - Sine Die - Wednesday, March 29, 2016 - 10:48 a.m.**
**Senate - Sine Die - Wednesday, March 29, 2016 - 12:00 p.m.**

| Chamber | Bill No. | To Governor Date | To Governor Time |
|---|---|---|---|
| Senate | S1190 | March 30, 2017 | 2:00 p.m. |
| Senate | S1144 | March 30, 2017 | 2:00 p.m. |
| Senate | S1093 | March 30, 2017 | 2:00 p.m. |
| Senate | S1141 | March 30, 2017 | 2:00 p.m. |
| Senate | S1206 | March 30, 2017 | 2:00 p.m. |