



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

March 9, 2006

**VIA HAND DELIVERY**

The Honorable Ben Ysursa  
Idaho Secretary of State  
STATEHOUSE

Re: Certificate of Review  
Proposed Initiative Relating to the Removal of Wolves from Idaho

Dear Secretary of State Ysursa:

A proposed initiative petition was filed with your office on March 7, 2006. Pursuant to Idaho Code § 34-1809, this office has reviewed the proposal and prepared the following advisory comments. It must be stressed that, given the strict statutory time frame in which this office must respond and the complexity of the legal issues raised in this proposed initiative, this office's review can only isolate areas of concern and cannot provide in-depth analysis of each issue that may present problems. Further, under the review statute, the following recommendations are "advisory only." The petitioners are free to "accept or reject them in whole or in part." The opinions expressed in this review are only those that may affect the legality of the proposed initiative. This office offers no opinion with regard to the policy issues raised by this proposed initiative.

**BALLOT TITLE**

Following the filing of the proposed initiative, this office will prepare short and long ballot titles. The ballot titles must impartially and succinctly state the purpose of the measure without being argumentative and without creating prejudice for or against the measure. While this office prepares the titles, if petitioners would like to propose language with these standards in mind, they are encouraged to do so. Any proposed language will be considered carefully.

## MATTERS OF SUBSTANTIVE IMPORT

**I. The Proposed Initiative.** The proposal is captioned "An Initiative Relating to Idaho Policy and Law Regarding the Removal of Wolves From Idaho." It effectively supersedes a proposed initiative that was filed with your office on February 9, 2006, and was the subject of a Certificate of Review dated March 3, 2006. The petition's sponsors adopted some, but not all, of the recommendations in the earlier Certificate. The newly filed petition contains eight sections. Sections 1 through 3 amend, respectively, Idaho Code §§ 36-103(a), 36-201, and 36-712(a). Sections 4 and 5 repeal, respectively, Idaho Code §§ 36-714(2) and 36-715. Sections 6 and 7 add two sections to the Idaho Code. Section 8 rescinds a concurrent legislative resolution amending and approving the Idaho Wolf Conservation and Management Plan.

**II. Unity of Subject.** The Certificate of Review directed to the prior wolf initiative expressed concern over the compliance with Article III, Section 16. The current petition addressed that concern by limiting its scope of matters directly related to wolf management. A single subject therefore is involved.

**III. Full Text of Sections Amended.** Article III, Section 18 prohibits any act for being "revised or amended by mere reference to its title, but the section as amended shall be set forth and published at full length." See Golconda Lead Mines v. Neill, 82 Idaho 96, 99-101, 350 P.2d 221, 222-23 (1960). The Certificate of Review directed to the earlier petition recommended that the full text of, *inter alia*, Idaho Code §§ 36-103 and 36-712 be reproduced in the initiative, with amendments indicated appropriately by underscoring for additions and strikeouts for deletions. The underscoring and strikeouts, while not required constitutionally, were suggested to facilitate informed decision-making with respect to whether to sign the petition. The present petition again includes only those subsections of §§ 36-103 and -712 proposed to be amended. We construe the term "section" in Article III, Section 18 literally and thus repeat the recommendation that the full text of the latter two sections be set out in full. Finally, because the amendments in Sections 6 and 7 of the proposed initiative add new sections and do not modify existing ones, Article III, Section 18's full text requirement is inapplicable.

## CONCLUSION

I HEREBY CERTIFY that the measure has been reviewed for form, style and matters of substantive import and that the recommendations set forth above have been communicated to petitioner Ron Gillett by deposit in the U.S. Mail of a copy of this Certificate of Review.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Wasden", written in a cursive style.

LAWRENCE G. WASDEN  
Attorney General

Analysis by:

Clay R. Smith  
Deputy Attorney General