



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

November 16, 2006

VIA HAND DELIVERY

The Honorable Ben Ysursa
Idaho Secretary of State
Statehouse

Re: Certificate of Review
Proposed Initiative Relating to Wolf Regulation in Idaho

Dear Secretary of State Ysursa:

An initiative petition was filed with your office on November 6, 2006. Pursuant to Idaho Code § 34-1809, this office has reviewed the petition and prepared the following advisory comments. Given the strict statutory time frame in which this office must respond and the complexity of the legal issues raised in this petition, the 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 one recommendation below is "advisory only." The petitioner is free to "accept or reject [it] in whole or in part." The opinions expressed in this review are only those that may affect the legality of the initiative. This office offers no opinion with regard to the policy issues raised by this proposed initiative.

BALLOT TITLE

Following the filing of the measure within the 15 working-day period specified in Idaho Code § 34-1809, 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 Wolf Regulation in Idaho" and is the third such proposal filed with

your office during 2006. It is substantively identical to an initiative that was the subject of a certificate of review dated March 9, 2006. Insufficient signatures were gathered to qualify that initiative for the November 7, 2006 ballot. This initiative, if requisite qualified signatures are gathered, will be included on the ballot for the November 4, 2008 general election. The relevant federal statutory and regulatory background was summarized in my certificate of review dated March 3, 2006, which was directed to the initial wolf regulation petition filed on February 9, 2006, and will not be repeated.

The present petition contains nine 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. Section 6 amends certain definitions in Idaho Code § 36-2401 to exclude wolves, while Section 7 adds a new provision making chapter 36, title 24 inapplicable to wolves. Section 8 adds a new section to chapter 67, title 8 excluding wolves from the "jurisdiction" of the Office of Species Conservation. Section 9 rescinds a concurrent legislative resolution amending and approving the Idaho Wolf Conservation and Management Plan.

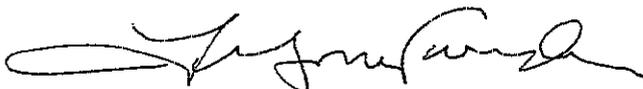
II. Unity of Subject. All substantive aspects of the proposed initiative relate to the regulation of wolves in Idaho. A single subject is involved.

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 proposed initiative complies with this requirement. A typographical error, however, appears in Section 3 which improperly quotes the section being amended as "36-712(a)" and not "36-712". This typographical error should be addressed in the measure, if any, submitted to your office following issuance of this certificate of review.

CONCLUSION

I HEREBY CERTIFY that the enclosed 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,



LAWRENCE G. WASDEN
Attorney General

Secretary of State Ysursa
November 16, 2006
Page 3 of 3

Analysis by:
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Deputy Attorney General

LGW/CRS/pb