

## **SUMMARY STATEMENT**

*Bedke v. Ellsworth*

Docket No. 48268

This case arises from a dispute between the presiding officers of the Idaho Legislature and the Idaho State Treasurer. The Speaker of the Idaho House of Representatives, Scott Bedke, and the President Pro Tempore of the Idaho Senate, Brent Hill (now Chuck Winder), seek to evict Treasurer Julie Ellsworth from her current office on the first floor of the Idaho State Capitol building pursuant to Idaho Code section 67-1602(3). After Ellsworth refused to vacate her office, Bedke and Hill filed a declaratory judgment action against her. Ellsworth filed a motion to dismiss, which the district court denied. After the parties filed cross-motions for summary judgment, the district court granted summary judgment in favor of Bedke and Hill, holding that the presiding officers had the authority to allocate all space on the first floor of the Capitol under section 67-1602(3).

On appeal, the Idaho Supreme Court first held that the political question doctrine did not preclude the Court from deciding the merits of the dispute. Second, the Court held that Bedke and Hill had standing to bring this action. Third, the Court held that Idaho Code section 67-1602(3) was not an unconstitutional delegation of legislative power. Finally, the Court held that Idaho Code section 67-1602(3) unambiguously authorized Bedke and Hill to determine the use and allocate the space on the first floor of the Capitol building. As a result, the Idaho Supreme Court affirmed both the district court's denial of Ellsworth's motion to dismiss and its decision on summary judgment.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*