

SUMMARY STATEMENT

Idaho State Athletic Commission v. Office of the Administrative Rules Coordinator
Docket No. 51211-2023

The Idaho Supreme Court dismissed Petitioners' Verified Petition for a declaration of unconstitutionality and denied their petition for a writ of mandamus.

Petitioners, the Idaho State Athletic Commission and the Idaho Division of Occupational and Professional Licenses, filed this original proceeding after the Idaho Office of the Administrative Rules Coordinator refused to publish the Athletic Commission's administrative rules in the Idaho Administrative Code. The Rules Coordinator refused to publish the rules because the legislature had not approved the Athletic Commission's pending administrative fee rules prior to the conclusion of the 2023 legislative session. The pending rules therefore expired pursuant to Idaho Code section 67-5224(5)(c) (2020).

Petitioners sought a declaratory ruling that what they called "the legislative pre-approval" provisions of the Idaho Administrative Procedure Act ("APA") violate the Idaho Constitution. Specifically, Petitioners argued the "legislative pre-approval" provisions violated: (1) the separation of powers provision of Article II, section 1 of the Idaho Constitution; (2) the presentment and enactment provisions contained in Article III, sections 1 and 15, and Article IV, section 10 of the Idaho Constitution; and (3) the legislative review of administrative rules provision contained in Article III, section 29 of the Idaho Constitution. Petitioners also sought a Writ of Mandamus directing Respondents, the Administrative Rules Coordinator Brad Hunt and the Office of the Administrative Rules Coordinator, to publish the Athletic Commission's administrative rules in the Idaho Administrative Code. The Idaho State Legislature filed a petition to intervene, which the Court granted.

The Court reaffirmed its prior holdings that Article V, section 9 of the Idaho Constitution limits this Court's original jurisdiction to the issuance of the writs enumerated therein and held that it lacked original jurisdiction to issue a declaratory judgment unless the declaration was necessary to adjudicate a claim for one of the writs enumerated in Article V, section 9. The Court considered Petitioners' request for the issuance of a writ of mandamus and determined that resolving that claim only required it to determine the constitutionality of Idaho Code section 67-5224(5)(c) (2020). Because the resolution of other APA provisions was not necessary to resolving the claim seeking a writ of mandamus, the Court dismissed Petitioners' claim seeking a declaration of unconstitutionality.

Turning to Petitioners' claim seeking a writ of mandamus, the Court, relying largely on its prior decision in *Mead v. Arnell*, 117 Idaho 660, 791 P.2d 410 (1990), held that Idaho Code section 67-5224(5)(c): (1) did not violate the separation of powers provision of the Idaho Constitution because administrative rulemaking is a statutory grant of authority by the legislative branch to the executive branch, not a constitutional power; (2) did not violate the enactment and presentment provisions of the Idaho Constitution because administrative rules do not rise to the level of statutory law; and (3) did not violate Article III, section 29 of the Idaho Constitution because that amendment does not limit legislative review to final rules. As a result, the Court denied the petition for a writ of mandamus.

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