

IN THE SUPREME COURT OF THE STATE OF IDAHO

HAWKINS COMPANIES, LLC, an Idaho limited liability company; PACIFIC WEST COMMUNITIES, INC., an Idaho corporation; and FJ MANAGEMENT INC., a Utah corporation,

Petitioners,

v.

STATE OF IDAHO, acting by and through its DEPARTMENT OF ADMINISTRATION, acting as the statutory agent for the STATE OF IDAHO TRANSPORTATION DEPARTMENT; and the IDAHO STATE BOARD OF EXAMINERS,

Respondents.

MIKE MOYLE, in his official capacity as Speaker of the House of Representatives of the State of Idaho; and the IDAHO HOUSE OF REPRESENTATIVES,

Proposed Intervenors-Respondents.

Supreme Court Docket No. 51788-2024

**VERIFIED PETITION FOR LEAVE TO INTERVENE
BY IDAHO HOUSE OF REPRESENTATIVES**

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Respondents*

The Speaker of the House of Representatives for the State of Idaho, Mike Moyle, and the Idaho House of Representatives (collectively the “Idaho House of Representatives”) seek, through this petition, to intervene in this action to defend the constitutionality of House Bill 726 (20024) (the “Administration Budget Bill”) and House Bill 770 (2024) (referred to herein as the “ITD Budget Bill”) (collectively, the “Budget Bills”).

DISCUSSION

The Idaho House of Representatives seeks intervention as a matter of right pursuant to Idaho Code § 67-465 and consistent with Idaho Appellate Rule 7.1. Idaho Code § 67-465 provides:

When a party to an action challenges in state or federal court the constitutionality of an Idaho statute, facially or as applied, challenges an Idaho statute as violating or being preempted by federal law, or otherwise challenges the construction or validity of an Idaho statute, either or both houses of the legislature may seek to intervene, at the sole discretion of the senate president pro tempore or the speaker of the house of representatives, or both, in the action as agents of the state of Idaho and as a matter of right, or permissively, by filing a motion in the court as provided in state or federal rules of civil procedure, whichever is applicable

See Idaho Code § 67-465 (“Idaho’s Intervention Statute”). Idaho Appellate Rule 7.1 provides the procedural mechanism referenced in Idaho’s Intervention Statute: “Any person or entity who is a real party in interest to an appeal or whose interest would be affected by the outcome of an appeal...may file a verified petition with the Supreme Court asking for leave to intervene....” *See* I.A.R. 7.1.

Here, the April 25, 2024 Verified Petition for Writ of Prohibition and Writ of Mandate (“April 25, 2024 Petition”) filed by Hawkins Companies, LLC, Pacific West Communities, Inc., and FJ Management Inc. (collectively “Petitioners”), argues that the Budget Bills “violate the constitutional test of unity of subject matter” and that “the Budget Bills should be declared void and ineffective....” *See* April 25, 2024 Petition, p.2. Thus, where Petitioners are incontrovertibly

challenging the constitutionality of an Idaho statute, the Idaho House of Representatives is merely asserting its right to intervene per Idaho law.

The Idaho House of Representatives respectfully requests that leave to intervene be granted.

Dated this 15th day of May, 2024.

HILTY, BOWER, HAWS & SEABLE, PLLC

/s/ Mark Hilty

Mark Hilty

/s/ Daniel W. Bower

Daniel W. Bower

*Attorneys for Proposed Intervenors-Respondents
Idaho House of Representatives*


VERIFICATION

I, Mike Moyle, declare and state as follows and under penalty of perjury pursuant to the laws of the state of Idaho that the following is true and correct:

I am over the age of 18, the Speaker of the IDAHO HOUSE OF REPRESENTATIVES, the Proposed Intervenors-Respondents in the above-captioned case, competent, and have read the within and foregoing **VERIFIED PETITION FOR LEAVE TO INTERVENE BY IDAHO HOUSE OF REPRESENTATIVES**, know the contents thereof, and know the same to be true and correct as I verily believe.

Executed this 15th day of May, 2024.

IDAHO HOUSE OF REPRESENTATIVES

By: 
Mike Moyle (May 15, 2024 09:21 MDT)
Mike Moyle, Speaker

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2024, I filed and served the foregoing via the Odyssey File and Serve system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

T. Hethe Clark	<input type="checkbox"/>	U.S. Mail
Geoffrey M. Wardle	<input type="checkbox"/>	Hand Delivered
CLARK WARDLE LLP	<input type="checkbox"/>	Facsimile: 208/388-1001
251 E. Front Street, Suite 310	<input checked="" type="checkbox"/>	iCourt: filing@clarkwardle.com
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Attorneys for Petitioners

Idaho Attorney General	<input checked="" type="checkbox"/>	U.S. Mail
700 W Jefferson Street, Suite 210	<input type="checkbox"/>	Hand Delivered
Boise, ID 83720	<input type="checkbox"/>	Facsimile:
	<input type="checkbox"/>	iCourt:

Respondent

/s/ Daniel W. Bower

Daniel W. Bower