



2019

**Proposed IAC
Resolution Package**

Enclosed with this packet are the resolutions proposed for the 2019 Legislative Session. The introduction to the resolutions includes a description of how the IAC resolutions process works.

Resolutions will be considered at the Idaho Association of Commissioners and Clerk's conference.

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IAC Resolution Process

Resources about Resolutions

When submitting a resolution, please be familiar with the following:
(1) the IAC resolution process (attached document #1);
(2) the new legislative format (attached document #2); and
(3) Article VIII of the IAC by-laws (from page 9 of attached document #3).

Routes for Resolutions

For a resolution to be considered by the IAC membership, it must first be adopted by either an affiliate organization of IAC (such as IACC), an IAC district, or a standing or steering committee of IAC.

After adoption by a district or affiliate organization, the resolution will then be vetted by an IAC steering committee.

If approved by an IAC steering committee, the resolution will then be debated by the full IAC membership for formal adoption.

To Be Considered for Annual Conference:

Resolution Criteria

In order to be considered by the membership, a resolution must meet the following criteria:

- Be within the general realm and scope of county government operations; and
- Affect more than one county elected office or department; and
- Affect taxation, spending, revenue generation authority or create significant efficiencies or cost savings; and

- Be politically feasible.

Content of Resolution

To be considered, a resolution must have all of the following information and be submitted in the proper IAC resolution format (see sample resolution - attached document #2). Please note that the IAC Board and the IAC Legislative Committee have updated the information required on a resolution.

- The name of the resolution sponsor
- List of Idaho statutes affected
- List of Idaho county offices and departments affected
- The counties affected by this issue
- A concise issue statement (summary of the issue/problem)
- Relevant background information (a history of the issue, the proposals that have been put forth before, data and research)
- Proposed policy change (an explanation of your suggested solution and draft legislation, if available)
- Arguments and entities in support of your proposed policy change
- Arguments and entities against your proposed policy change
- Fiscal impact (whether there will be a fiscal impact on the state or any local governments; if so, the size of that impact; and whether there will be any cost shifting)

2019 RESOLUTION NO. 1

TITLE: Resolution to require federal government to pay property tax equivalent for eligible public lands under federal management.

SPONSOR: Kirk Chandler, Washington County Commissioner

STATUTES AFFECTED:

COUNTY OFFICE(S) AFFECTED: All

COUNTIES AFFECTED: 44

ISSUE/PROBLEM: Federal land payments to counties are insufficient to meet mandatory county service obligations. Congress originally intended federally managed public lands to be disposed of to the states. This has not happened in Idaho and has limited local governments ability to pay for necessary public services.

BACKGROUND & DATA: Article 1 sec. 8 paragraph 17 outlines the land the US Constitution allows the federal government to own. All other land was to be dispersed to the public and there was a land office set up for such disposition. As time went on the federal government established the Homestead Act, the Carey Act and the Deseret Entry Act to name a few. Public lands were intended to be disposed of to the public or the people so that it could be taxed to support local governments.

There was a law passed in or around 1838 that said that when a state entered into the Union that the land not disposed of by the federal government would be transferred to the newly established state. This was done with many states. Idaho and North Dakota became a state the same year. The land was transferred to North Dakota, but the federal government was tasked with continuing to dispose of the land in Idaho. The Idaho Constitution states that the State of Idaho forever deeded the land to the Federal government, until it is timely disposed of (Article IX, Section 8, Idaho Constitution).

Congress has failed to timely dispose of federally managed land in Idaho. Over the years the people of the United States have come to the feeling that federally administered lands are their lands. Because federally managed publicly lands have not been disposed of, the federal government should pay property taxes on the land to counties for county services.

PROPOSED POLICY: Require the federal government to pay property taxes on lands managed by eligible federal land management agencies including the US Forest Service and the BLM. Federal buildings, military reserves, and other federal facilities would not be subject to the tax. The US Forest Service and BLM would continue to administer public lands on behalf of the people and would use the income generated from activities on those lands to pay their taxes.

ARGUMENTS & ENTITIES IN SUPPORT: Idaho counties and legislators should support taxing eligible federal land as such a policy would provide additional revenues to counties for necessary public services.

ARGUMENTS & ENTITIES AGAINST: None

FISCAL IMPACT: TBD

2019 RESOLUTION NO. 2

TITLE: Resolution to eliminate March and August election dates.

SPONSOR: Kirk Chandler, Washington County Commissioner

STATUTES AFFECTED: Section 34-106, Idaho Code

COUNTY OFFICE(S) AFFECTED: County Clerk

COUNTIES AFFECTED: 44

ISSUE/PROBLEM: Low voter turnout during March and August elections.

BACKGROUND & DATA: When taxing districts hold bond and levy elections on dates in March and August, voter turnout is very low, thus allowing districts to pass bonds or levies with as little as 5% of the registered voters of the district voting. Holding elections with low voter turnout is also expensive for counties. Overall election costs could be reduced while increasing voter turnout if all elections were held in either May or November.

PROPOSED POLICY: Eliminate the March and August consolidated election dates, requiring all elections to take place in either May or November.

ARGUMENTS & ENTITIES IN SUPPORT: Counties should support further consolidation of election dates to increase voter turnout and reduce annual election costs.

ARGUMENTS & ENTITIES AGAINST: School districts will likely oppose further consolidation because it reduces the number of election dates for bonds and levies.

FISCAL IMPACT: There should be a net costs savings to counties as there would be fewer elections.

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection ~~and subsection (7)~~ of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1, next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, ~~except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.~~

(8) Initiative, referendum, bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May and November of even-numbered years and fifty (50) days for all other elections, unless otherwise provided by law. City initiative and referendum elections shall be held in November of odd-numbered years as provided by section 34-1801B, Idaho Code. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before the election held in May and November of even-numbered years and at least fifty (50) days for all other elections.

(9) Recall elections may be held on any of the ~~four~~ two (42) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

2019 RESOLUTION NO. 4

TITLE: Resolution to establish a county project based local option tax.

SPONSOR: Tom Dale, Canyon County Commissioner

STATUTES AFFECTED: Section 31-1008, Idaho Code

COUNTY OFFICE(S) AFFECTED: All

COUNTIES AFFECTED: 44

ISSUE/PROBLEM: Counties are mandated to provide critical public facilities like jails and courthouses yet lack the necessary funding to finance such facilities.

BACKGROUND & DATA: Many counties are facing out of date facilities, such as courthouses and overcrowded jails. The only current source of funding is either pay-as-you-go funding or general obligation bonding that utilizes property tax. General obligation bonds are approved at a super majority, which is very difficult to achieve. Pay-as-you go financing may take years to accomplish. In addition, property taxpayers are finding themselves carrying an unequal burden of the liability. Sales tax is paid by all consumers and is a fair and equal tax. Allowing a local option sales tax to fund required facilities would provide true property tax relief.

PROPOSED POLICY: Authorize counties the authority to implement a local option sales tax, up to a maximum of 1% for a specified period of time to address specific construction projects. Once the project is completed, the tax sunsets.

ARGUMENTS & ENTITIES IN SUPPORT: Counties should support a local option tax as it would provide counties with the ability to pay for public facilities without imposing a property tax. Some legislators have been supportive of local option sales tax as well.

ARGUMENTS & ENTITIES AGAINST: Counties or cities that border Oregon may lose revenue due to citizens going across the border.

FISCAL IMPACT: This resolution would create a temporary sales tax to help fund the construction of infrastructure projects. Although it is a temporary tax, this proposal could be seen as property tax relief by allowing counties and cities to avoid general obligation bonding.

31-1008. COUNTY BUILDING CONSTRUCTION FUND – LEVY OF TAX – SPECIAL ELECTION.

(1) In lieu of the issuance of bonds for the purpose specified in [section 31-1002, Idaho Code](#), the board of county commissioners of any county shall have power, in addition to the power specified in said [section 31-1002, Idaho Code](#), when in their judgment the best interests of the county so required, to create and establish a fund for the purpose specified in said [section 31-1002, Idaho Code](#), and for said purposes are hereby authorized and empowered, by resolution adopted at a regular meeting of said board, or at any special meeting called for that purpose, to levy, in addition to all other taxes now authorized by law, an annual tax of not exceeding six hundredths percent (.06%) of market value for assessment purposes of all taxable property in such county for the current year, to be certified, extended and collected at the same time and in the same manner as taxes for general county purposes, and to be apportioned, when collected, to a special fund to be known as the "County Building Construction Fund," provided, that in the resolution and for the purposes hereinbefore mentioned such board shall call an election, subject to the provisions of [section 34-106, Idaho Code](#), or submit, at any general election, the question of creating such fund to defray the expenses of purchasing such site and erecting and furnishing such buildings, at which election only such electors may vote as are qualified to vote at elections held for the issuance of general obligation bonds, and which election shall in all respects be governed and held in the same manner as is now required by law for the holding of elections to determine the question of the issuance of general obligation bonds. If, at such election two-thirds (2/3) of the qualified voters voting at such election shall have voted to create such funds, then such board of county commissioners may annually levy the taxes for the purposes hereinbefore mentioned. Such fund shall remain intact, subject to investment as hereinafter provided, until the same shall, when augmented by the proceeds of similar levies in succeeding years, be adequate in the judgment of such board to defray the entire cost of purchasing a site and constructing the improvements aforesaid and completely furnishing the same, and no part of such fund shall be expended until complete plans and specifications have been adopted and contracts entered into insuring the completion of such purchase and construction within the limitations of such fund, nor shall the construction of any courthouse or jail be undertaken until such fund is adequate to insure the proper equipment and furnishing thereof.

(2) In lieu of the issuance of bonds for the purpose specified in [section 31-1002, Idaho Code](#), the board of county commissioners of any county shall have power, in addition to the power specified in said [section 31-1002, Idaho Code](#), to adopt, implement and collect a sales or use tax as provided herein if approved by the required minimum of sixty-six and two-thirds percent (66 2/3%) of county voters voting in an election as provided for in [34-106, Idaho Code](#), for the sole purpose of property tax relief and debt retirement for the construction of county facilities.

(a) No local option sales or use tax proposal may be presented to county voters for approval or modification for a period of fifty-one (51) weeks after an election to approve or disapprove such tax. The question presented to the voters of a county shall state the rate of the local sales or use tax, the duration of the tax, which shall not exceed fifteen (15) years, and describe the layout and location of the proposed county facility with reasonable certainty.

(b) Any ordinance assessing a tax pursuant to this chapter shall contain a finding by the board of county commissioners based upon evidence presented to it that a critical need for county facilities financed by other than property tax revenue exists and shall provide the methods for reporting and collecting taxes due. Taxes collected pursuant to any such ordinance shall be remitted to the county official designated in such ordinance or other such official contracting, pursuant to this chapter, with the county to provide collection services, and shall constitute revenue of the county available for county property tax relief and debt retirement for construction of county facilities. In any election, the ordinance submitted to county voters shall: (1) state and define the sales or use tax to be approved; (2) state the exact rate of the tax to be assessed, which in no event shall exceed XX percent (XX%) of the sales price of an item subject to taxation; (3) state that the revenues derived from the sales or use tax shall be used for county property tax relief and debt retirement for construction of county facilities; (4) state the duration of the tax which shall not be in excess of fifteen (15) years or the date the obligation has been met for the project for which the sales and use tax was passed pursuant to this chapter, whichever occurs first. The county clerk of any county adopting an ordinance, or any amendment thereto, shall forward a copy of the ordinance or amendment to the state controller, the chairman of the state tax commission and the chairman of the state board of tax appeals.

(c) Any county which has levied a tax pursuant to this section may contract with the state tax commission for the collection and administration of such taxes in like manner and under definitions and rules of the state tax commission for the collection and administration of the state sales or use tax under chapter 36, title 63, Idaho Code. A county which levies such tax shall have the right to review and audit the records of collection thereof maintained by the commission and the returns of taxpayers relating to such tax. Alternatively, such county shall have authority to administer and collect such tax.

(d) All revenues collected by the state tax commission pursuant to this section shall be distributed as follows:

(i) An amount of money equal to such fee as may be agreed upon between the state tax commission and such county for the actual cost of the collection and administration of the tax. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost at the end of each fiscal year shall be distributed as provided in subsection (2)(c) of this section.

(ii) All remaining moneys received pursuant to this chapter shall be placed in a fund designated by the state controller and remitted monthly to the county levying such sales or use tax.

~~(2)~~ (3) Notwithstanding the limitations imposed in subsections (1) and (2) of this section, the board of county commissioners may create a fund upon a finding by the board that a critical need exists for justice or law enforcement related facilities. The board may deposit any unexpended sums from the county current expense fund or the county justice fund into the county building construction fund or may deposit into the fund all or a part of any non-ad valorem tax

revenues not otherwise restricted or dedicated by law. On or before the thirty-first day of March of each odd-numbered year, the board may review the budget for the current fiscal year and adjust the expenditures in the budget to provide for deposits into the fund from revenues not otherwise budgeted or to provide for deposits into the fund from revenues projected to be surplus over budgeted revenues. The adjustments may be made only after a notice is given and a public hearing is held substantially similar to that contained in section 31-1604, Idaho Code. After the creation of the fund, the board may, in strict compliance with section 63-802, Idaho Code, deposit any amount into the fund on an annual basis.

~~(3)~~ (4) Provided, that no such fund shall be accumulated in excess of two per cent (2%) of the assessed valuation of the property within such county; provided further, that such fund may be used to supplement the proceeds of any bonds issued pursuant to the provisions of sections 31-1002 and 31-1004, Idaho Code, for the purposes aforesaid.

2019 RESOLUTION NO. 5

TITLE: Fingerprint legislation

SPONSOR: Boise County Prosecuting Attorney, Boise County Sheriff

STATUTES AFFECTED: Idaho Code 67-3004

COUNTY OFFICE(S) AFFECTED: Clerk, Courts, Prosecuting Attorney, Sheriff

COUNTIES AFFECTED: All counties (and even cities)

ISSUE/PROBLEM: People who have committed misdemeanors are not getting their fingerprints taken consistently across the state. This has several problematic implications. First and foremost, when defendants are not properly fingerprinted, then their charges do not get entered into the FBI's NCIC database. Just because a charge shows up on the state repository does not mean that it is showing up on the FBI's NCIC database for other law enforcement agencies in other states to see. This creates a problem when trying to ascertain when a person has prior DUI and domestic violence convictions, which often are misdemeanor offenses. This also creates a problem because defendants who may otherwise be prohibited from purchasing firearms because of a misdemeanor on their record would be able to purchase a firearm anyway because the misdemeanor would not be on the central FBI registry without fingerprints. Both Dylann Roof and Devin Kelley are good examples of a mass shooting in which the shooter was able to purchase the weapon due to an inaccurate / incomplete criminal history record.

BACKGROUND & DATA: Based on Boise County's discussions so far, it appears that the judges across the state do not have a consistent approach to this issue. Some judges believe that because of the language in Idaho Code 67-3004(5) and (6), judges cannot order misdemeanor defendants to be fingerprinted; meanwhile, other judges order fingerprints on both misdemeanor and felony cases.

PROPOSED POLICY: Enact legislation that clearly explains that the court has the authority to order fingerprinting individuals committing both misdemeanor and felony cases. (see attached draft)

ARGUMENTS & ENTITIES IN SUPPORT:

Boise County Prosecuting Attorney

Boise County Clerk

Boise County Sheriff

Idaho Bureau of Criminal Identification / Idaho State Police (not verified, but expected to be in support)

Idaho Sheriffs Association (not verified, but expected to be in support)

ARGUMENTS & ENTITIES AGAINST:

Entities that oppose fingerprinting in principle.

Entities that do not recognize that anyone booked into county jail is already fingerprinted anyway, for any kind of offense.

FISCAL IMPACT: The cost will depend widely on the approach of the judges in that county. Passage of this legislation will increase the number of individuals being fingerprinted in counties which the judges currently do not order misdemeanor defendants to be fingerprinted. That increase could potentially result in an increase in administrative costs on the county sheriffs' offices.

SECTION 1. That Section 67-3004, Idaho Code, be, and the same is hereby amended to read as follows:

67-3004. FINGERPRINTING AND IDENTIFICATION.

(1) The bureau shall:

(a) Obtain and file fingerprints, physical descriptions and any other available identifying data on persons who have been arrested or served a criminal summons in this state for a retainable offense;

(b) Accept fingerprints and other identifying data taken by a law enforcement agency for the purpose of identification or conducting a records review for criminal justice purposes; and

(c) Process latent fingerprints generated from crime scenes, evidence and law enforcement agencies through the automated fingerprint identification system for prospective identification.

(2) The bureau shall establish policy regarding an arrest fingerprint card and procedures for the taking of fingerprints under this section.

(3) When a person is arrested for a retainable offense, with or without a warrant, fingerprints of the person shall be taken by the law enforcement agency making the arrest. A law enforcement agency may contract or make arrangements with a jail or correctional facility or other criminal justice agency to take the required fingerprints from a person who is arrested by the law enforcement agency.

(4) If a person was arrested and is in the custody of a law enforcement agency, jail or correctional facility and a felony summons or information is filed for an offense separate from the offense for which the person is in custody, the agency, jail or correctional facility shall take the fingerprints of the person in connection with the new offense.

(5) At the initial court appearance or arraignment of a person for an misdemeanor or felony offense ~~pursuant to a felony summons or information~~, the court, upon notice from the prosecuting attorney, shall order a law enforcement agency to fingerprint the person if he has not been previously fingerprinted for the same offense.

(6) When a defendant is convicted or otherwise adjudicated for a misdemeanor or felony offense for which the defendant has not been previously fingerprinted, the court shall order, upon notice from the prosecuting attorney, a law enforcement agency to fingerprint the defendant as a condition of sentence, probation or release.

(7) When a person is received by a state correctional facility, the department of correction shall ensure that legible fingerprints of the person are taken and submitted to the bureau.

(8) When the bureau receives fingerprints of a person in connection with an arrest or incarceration, the bureau shall make a reasonable effort to confirm within five (5) working days the identity of the person fingerprinted. In an emergency situation when an immediate positive identification is needed, a criminal justice agency may request the department to provide immediate identification service.

(9) If the arresting officer, the law enforcement agency that employs the officer, or the jail or correctional facility where fingerprints were taken is notified by the bureau that fingerprints taken under this section are not legible, the officer, agency or facility shall make a reasonable effort to obtain a legible set of fingerprints. If legible fingerprints cannot be obtained within a reasonable period of time, and if illegible fingerprints were taken under a court order, the officer or agency shall inform the court, which shall order the defendant to submit to fingerprinting again.

(10) Any person who was arrested or served a criminal summons and who subsequently was not charged by indictment or information within one (1) year of the arrest or summons and any person who was acquitted of all offenses arising from an arrest or criminal summons may have the fingerprint and criminal history record taken in connection with the incident expunged pursuant to the person's written request directed to the department.

2019 RESOLUTION NO. 6

TITLE: Fish and Game permit fees for local roads

SPONSOR: Boise County Commissioners

STATUTES AFFECTED: Idaho Code 36-107, 36-111, 36-115, 36-406, 36-407, 36-414, 36-416, 36-1108, 36-1110.

COUNTY OFFICE(S) AFFECTED: Road department (Commissioners)

COUNTIES AFFECTED: All counties that maintain and repair roads in which people travel into to hunt.

ISSUE/PROBLEM: Some small counties in Idaho maintain roads that are disproportionately used by out-of-county residents for recreational purposes.

BACKGROUND & DATA:

PROPOSED POLICY: Enact legislation that adds a fee to hunting permits that goes directly to the government entity that maintains and repairs roads at the location where the permit will be used. If the hunting area is located in multiple jurisdictions, then the money is to be allocated proportionately, based on the number of miles maintained by each jurisdiction.

ARGUMENTS & ENTITIES IN SUPPORT:

Argument in support #1: This fee will be closer to a “user fee,” and will help offset the wear and tear on county roads brought about by out-of-county residents.

Argument in support #2: This fee will provide the counties with a steady revenue source because the SRS funding has proven to be unreliable, and will probably be eliminated in the near future.

Entities in support (not confirmed, but probable, depending on language): Idaho Association of Highway Districts; Association of Idaho Cities.

ARGUMENTS & ENTITIES AGAINST:

Argument against #1: The Legislature just increased the Fish and Game permit fees in 2017, and will not have the appetite to increase fees again for a while yet.

Entities against (not confirmed, but probable): Idaho Department of Fish and Game; sportsmen-type associations.

FISCAL IMPACT: The revenue generated by the permit fee increase will translate into the amount of dollars to be transferred to the applicable local highway jurisdictions. If the fee were \$5/license/permit, local jurisdictions would see an increase in revenue at ~\$3M/year if the same number of licenses/permits were sold as in FY17.

2019 RESOLUTION NO. 7

TITLE: Deputy residency requirement option

SPONSOR: Boise County Sheriff

STATUTES AFFECTED: Idaho Code 44-902

COUNTY OFFICE(S) AFFECTED: Sheriff

COUNTIES AFFECTED: All counties in Idaho

ISSUE/PROBLEM: Although case law allows for law enforcement agencies to require that their officers reside in the jurisdiction in which they work, Idaho statute currently prohibits imposing this requirement on officers. When officers live in outside the jurisdiction in which they work, officers can sometimes adopt a “mercenary”-type perspective because they and their families do not live there. As such, officers can sometimes lack the desire to explore active problem-solving within the community because they are not vested in the community. Residing elsewhere can also create some issues regarding the availability of deputies residing close by for call-out, response time, additional compensation for call-out responses, and additional wear and tear on county vehicles.

BACKGROUND & DATA:

PROPOSED POLICY: Enact legislation that gives County Sheriffs *the option* of requiring their officers to reside within the community that they work.

ARGUMENTS & ENTITIES IN SUPPORT:

Boise County Sheriff’s Office

Idaho Sheriff’s Association (not verified, but expected to be in support)

ARGUMENTS & ENTITIES AGAINST:

FISCAL IMPACT: None expected, as this legislation only creates an option for law enforcement to require their employees to reside in their jurisdiction.

SECTION 1. That Section 44-902, Idaho Code, be, and the same is hereby amended to read as follows:

44-902. CONTRACTS RESTRICTING BOARD AND LODGING PROHIBITED. (a) It shall be unlawful for any employer, by himself or by his agent, or for any agent of any employer, or for any other person, directly or indirectly, to impose as a condition, express or implied, in or for the employment of any workman or employee, any terms as to the place at which, or the person with whom any workman or employee is to board, lodge, subsist or reside; or as to the place or store at which he shall purchase his goods, wares or merchandise; or as to the place at which, or the manner in which, or the person with whom any wages or portion of wages paid to the workman or employee are or is to be expended; and no employer shall, by himself or his agent, ~~nor shall~~

(b) It shall be unlawful for any agent of any employer dismiss any workman or employee from his employment for or on account of the place at which, or the person with whom such workmen or employee may board, lodge, subsist or reside; or as to the place or store at which he shall purchase his goods, wares and merchandise; or for or on account of the place at which, or the person with whom any wages or portion of wages paid by the employer to such workman or employee are or is expended, or fail to be expended: provided, that this shall not apply to the collection of hospital fees or dues. Notwithstanding this subsection, law enforcement agencies may require their employees to live within the jurisdiction of the agency.

(c) Any employer, who by himself or by his agent, or any agent of any employer, or any other person, who shall violate any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor to exceed \$300, or be imprisoned in the county jail for not less than thirty (30) days nor to exceed ninety (90) days, or shall suffer both such fine and imprisonment.