

CAPITOL REFLECTIONS



Idaho Farm Bureau's Government Affairs Report

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Idaho Farm Bureau Federation Governmental Affairs Division

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Local improvement districts

House Bill 489 was introduced this week by the House Revenue and Taxation Committee. H489 addresses a loophole in current Idaho law that allows a LID (local improvement district) to bond without a 2/3 majority vote of the people as required in the state Constitution.

Local improvement districts can be created in three ways: by a petition signed by 60 percent of the resident landowners within the proposed boundaries of the district, by a petition of 2/3 of the owners of property within the proposed boundaries, or by passage of a resolution by a local governing body, such as a county commission or city council. Once created, a district has authority to issue bonds to cover the cost of improvement projects and to tax property owners within the district to pay for the projects.

Under H489, a district created by a resolution passed by a local governing body would have to receive voter approval from at least 2/3 of the property owners within the district, or 60% of the resident owners within the district, to bond for any amount exceeding \$250,000. H489 is being sponsored by Rep. Raul Labrador (R-Eagle) and Rep. Mike Moyle (R-Star).

Idaho Farm Bureau policy supports H489.

Miss Idaho's promotion of ag

A legislative proclamation commending the current Miss Idaho, Kara Jackson, for her dedication to promoting agriculture was introduced this week in the Idaho Senate at the urging of the Idaho Farm Bureau.

The Senate Agricultural Affairs Committee sent the proclamation to the entire Senate for approval after commit-

tee member, Senator Melinda Smyser (R-Parma), presented it.

Miss Jackson, who chose the importance of modern agriculture as her platform for the Miss America competition, has worked closely with Farm Bureau and other groups to promote agriculture's contributions to our economy and well-being. She has traveled throughout the state, speaking to schools and civic organizations, as well as appearing at fairs and participating in agricultural tours.

Photo ID for voting

A bill requiring voters to provide photo identification before casting ballots at polling places was introduced this week in the Idaho House.

The House State Affairs Committee agreed to print House Bill 496, sponsored by House Majority Leader Mike Moyle (R-Star).

The forms of photo identification required by the bill are an Idaho driver's license or identification card issued by the Idaho Department of Transportation, a passport or ID card issued by a United States government agency, a tribal ID card or a student ID card.

For those rare situations in which voters cannot provide photo identification, the bill allows voters to sign an affidavit affirming their identity. Providing a false affidavit is a felony.

Idaho Farm Bureau policy supports H496.

Clean Water Act expansion

A memorial expressing the Idaho Legislature's opposition to expanding the reach of the federal Clean Water Act received a unanimous do-pass recommendation by the House Resources and Conservation Committee

this week.

House Joint Memorial 9, sponsored by Rep. Dell Raybould (R-Rexburg), urges Congress to reject legislation that would subject all waters of the United States to Clean Water Act restrictions.

Proposed legislation in Congress would accomplish that by applying the Clean Water Act to all "waters of the United States" rather than just "navigable waters." The memorial correctly notes that this change, if signed into law, would expand the federal government's reach beyond that which was intended by the Clean Water Act and would result in litigation and uncertainty among water users and government agencies.

Idaho Farm Bureau supports HJM 9.

More immigration legislation

This week the House State Affairs Committee printed House Bill 497, a measure dealing with the employment of illegal aliens. The bill, sponsored by Reps. Phil Hart (R-Hayden) and Raul Labrador (R-Eagle), allows for the suspension of state, county or city licenses for knowingly employing illegal aliens. Professional licenses are excluded, and people performing casual or domestic labor in and around an individual's home are excluded from the definition of employee.

If passed and made law, the tax commission will be required to notify all Idaho employers who withhold payroll taxes of the new law's provisions. H497 will be enforced by the Attorney General and local prosecutors.

Penalties under the bill include: 1) 1st offense- license suspension until the employer signs an affidavit stating the employer will not hire illegal aliens in the future. If the affidavit is filed with the

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court within 3 days of the ruling, there is no license suspension; 2) license suspension for up to 10 days for the 2nd offense in a three-year period; 3) license suspension for up to one year for the 3rd offense in a three-year period. H497 also creates a misdemeanor for an individual who falsely impersonates another to seek employment.

Employers are provided two defenses in this legislation. Use of the federal E-verify system creates an absolute defense, and the good-faith use of the I-9 form creates an affirmative defense.

H497 joins two other immigration related bills. S1271 is sponsored by Senators John McGee (R-Caldwell) and Melinda Smyser (R-Parma) and prohibits the manufacture of false identification and its use by individuals to gain employment. The bill also sets penalties for employers who knowingly employ individuals using false ID.

S1303 prohibits employers from hiring persons who are illegally in the United States and sets large fines and possible permanent business license revocation for hiring illegal workers. Sen. Mike Jorgenson (R-Hayden) is S1303's sponsor.

Any enforcement that suspends a business license is problematic and unacceptable. In Idaho the penalty could not be uniformly applied. Depending on the indus-

try, any significant suspension could result in the business's failure. With respect to agriculture, dairies can have a milk permit suspended, while row crop operations have no license to suspend and could continue operation.

Tribal law enforcement

The House Judiciary, Rules and Administration Committee this week printed House Bill 500, the "State and Indian Tribal Cooperative Law Enforcement Act." The legislation encourages Indian tribes and county sheriffs to enter into cooperative agreements that will allow tribal officers to enforce Idaho law within the exterior boundaries of Indian reservations throughout Idaho.

Per the bill, if a tribe elects to enforce Idaho law within the reservation it must give written notice of its intentions to the sheriff, county commissioners, county prosecutors and director of the Idaho State Police 180 days prior to the intended date of enforcement. If no agreement is reached after the 180 days the tribe could still take jurisdiction and enforce Idaho law if the requirements of the legislation are met.

Before a tribe can enforce Idaho law, its tribal officers must attend and be certified through the Idaho POST (Peace Officer Standards Training) Academy and the tribe

must carry a prescribed level of liability insurance and waive sovereign immunity. There is no requirement in the legislation for a sheriff to cross-deputize tribal officers.

According to the legislation, any arrests by tribal officers for violation of Idaho law would be made according to Idaho law, the sheriff would be notified, and the arrested individual would be transported to a place designated by the sheriff. All enforcement of state law by tribal peace officers would be processed through Idaho state courts. Tribal officers who enforce state law would be accountable to the POST Council and could be decertified by the Council for violations.

Supporters of H500 maintain the bill closes gaps in law enforcement that make tribal reservations safe havens for criminals. Opponents contend the legislation creates a law enforcement entity that is not accountable to a state or local political entity. Many non-tribal citizens living on reservations do not want this to become law as they cannot vote for the tribal council, which controls actions of the tribal police force. Tribes and local law enforcement currently have cooperative agreements in some parts of Idaho. Opponents say a local law enforcement entity should have the final say to the terms of any agreement and that power should not be overridden.

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