

IN THE SENATE

SENATE BILL NO. 1212

BY WERK

AN ACT

1 RELATING TO THE PROTECT IDAHO JOBS ACT; PROVIDING A SHORT TITLE; AMENDING TI-
2 TLE 72, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 72, IDAHO
3 CODE, TO DEFINE TERMS, TO PROVIDE DUTIES OF EMPLOYERS RELOCATING OPER-
4 ATIONS TO A FOREIGN COUNTRY, TO PROVIDE DUTIES OF THE DIRECTOR OF THE
5 DEPARTMENT OF LABOR, TO PROVIDE CONDITIONS FOR INELIGIBILITY OF CERTAIN
6 EMPLOYERS TO RECEIVE GOVERNMENTAL BENEFITS, TO PROVIDE THE EFFECT ON
7 CERTAIN GOVERNMENTAL BENEFITS AND TO PROVIDE FOR RULES; AND PROVIDING
8 SEVERABILITY.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. SHORT TITLE. This act shall be known as the "Protect Idaho
12 Jobs Act."

13 SECTION 2. That Title 72, Idaho Code, be, and the same is hereby amended
14 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
15 ter 12, Title 72, Idaho Code, and to read as follows:

16 CHAPTER 12
17 PROTECT IDAHO JOBS ACT

18 72-1201. DEFINITIONS. As used in this chapter:

19 (1) "Director" means the director of the Idaho department of labor.

20 (2) "Employer" means any business entity that employs fifty (50) or
21 more full-time workers that in the aggregate work at least one thousand five
22 hundred (1,500) hours per week, excluding overtime.

23 72-1202. EMPLOYER RELOCATING OPERATIONS TO A FOREIGN COUNTRY. (1) Any
24 employer that relocates workers or production comprising at least fifteen
25 percent (15%) of their total operating volume or production when measured
26 against the previous twelve (12) month average volume of those operations
27 from the state of Idaho to one (1) or more foreign countries shall notify the
28 director at least ninety (90) days prior to the relocation or transfer of op-
29 erations.

30 (2) Any employer that violates the notification requirement pursuant
31 to subsection (1) of this section shall be subject to a civil penalty in an
32 amount not to exceed seven thousand five hundred dollars (\$7,500) for each
33 day the employer fails to provide the notification that is collectible by
34 the director in a summary proceeding pursuant to chapter 52, title 67, Idaho
35 Code, and rules or practice and procedure before the department. The direc-
36 tor shall have the authority to waive this penalty with notification to all
37 members of the Idaho legislature completed within thirty (30) days.

38 (3) Nothing set forth in this chapter shall be construed as creating,
39 establishing or authorizing a private cause of action by an aggrieved person

1 against an employer who has violated or is alleged to have violated subsec-
2 tion (1) of this section.

3 72-1203. DIRECTOR TO COMPILE AND MAINTAIN A LIST OF EMPLOYERS. The di-
4 rector shall compile and maintain a list of all employers that provide no-
5 tification pursuant to section 72-1202(1), Idaho Code. The director shall
6 update the list on a monthly basis and an employer shall remain on the list
7 for a period of thirty-six (36) months after each instance of notification
8 pursuant to section 72-1202(1), Idaho Code. Within seventy-two (72) hours
9 of the notification required in section 72-1202(1), Idaho Code, the direc-
10 tor shall make the list of employers available to the public and prominently
11 display a link to the list on the internet website of the department of la-
12 bor. The director shall notify the state tax commission, the county assessor
13 where the employer owns real or personal property and the city, if any, where
14 the employer is doing business or owns real or personal property.

15 72-1204. INELIGIBILITY OF CERTAIN EMPLOYERS TO RECEIVE GOVERNMENTAL
16 BENEFITS. (1) Notwithstanding any other provision of law, rule or regula-
17 tion to the contrary, an employer that is added to the list compiled and main-
18 tained by the director pursuant to section 72-1203, Idaho Code, shall be in-
19 eligible to receive any direct or indirect state grant, guaranteed loan, tax
20 benefit and any other financial support for the thirty-five (35) months fol-
21 lowing the date upon which the employer is added to the list, except that the
22 employer's inclusion on the list shall not prevent the employer from receiv-
23 ing any grant to provide training or other employment assistance to individ-
24 uals who are members of specific groups selected as being in particular need
25 of training or other employment assistance including, but not limited to,
26 veterans, minority groups and women.

27 (2) An employer that is added to the list compiled and maintained by
28 the director pursuant to section 72-1203, Idaho Code, is prohibited from re-
29 ceiving any tax benefit or financial support while on the list. If finan-
30 cial support or a tax benefit is inadvertently provided to the employer, the
31 appropriate governmental entity shall submit a bill to the employer, except
32 that the employer's inclusion on the list shall not require the employer to
33 remit any portion of a grant to provide training or other employment assis-
34 tance to individuals who are members of specific groups selected as being in
35 particular need of training or other employment assistance including, but
36 not limited to, veterans, minority groups and women. All moneys received by
37 the state of Idaho shall be deposited in the public school income fund of the
38 state and all moneys received by a political subdivision shall be deposited
39 in the current expense fund of the political subdivision.

40 (3) The director, in consultation with the appropriate governmental
41 entity providing any direct or indirect state grant, guaranteed loan, tax
42 benefit or any other financial support to an employer, may waive the require-
43 ment provided for in subsection (2) of this section if it is demonstrated to
44 the satisfaction of the director that the requirement of subsection (2) of
45 this section would result in a substantial loss of jobs in this state or harm
46 the environment. This waiver decision will be communicated by the director
47 to every member of the Idaho legislature within thirty (30) days of the entry
48 of such action.

1 72-1205. EFFECT ON CERTAIN BENEFITS. Nothing in this chapter shall
2 be construed to permit the withholding or denial of payments, compensa-
3 tion, or benefits under any state law, including unemployment benefits,
4 worker's compensation benefits, disability benefits, or worker retraining
5 or readjustment benefits to workers employed by employers covered under this
6 chapter.

7 72-1206. RULES. The director shall promulgate administrative rules in
8 compliance with chapter 52, title 67, Idaho Code, to implement the provi-
9 sions of this chapter and to provide for rules or practice and procedure be-
10 fore the department regarding this chapter and rules promulgated pursuant
11 thereto.

12 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
13 to be severable and if any provision of this act or the application of such
14 provision to any person or circumstance is declared invalid for any reason,
15 such declaration shall not affect the validity of the remaining portions of
16 this act.