

1480

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, COLTON, GREENE, SPANO, POWELL, PERRY --
Multi-Sponsored by -- M. of A. DIAZ, KOON -- read once and referred to
the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, the state finance law, the
general obligations law, the labor law and the executive law, in
relation to enacting the "New York consumer and worker protection act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "New York
2 consumer and worker protection act".

3 S 2. The general business law is amended by adding a new article 24-D
4 to read as follows:

5 ARTICLE 24-D

6 NEW YORK CONSUMER AND WORKER PROTECTION ACT

7 SECTION 375. LEGISLATIVE INTENT.

8 375-A. NOTICE CONCERNING OUTSOURCING OF JOBS.

9 375-B. RATIFICATION OF CERTAIN AGREEMENTS.

10 S 375. LEGISLATIVE INTENT. THE LEGISLATURE RECOGNIZES THE NECESSITY TO
11 STEM THE FLOW OF SKILLED AND UNSKILLED LABOR OUT OF NEW YORK STATE, TO
12 END NEW YORK STATE TAXPAYER SUBSIDIES FOR MOVING AMERICAN JOBS OVERSEAS,
13 TO PROTECT THE SECURITY OF SENSITIVE, PRIVATE MEDICAL AND FINANCIAL
14 PERSONAL INFORMATION IN ORDER TO PREVENT IDENTITY THEFT AND OTHER FRAUD,
15 AND TO PREVENT STATE COMMITMENT TO GOVERNMENT PROCUREMENT AGREEMENTS
16 WITH FOREIGN COUNTRIES WITHOUT SUBJECTING SUCH AGREEMENTS TO RATIFICA-
17 TION BY THE LEGISLATURE. IN MANY CASES, CONSUMERS ARE NOT INFORMED THAT
18 THEIR SENSITIVE PERSONAL INFORMATION IS BEING SENT OVERSEAS. THE LEGIS-
19 LATURE FINDS THAT WHILE THE PRACTICE OF OUTSOURCING JOBS MAY ALLOW FIRMS
20 TO REDUCE COSTS IN THE SHORT TERM, THE COST TO THE STATE OF NEW YORK AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 THE UNITED STATES IN THE LONG TERM IS DETRIMENTAL TO DOMESTIC TECHNICAL
2 ADVANCEMENT, JOB OPPORTUNITIES, WAGES AND CONSUMER PROTECTION.

3 S 375-A. NOTICE CONCERNING OUTSOURCING OF JOBS. 1. FOR PURPOSES OF
4 THIS SECTION:

5 A. "OUTSOURCING JOBS" MEANS TO RELOCATE OR MOVE EMPLOYMENT, JOBS, OR
6 POSITIONS FROM THE STATE OF NEW YORK OR THE UNITED STATES OR ITS TERRI-
7 TORIES TO AN OUTSIDE LOCALITY.

8 B. "MANUFACTURER" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN
9 MAKING, CONVERTING, PROCESSING, ALTERING, REPAIRING, FINISHING OR
10 PREPARING ANY CONSUMER PRODUCT FOR SALE TO A CONSUMER.

11 C. "IMPORTER" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN THE
12 DISTRIBUTION OF ANY CONSUMER PRODUCT FOR SALE OR LEASE TO A CONSUMER IN
13 THIS STATE.

14 D. "MERCHANT" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN THE SALE,
15 DISPLAY OR OFFERING FOR SALE CONSUMER PRODUCTS OR MERCHANDISE AT RETAIL
16 TO A CONSUMER.

17 2. ANY MERCHANT, MANUFACTURER, FIRM, CORPORATION, ASSOCIATION OR AGENT
18 OR EMPLOYEE THEREOF LICENSED TO DO BUSINESS WITHIN THIS STATE WHICH IS
19 INVOLVED IN THE PRACTICE OF OUTSOURCING JOBS OR SERVICES TO FOREIGN
20 LOCATIONS SHALL DISCLOSE SUCH OUTSOURCING TO ANY CONSUMER DOING BUSINESS
21 WITH SUCH ENTITY. SUCH SERVICES SHALL INCLUDE PROFESSIONAL AND CONSUMER
22 SERVICES, INCLUDING BUT NOT LIMITED TO, HEALTH, ACCOUNTING, BANKING,
23 MORTGAGE, AND INCOME TAX PREPARATION.

24 3. SUCH MERCHANTS, MANUFACTURERS, FIRMS, CORPORATIONS, ASSOCIATIONS OR
25 AGENTS OR EMPLOYEES THEREOF SHALL CONSPICUOUSLY POST THE DISCLOSURE
26 REQUIRED BY SUBDIVISION TWO OF THIS SECTION IN THE PLACES OF BUSINESS OF
27 SUCH ENTITIES AND DISTRIBUTE A WRITTEN DISCLOSURE TO CONSUMERS.

28 4. THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO ALTER OR
29 OTHERWISE SUPERSEDE ANY OTHER DISCLOSURE REQUIREMENT IMPOSED BY STATE OR
30 FEDERAL LAW.

31 5. A VIOLATION OF THIS SECTION SHALL BE DEEMED TO BE BOTH A DECEPTIVE
32 ACT AND FALSE ADVERTISING AND SHALL BE SUBJECT TO THE PENALTIES OTHER-
33 WISE PRESCRIBED IN ARTICLE TWENTY-TWO-A OF THIS CHAPTER.

34 S 375-B. RATIFICATION OF CERTAIN AGREEMENTS. AS PROVIDED IN SECTION
35 THIRTEEN OF THE EXECUTIVE LAW, THE STATE, THROUGH THE GOVERNOR, SHALL
36 NOT ENTER INTO OR ADOPT OR SUPPORT ANY MULTI-NATIONAL PROCUREMENT AGREE-
37 MENT OR AGREE TO AMEND OR RENEW ANY EXISTING MULTI-NATIONAL PROCUREMENT
38 AGREEMENT WITH ANY MULTI-NATIONAL TRADE ORGANIZATION, CORPORATION OR
39 OTHER BUSINESS ENTITY WITHOUT THE RATIFICATION BY THE LEGISLATURE OF
40 SUCH AGREEMENT.

41 S 3. The state finance law is amended by adding a new section 147 to
42 read as follows:

43 S 147. STATE CONTRACTS; OUTSOURCING PROHIBITED. 1. DEFINITIONS. FOR
44 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
45 MEANINGS:

46 A. "DEVELOPMENTAL ASSISTANCE" (1) SHALL MEAN ANY FORM OF PUBLIC
47 ASSISTANCE, INCLUDING TAX EXPENDITURES, MADE FOR THE PURPOSE OF STIMU-
48 LATING ECONOMIC DEVELOPMENT OF A CORPORATION, INDUSTRY, GEOGRAPHIC
49 JURISDICTION OR ANY OTHER SECTOR OF THE STATE'S ECONOMY, INCLUDING BUT
50 NOT LIMITED TO INDUSTRIAL DEVELOPMENT BONDS, TRAINING GRANTS, LOANS,
51 LOAN GUARANTEES, ENTERPRISE ZONES, EMPOWERMENT ZONES, TAX INCREMENT
52 FINANCING, FEE WAIVERS, LAND PRICE SUBSIDIES, INFRASTRUCTURE WHOSE PRIN-
53 CIPAL BENEFICIARY IS A SINGLE BUSINESS OR DEFINED GROUP OF BUSINESSES AT
54 THE TIME IT IS BUILT OR IMPROVED, MATCHING FUNDS, TAX ABATEMENTS, TAX
55 CREDITS AND TAX DISCOUNTS OF EVERY KIND, INCLUDING CORPORATE FRANCHISE,
56 PERSONAL INCOME, SALES AND COMPENSATING USE, RAW MATERIALS, REAL PROPER-

1 TY, JOB CREATION, INDIVIDUAL INVESTMENT, EXCISE, UTILITY, INVENTORY,
2 ACCELERATED DEPRECIATION, AND RESEARCH AND DEVELOPMENT TAX CREDITS AND
3 DISCOUNTS.

4 (2) SHALL NOT INCLUDE:

5 (I) ASSISTANCE GENERALLY AVAILABLE TO ALL BUSINESSES OR TO A GENERAL
6 CLASS OF SIMILAR BUSINESSES, SUCH AS A LINE OF BUSINESS, SIZE, LOCATION,
7 OR SIMILAR GENERAL CRITERIA;

8 (II) REDEVELOPMENT PROPERTY POLLUTED AS DEFINED IN THE ENVIRONMENTAL
9 CONSERVATION LAW OR PURSUANT TO FEDERAL LAW, RULES, OR REGULATIONS;

10 (III) ASSISTANCE PROVIDED FOR THE SOLE PURPOSE OF RENOVATING OLD OR
11 DECAYING BUILDING STOCK OR BRINGING SUCH STOCK INTO COMPLIANCE WITH THE
12 RELEVANT BUILDING AND FIRE CODES, AND ASSISTANCE PROVIDED FOR DESIGNATED
13 HISTORIC PRESERVATION DISTRICTS, PROVIDED THAT SUCH ASSISTANCE IN EITHER
14 CASE IS EQUAL TO OR LESS THAN FIFTY PERCENT OF THE TOTAL COST;

15 (IV) ASSISTANCE FOR HOUSING;

16 (V) ASSISTANCE FOR POLLUTION CONTROL OR ABATEMENT;

17 (VI) ASSISTANCE FOR ENERGY CONSERVATION;

18 (VII) TAX REDUCTIONS RESULTING FROM CONFORMITY WITH FEDERAL TAX LAW;

19 (VIII) WORKERS' COMPENSATION AND UNEMPLOYMENT COMPENSATION;

20 (IX) BENEFITS DERIVED FROM REGULATION;

21 (X) ASSISTANCE FOR COLLABORATION BETWEEN AN INSTITUTION OF HIGHER
22 EDUCATION WITHIN THE STATE AND A BUSINESS;

23 (XI) GENERAL CHANGES IN TAX INCREMENT FINANCING LAW AND OTHER GENERAL
24 TAX LAW CHANGES OF A PRINCIPALLY TECHNICAL NATURE;

25 (XII) FEDERAL ASSISTANCE UNTIL SUCH ASSISTANCE HAS BEEN REPAID TO AND
26 REINVESTED BY THE STATE OR A MUNICIPAL AGENCY; AND

27 (XIII) FEDERAL LOAN FUNDS PROVIDED THROUGH THE UNITED STATES DEPART-
28 MENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION.

29 B. "OUTSOURCING JOBS" MEANS TO RELOCATE OR MOVE EMPLOYMENT, JOBS, OR
30 POSITIONS FROM THE STATE OF NEW YORK OR THE UNITED STATES OR ITS TERRI-
31 TORIES TO AN OUTSIDE LOCALITY.

32 2. THE STATE AND ANY GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION OR
33 PUBLIC BENEFIT CORPORATION OF THE STATE SHALL NOT ENGAGE IN THE PRACTICE
34 OF OUTSOURCING JOBS AND SHALL NOT CONTRACT FOR ANY PURPOSE, IN ANY FORM,
35 WITH ANY ENTITY WHICH ENGAGES IN THE PRACTICE OF OUTSOURCING JOBS WHEN
36 STATE FUNDS ARE USED FOR SUCH JOBS OR SERVICES.

37 3. A CLAUSE SHALL BE INSERTED IN ALL SPECIFICATIONS OR CONTRACTS HERE-
38 AFTER MADE OR AWARDED BY THE STATE, OR ANY PUBLIC DEPARTMENT OR OFFICIAL
39 THEREOF, PROHIBITING ANY CONTRACTOR, TO WHOM ANY CONTRACT SHALL BE LET,
40 GRANTED OR AWARDED, AS REQUIRED BY LAW, FROM OUTSOURCING JOBS. IF ANY
41 CONTRACTOR, TO WHOM ANY CONTRACT IS HEREAFTER LET, GRANTED OR AWARDED,
42 AS REQUIRED BY LAW, BY THE STATE, OR BY ANY PUBLIC DEPARTMENT OR OFFI-
43 CIAL THEREOF, SHALL OUTSOURCE JOBS AS PROHIBITED BY THIS SECTION, THE
44 STATE SHALL REVOKE AND ANNUL SUCH CONTRACT, AND THE STATE, PUBLIC
45 DEPARTMENT OR OFFICER, AS THE CASE MAY BE, SHALL BE RELIEVED AND
46 DISCHARGED FROM ANY AND ALL LIABILITY AND OBLIGATIONS GROWING OUT OF
47 SUCH CONTRACT, AND SHALL FORFEIT AND LOSE ALL MONEYS, THERETOFORE EARNED
48 UNDER SUCH CONTRACT EXCEPT SO MUCH AS MAY BE REQUIRED TO PAY HIS OR HER
49 EMPLOYEES.

50 4. NO CONTRACTOR THAT RECEIVES DEVELOPMENTAL ASSISTANCE FROM THE STATE
51 SHALL ENGAGE IN THE PRACTICE OF OUTSOURCING JOBS. IF SUCH CONTRACTOR
52 ENGAGES IN SUCH PROHIBITED PRACTICE, SUCH CONTRACTOR SHALL RETURN SUCH
53 ASSISTANCE TO THE STATE. ANY CONTRACTOR THAT VIOLATES THE PROVISIONS OF
54 THIS SECTION SHALL NOT RECEIVE ANY STATE DEVELOPMENTAL ASSISTANCE FOR A
55 PERIOD OF FIVE YEARS FROM THE DATE OF THE LATEST VIOLATION OR DETERMI-
56 NATION OF VIOLATION OF THIS SECTION, WHICHEVER IS LATER.

1 5. ANY BUSINESS ENTITY THAT RECEIVES DEVELOPMENTAL ASSISTANCE FROM THE
2 STATE SHALL SUBMIT AN ANNUAL REPORT TO THE ATTORNEY GENERAL AND GRANTING
3 AGENCY STATING THE AMOUNT OF SUCH DEVELOPMENTAL ASSISTANCE RECEIVED, THE
4 AMOUNT OF EMPLOYMENT BY SUCH BUSINESS ENTITY GAINED OR LOST IN NEW YORK
5 OVER THE COURSE OF THE YEAR, WHAT SUCH DEVELOPMENTAL ASSISTANCE WENT
6 TOWARDS, AND ANY OTHER DATA THE ATTORNEY GENERAL MAY REQUIRE. SUCH
7 REPORT SHALL BE SUBMITTED ON OR BEFORE FEBRUARY FIRST OF EACH YEAR.

8 6. EACH REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC IN AN EASILY
9 ACCESSIBLE FORMAT, INCLUDING BUT NOT LIMITED TO AN ELECTRONIC VERSION
10 VIA THE WORLD WIDE WEB.

11 S 4. The general obligations law is amended by adding a new section
12 5-707 to read as follows:

13 S 5-707. CONSENT TO TRANSMISSION OF PERSONAL INFORMATION. 1. NO CORPO-
14 RATION OR OTHER BUSINESS ENTITY SHALL SELL, SHARE, TRANSFER OR OTHERWISE
15 DISCLOSE NONPUBLIC PERSONAL INFORMATION TO OR WITH ANY NONAFFILIATED
16 THIRD PARTIES WHICH ARE LOCATED OUTSIDE THE UNITED STATES OR ITS TERRI-
17 TORIES WITHOUT THE PRIOR WRITTEN CONSENT OF THE CONSUMER TO WHOM THE
18 NONPUBLIC PERSONAL INFORMATION RELATES.

19 2. FOR PURPOSES OF THIS SECTION:

20 A. "NONAFFILIATED THIRD PARTY" MEANS ANY ENTITY THAT IS NOT AN AFFIL-
21 IATE OF, OR RELATED BY COMMON OWNERSHIP OR AFFILIATED BY CORPORATE
22 CONTROL WITH, THE FINANCIAL INSTITUTION, BUT DOES NOT INCLUDE A JOINT
23 EMPLOYEE OF THAT INSTITUTION AND A THIRD PARTY.

24 B. "CONSUMER" MEANS AN INDIVIDUAL RESIDENT OF THIS STATE, OR THAT
25 INDIVIDUAL'S LEGAL REPRESENTATIVE, WHO OBTAINS OR HAS OBTAINED FROM A
26 FINANCIAL INSTITUTION A FINANCIAL PRODUCT OR SERVICE TO BE USED PRIMARI-
27 LY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES. FOR PURPOSES OF THIS
28 SECTION, AN INDIVIDUAL RESIDENT OF THIS STATE IS SOMEONE WHOSE LAST
29 KNOWN MAILING ADDRESS, OTHER THAN AN ARMED FORCES POST OFFICE OR FLEET
30 POST OFFICE ADDRESS, AS SHOWN IN THE RECORDS OF THE FINANCIAL INSTITU-
31 TION, IS LOCATED IN THIS STATE. FOR PURPOSES OF THIS SECTION, AN INDI-
32 VIDUAL IS NOT A CONSUMER OF A FINANCIAL INSTITUTION SOLELY BECAUSE HE OR
33 SHE IS (I) A PARTICIPANT OR BENEFICIARY OF AN EMPLOYEE BENEFIT PLAN THAT
34 A FINANCIAL INSTITUTION ADMINISTERS OR SPONSORS, OR FOR WHICH THE FINAN-
35 CIAL INSTITUTION ACTS AS A TRUSTEE, INSURER OR FIDUCIARY, (II) COVERED
36 UNDER A GROUP OR BLANKET INSURANCE POLICY OR GROUP ANNUITY CONTRACT
37 ISSUED BY THE FINANCIAL INSTITUTION, (III) A BENEFICIARY IN A WORKERS'
38 COMPENSATION PLAN, (IV) A BENEFICIARY OF A TRUST FOR WHICH THE FINANCIAL
39 INSTITUTION IS A TRUSTEE OR (V) A PERSON WHO HAS DESIGNATED THE FINAN-
40 CIAL INSTITUTION AS TRUSTEE FOR A TRUST, PROVIDED THAT THE FINANCIAL
41 INSTITUTION PROVIDES ALL REQUIRED NOTICES REQUIRED BY THIS SECTION TO
42 THE PLAN SPONSOR, GROUP OR BLANKET INSURANCE POLICYHOLDER OR GROUP ANNU-
43 ITY CONTRACT HOLDER.

44 C. "NONPUBLIC PERSONAL INFORMATION" MEANS PERSONALLY IDENTIFIABLE
45 INFORMATION (I) PROVIDED BY A CONSUMER OR (II) RESULTING FROM ANY TRANS-
46 ACTION WITH THE CONSUMER OR ANY SERVICE PERFORMED FOR THE CONSUMER.
47 NONPUBLIC PERSONAL INFORMATION DOES NOT INCLUDE PUBLICLY AVAILABLE
48 INFORMATION WHERE THERE IS A REASONABLE BASIS TO BELIEVE THAT SUCH
49 INFORMATION IS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDER-
50 AL, STATE OR LOCAL GOVERNMENT RECORDS, WIDELY DISTRIBUTED MEDIA OR
51 DISCLOSURES TO THE GENERAL PUBLIC THAT ARE REQUIRED TO BE MADE BY FEDER-
52 AL, STATE OR LOCAL LAW. NONPUBLIC PERSONAL INFORMATION SHALL INCLUDE ANY
53 LIST, DESCRIPTION OR OTHER GROUPING OF CONSUMERS, AND PUBLICLY AVAILABLE
54 INFORMATION PERTAINING TO THEM, THAT IS DERIVED USING ANY NONPUBLIC
55 PERSONAL INFORMATION OTHER THAN PUBLICLY AVAILABLE INFORMATION, BUT
56 SHALL NOT INCLUDE ANY LIST, DESCRIPTION OR OTHER GROUPING OF CONSUMERS,

1 AND PUBLICLY AVAILABLE INFORMATION PERTAINING TO SUCH CONSUMERS, THAT IS
2 DERIVED WITHOUT USING ANY NONPUBLIC PERSONAL INFORMATION.

3 S 5. The labor law is amended by adding a new section 201-g to read as
4 follows:

5 S 201-G. NOTICE OF OUTSOURCING; PROHIBITED REPLACEMENT TRAINING. 1.
6 FOR PURPOSES OF THIS SECTION, "OUTSOURCING JOBS" MEANS TO RELOCATE OR
7 MOVE EMPLOYMENT, JOBS, OR POSITIONS FROM THE STATE OF NEW YORK TO AN
8 OUTSIDE LOCALITY OTHER THAN A LOCALITY LOCATED WITHIN THE UNITED STATES
9 OR ITS TERRITORIES.

10 2. ANY EMPLOYER THAT ENGAGES OR IS PLANNING ON ENGAGING IN THE PRAC-
11 TICE OF OUTSOURCING JOBS WHICH ARE WITHIN NEW YORK STATE TO A LOCATION
12 OUTSIDE THE UNITED STATES OR ITS TERRITORIES SHALL PROVIDE ITS AFFECTED
13 EMPLOYEES WITH AT LEAST ONE HUNDRED EIGHTY DAYS NOTICE IMMEDIATELY PRIOR
14 TO SUCH OUTSOURCING. THE NOTICE REQUIRED BY THIS SECTION SHALL ALSO BE
15 PROVIDED TO THE DEPARTMENT AT LEAST ONE HUNDRED EIGHTY DAYS IMMEDIATELY
16 PRIOR TO SUCH OUTSOURCING.

17 3. ANY EMPLOYEE DISPLACED BY THE PRACTICE OF OUTSOURCING JOBS SHALL
18 NOT BE REQUIRED, AS A CONDITION OF RECEIPT OF SEVERANCE PAY, TO TRAIN
19 EMPLOYEES OUTSIDE THE UNITED STATES OR ITS TERRITORIES WHO ARE REPLACING
20 SUCH DISPLACED EMPLOYEE.

21 4. ANY EMPLOYER FOUND TO BE IN VIOLATION OF THIS SECTION SHALL BE
22 SUBJECT TO THE PENALTIES OF SECTION TWO HUNDRED THIRTEEN OF THIS ARTI-
23 CLE.

24 S 6. The executive law is amended by adding a new section 13 to read
25 as follows:

26 S 13. PROCUREMENT AGREEMENTS BETWEEN THE GOVERNOR AND MULTINATIONAL
27 ORGANIZATIONS. NOTWITHSTANDING ANY OTHER LAW, THE STATE, THROUGH THE
28 GOVERNOR, SHALL NOT ENTER INTO OR ADOPT OR SUPPORT ANY MULTINATIONAL
29 PROCUREMENT AGREEMENT OR AGREE TO AMEND OR RENEW ANY EXISTING MULTINA-
30 TIONAL PROCUREMENT AGREEMENT WITH ANY MULTINATIONAL TRADE ORGANIZATION,
31 CORPORATION OR OTHER BUSINESS ENTITY WITHOUT RATIFICATION BY THE LEGIS-
32 LATURE OF SUCH AGREEMENT. ANY SUCH AGREEMENT SHALL BE DEEMED RATIFIED
33 BY THE LEGISLATURE AFTER THE GOVERNOR'S CERTIFICATION TO THE TEMPORARY
34 PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE SECRETARY
35 OF STATE, THAT SUCH CONTRACT, THROUGH ITS TERMS, BETWEEN THE STATE AND
36 THE MULTINATIONAL TRADE ORGANIZATION, CORPORATION OR OTHER BUSINESS
37 ENTITY BY STATUTE, BY EXECUTIVE ORDER, OR BY THE TERMS OF ANY OTHER
38 AGREEMENT ENTERED INTO BY OR ON BEHALF OF SUCH ORGANIZATION, CORPORATION
39 OR OTHER BUSINESS ENTITY, PROVIDES ASSURANCE THAT SUCH MULTINATIONAL
40 TRADE ORGANIZATION, CORPORATION OR OTHER BUSINESS ENTITY WILL ADHERE TO
41 AND CARRY OUT THE PROVISIONS OF SUCH AGREEMENT PURSUANT TO THE
42 PROVISIONS OF ARTICLE TWENTY-FOUR-D OF THE GENERAL BUSINESS LAW, SECTION
43 ONE HUNDRED FORTY-SEVEN OF THE STATE FINANCE LAW, SECTION 5-707 OF THE
44 GENERAL OBLIGATIONS LAW, AND SECTION TWO HUNDRED ONE-G OF THE LABOR LAW,
45 AND UPON A MAJORITY VOTE BY THE SENATE AND ASSEMBLY APPROVING SUCH
46 AGREEMENT.

47 S 7. Nothing in this act shall be construed to impede, infringe or
48 diminish the integrity of collective bargaining agreements in existence
49 and effect on the effective date of this act. Nothing in this act shall
50 be construed to impede, infringe or diminish any agreement or contract
51 provisions in existence and effect on the effective date of this act.

52 S 8. If any item, clause, sentence, subparagraph, paragraph, subdivi-
53 sion, section, or any other part of this act, or the application thereof
54 to any person or circumstances, is held to be invalid, such holding
55 shall not affect, impair, or invalidate the remainder of this act, or of
56 the application of such section or part of a section held invalid, to

1 any other person or circumstances, but shall be confined in its opera-
2 tion to the item, clause, sentence, subparagraph, paragraph, subdivi-
3 sion, section, or other part of this act directly involved in such hold-
4 ing, or to the person and circumstances therein involved.

5 S 9. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law and shall apply to agreements or contracts
7 entered into on or after such date.