

1244

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. ADDABBO, PARKER -- read twice and ordered printed,
and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting state funding
to businesses that outsource jobs

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

1 Section 1. The labor law is amended by adding a new section 219-b to
2 read as follows:
3 S 219-B. OUTSOURCING OF JOBS PROHIBITED. 1. FOR PURPOSES OF THIS
4 SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:
5 (A) "OUTSOURCE" SHALL MEAN TO RELOCATE OR MOVE JOBS OUTSIDE OF THE
6 STATE OF NEW YORK TO ANOTHER STATE OR COUNTRY;
7 (B) "STATE FUNDING" SHALL MEAN THE PROVISION OF ANY AWARDS, GRANTS,
8 LOANS, TAX BENEFITS OR ANY OTHER FINANCIAL ASSISTANCE BY THE STATE TO A
9 BUSINESS ENTITY; AND
10 (C) "BUSINESS ENTITY" SHALL MEAN ANY PERSON, FIRM, CORPORATION, PART-
11 NERSHIP, LIMITED LIABILITY COMPANY OR ANY OTHER BUSINESS ENTITY DOING
12 BUSINESS IN THIS STATE OR A SUCCESSOR, AFFILIATE, ALTER EGO OR SUBSID-
13 IARY OF SUCH BUSINESS ENTITY.
14 2. NO BUSINESS ENTITY SHALL RECEIVE STATE FUNDING IF A DETERMINATION
15 IS MADE BY THE COMMISSIONER THAT SUCH BUSINESS ENTITY SHALL OUTSOURCE
16 JOBS. UPON A DETERMINATION BY THE COMMISSIONER THAT A BUSINESS ENTITY
17 SHALL OUTSOURCE JOBS, THE COMMISSIONER SHALL NOTIFY SUCH BUSINESS ENTITY
18 OF SUCH DETERMINATION. UPON RECEIPT OF SUCH NOTICE, SUCH BUSINESS ENTITY
19 SHALL HAVE THIRTY DAYS WITHIN WHICH TO REQUEST A HEARING REGARDING SUCH
20 DETERMINATION. SUCH HEARING SHALL BE HELD IN A MANNER TO BE DETERMINED
21 BY THE COMMISSIONER. FAILURE TO REQUEST A HEARING WITHIN THIRTY DAYS
22 SHALL BE DEEMED A WAIVER OF SUCH BUSINESS ENTITY'S RIGHT TO A HEARING.
23 IF AFTER SUCH HEARING A DETERMINATION IS MADE THAT SUCH BUSINESS ENTITY
24 HAS OUTSOURCED JOBS OR AFTER EXPIRATION OF SUCH THIRTY DAY PERIOD, NO
25 FURTHER STATE FUNDING SHALL BE MADE TO SUCH BUSINESS ENTITY.
26 S 2. This act shall take effect on the first of April next succeeding
27 the date on which it shall have become a law.

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

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