S T A T E O F N E W Y O R K

3912

2011-2012 Regular Sessions

I N A S S E M B L Y

January 28, 2011

Introduced by M. of A. TITUS -- read once and referred 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:

Section 1. The labor law is amended by adding a new section 219-b to read as follows:

S 219-B. OUTSOURCING OF JOBS PROHIBITED. 1. FOR PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "OUTSOURCE" SHALL MEAN TO RELOCATE OR MOVE JOBS OUTSIDE OF THE STATE OF NEW YORK TO ANOTHER STATE OR COUNTRY;

(B) "STATE FUNDING" SHALL MEAN THE PROVISION OF ANY AWARDS, GRANTS, LOANS, TAX BENEFITS OR ANY OTHER FINANCIAL ASSISTANCE BY THE STATE TO A BUSINESS ENTITY; AND

(C) "BUSINESS ENTITY" SHALL MEAN ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR ANY OTHER BUSINESS ENTITY DOING BUSINESS IN THIS STATE.

2. NO BUSINESS ENTITY SHALL RECEIVE STATE FUNDING IF A DETERMINATION IS MADE BY THE COMMISSIONER THAT SUCH BUSINESS ENTITY HAS OUTSOURCED JOBS. UPON A DETERMINATION BY THE COMMISSIONER THAT A BUSINESS ENTITY HAS OUTSOURCED JOBS, THE COMMISSIONER SHALL NOTIFY SUCH BUSINESS ENTITY OF SUCH DETERMINATION. UPON RECEIPT OF SUCH NOTICE, SUCH BUSINESS ENTITY SHALL HAVE THIRTY DAYS WITHIN WHICH TO REQUEST A HEARING REGARDING SUCH DETERMINATION. SUCH HEARING SHALL BE HELD IN A MANNER TO BE DETERMINED BY THE COMMISSIONER. FAILURE TO REQUEST A HEARING WITHIN THIRTY DAYS SHALL BE DEEMED A WAIVER OF SUCH BUSINESS ENTITY'S RIGHT TO A HEARING. IF AFTER SUCH HEARING A DETERMINATION IS MADE THAT SUCH BUSINESS ENTITY HAS OUTSOURCED JOBS OR AFTER EXPIRATION OF SUCH THIRTY DAY PERIOD, NO FURTHER STATE FUNDING SHALL BE MADE TO SUCH BUSINESS ENTITY.

S 2. This act shall take effect immediately.

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

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