



NYS “OFFSHORING’ LEGISLATION – 2004 SESSION

Legislation/Status	Key Provisions	Business Council Comments
<p>S.6040-B (Spano) <i>Senate Corporations Committee</i></p> <p>A.9567-B (Brodsky) <i>Assembly Economic Development Committee</i></p>	<ul style="list-style-type: none"> • Defines “outsourcing” as moving jobs out of New York State. • 7 year ban on broadly defined “state assistance programs” for businesses that “outsource” any jobs. • Businesses must repay state benefits received to date (under B print, recapture provisions apply to benefits received after effective date of legislation.) • Businesses receiving benefits must file annual report on in-state jobs with Attorney General. 	<ul style="list-style-type: none"> • TBC strongly opposes this bill. • Major adverse impacts on existing businesses and NYS’s business recruitment efforts. • Senator Spano has said he will not push this legislation, but is looking for alternative approaches. <p>TBC Memo in Opposition: <http://www.bcnys.org/inside/Legmemos/2004/s6040a9567kp.htm></p>
<p>S.6338 (Velella) <i>Senate Calendar 3rd Reading</i></p>	<ul style="list-style-type: none"> • Requires Dept. of Labor to issue report on offshore outsourcing of information technology jobs and the future of New York’s job market. 	<ul style="list-style-type: none"> • TBC opposes this legislation, and has raised concern about focus of study, lack of definitions, lack of involvement by ESD in assessment of economic development opportunities. • Sponsor has said intended focus is on call centers. <p>TBC Memo in Opposition: <http://www.bcnys.org/inside/Legmemos/2004/s6338kp.htm></p>



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S.6872 (Lavalle) <i>Senate Civil Service/ Pensions Committee</i>	<ul style="list-style-type: none"> • Would prohibit investment of state pension fund resources in businesses that have “offshored” jobs. • “Offshoring” defined as “seek(ing) resources outside of the United States and/or to exploit the skills of another entity.” 	<ul style="list-style-type: none"> • TBC is strongly opposed to this legislation. • Sponsor has not assessed the bill’s impact on investment options.
S,7122 (Farley) <i>Senate Banks Committee</i> A.10070 (Nolan) <i>Assembly Banks Committee</i>	<ul style="list-style-type: none"> • Authorizes the Dept. of Banks to “audit the international administrative offices of banking organizations doing business in this state which process personal information from customers for purpose of enforcing privacy protection.” 	<ul style="list-style-type: none"> • TBC has not taken a position on this bill as yet. Assessing potential impact on federally chartered banks.
A.10114 (Nolan) <i>Assembly Banks Committee</i>	<ul style="list-style-type: none"> • Bank call centers (on toll-free lines) must identify the location of the banking organization's call center by city and state, or if international, by city and country. 	<ul style="list-style-type: none"> • TBC has not taken a position on this bill as yet.



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S.6079 (Valella) <i>Senate Energy Committee</i> A.201 (Cahill) <i>Assembly Codes Committee</i>	<ul style="list-style-type: none"> Requires gas, electric and municipal power utilities to maintain call service centers "within this state and within their service areas" to address billing, service orders, rate information , payment and other issues. 	<ul style="list-style-type: none"> TBC has opposed this legislation. Assembly Corps Committee approved A.201 on 4/20/04; moved to Assembly Codes. Legislation being pushed by CWA.



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<p>S,6935 (Paterson) <i>Senate Consumer Protection Committee</i></p>	<ul style="list-style-type: none"> • Defines “outsourcing jobs” as relocating employment, jobs or positions from the state of New York <u>or</u> the United States to an outside locality. • Requires businesses that outsourcing jobs or services to make disclosures through on-site postings and written notices to consumers. • Prohibits business transferring nonpublic personal information to non-affiliated third party overseas without prior written permission of the consumer. • Prohibits the state & local governments from entering into contracts “for any purpose” with an entity which engages in the practice of outsourcing jobs. • Prohibits “contractors” receiving state development assistance from outsourcing jobs. Penalties require repayment of assistance received and a five year ban on receipt of additional state assistance. • Requires companies planning to move in-state jobs overseas to provide a 180 day notice to affected employees. • Prohibits employers from requiring employees to train foreign replacements as a condition of receiving severance pay. 	<ul style="list-style-type: none"> • TBC will oppose this legislation. • Bill is supported by NYPIRG, the AFL-CIO, CSEA, PEF and CWA.



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A.10347 (Delmonte) <i>Assembly Gov’t Operations Committee</i>	<ul style="list-style-type: none"> • Requires all services performed under state contracts to be performed by U.S. citizens, legal resident aliens or individuals with valid visas. 	<ul style="list-style-type: none"> • TBC strongly opposes this legislation. • TBC has met with sponsor; indicated adverse impact on international trade, state finances.
S.6807 (Libous) <i>Senate Finance Committee</i> A.9786 (Crouch) <i>Assembly Gov’t Operations Committee</i>	<ul style="list-style-type: none"> • State must consider “quantifiable fiscal benefits” to the state in determining the “lowest responsible bidder” on state contracts. • Applies to state contracts for “public works and public purchases. • Factors include: location of sub-contractors used to fulfill a state contract; jobs related to the contract located or created in NY; and estimated tax revenues and related economic activity generated by the contracts. • States that “quantifiable fiscal benefits” should be subtracted from actual bid amounts in determining lowest responsible bid. • State Comptroller directed to develop criteria. 	<ul style="list-style-type: none"> • TBC has opposed bid preference bills for in-state businesses. • NYS and a number of other states currently prohibit companies from “discriminatory jurisdictions” from receiving state contracts.



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A.10406 (Acampora) <i>Assembly Economic Development Committee</i>	<ul style="list-style-type: none"> • Ends access to state “developmental aid” (broadly defined) for businesses that outsource jobs if result is fewer in-state jobs than on date that assistance was awarded. • Outsourcing defined as moving jobs from NY to another <i>state</i>. • Eligibility is restored if business’ in-state job count exceeds baseline level. • Businesses receiving state assistance must submit annual report to state covering: assistance received; change in number of NYS employees; how development aid was used; other information required by the state. 	<ul style="list-style-type: none"> • TBC strongly opposes this legislation.