



Sen. Michael Noland

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1 AMENDMENT TO SENATE BILL 1255

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1255 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Job  
5 Preservation Act of 2007.

6 Section 5. Legislative declaration. The General Assembly  
7 finds, determines, and declares that:

8 (1) In recent years, a number of companies have  
9 replaced highly-skilled workers from this State with  
10 lower-paid, foreign laborers, a practice that is known as  
11 outsourcing.

12 (2) In many cases, the impetus for the outsourcing is  
13 pressure from domestic and foreign capital venture  
14 companies that see foreign labor as a way of increasing  
15 their already significant profits.

16 (3) The preservation of jobs in this State is of

1 critical importance to the economic vitality of the State  
2 and the local communities within the State.

3 (4) The economic dislocation caused by a company  
4 outsourcing jobs threatens the health, safety, and welfare  
5 of the people of this State.

6 (5) A company that engages in outsourcing from this  
7 State to a site that is located outside the United States  
8 should not enjoy the benefits of a lucrative State or local  
9 procurement contract.

10 (6) Companies that engage in outsourcing to a site that  
11 is located outside the United States should also be  
12 prohibited from receiving grants, loans, tax incentives,  
13 or other economic incentives from State and local  
14 government.

15 Section 10. Definitions. In this Act, unless the context  
16 otherwise requires:

17 (1) "Company" means any corporation, subchapter S  
18 corporation, professional corporation, business trust,  
19 estate, trust, joint stock company, joint venture, limited  
20 liability company, partnership, association,  
21 unincorporated association, society, or any other  
22 nongovernmental legal entity. "Company" also includes any  
23 subsidiary, parent, merged, or acquired company.

24 (2) "Department" means the Department of Labor.

25 (3) "Director" means the Director of Labor.

1           (4) "Local government" means a unit of local government  
2 or a school district.

3           (5) "Procurement" means any State or local government  
4 contract that exceeds \$500.

5           (6) "State" means a department, office, commission,  
6 institution, board, or other agency of State government,  
7 including an institution of higher education.

8           (7) "Survey" means the job relocation survey that the  
9 Director prepares in accordance with the provisions of this  
10 Act.

11           Section 15. Job relocation; notice; survey.

12           (a) On or before January 31, 2008, and each January 31  
13 thereafter, any company doing business in this State that had a  
14 net loss of 100 or more employees in the State during the prior  
15 calendar year and the loss was caused by the relocation of the  
16 jobs from this State to a site that is located outside of the  
17 United States must notify the Department of the loss.

18           (b) The Director shall prepare a job relocation survey to  
19 be completed by a company that notifies the Department pursuant  
20 to this Section. In addition to any other information required  
21 by the Director, the survey shall include the following:

22           (1) The name and principal place of business of the  
23 company.

24           (2) Identification of any procurement contracts that  
25 the company has with the State or a local government.

1           (3) Identification of any grants, loans, tax  
2 incentives, or other economic development incentives that  
3 the company has received from the State or a local  
4 government during the previous 10 years.

5           (4) A statement of the number of employees of the  
6 company that lost their jobs in the preceding calendar  
7 year.

8           (5) A statement of the number of jobs that were added  
9 in this State the preceding calendar year.

10          (6) A statement of the number of jobs that employees  
11 lost that were caused as a result of the company  
12 outsourcing the jobs to employees located outside of the  
13 United States.

14          (c) Pursuant to subsections (a) and (b) of this Section, a  
15 company shall complete and return the survey to the Department  
16 within 30 days after receiving it. A company that fails to  
17 respond to the survey within that 30-day period is subject to  
18 the penalties set forth in this Act until the time that the  
19 survey is completed.

20          (d) Any person who believes that he or she lost his or her  
21 job as a result of a company outsourcing jobs to employees  
22 located outside of the United States is encouraged to report  
23 all relevant information to the Department.

24          Section 20. Outsourcing; penalties.

25          (a) Notwithstanding any provision of law to the contrary,

1 if a company has had a net loss of 100 or more employees in this  
2 State during the prior calendar year and the loss was caused by  
3 the relocation of 100 or more jobs from this State to a site  
4 that is located outside of the United States, then that company  
5 shall, for a period of 7 years, be ineligible to:

6 (1) Enter into a procurement contract with the State or  
7 a local government.

8 (2) Receive any government grant, loan, tax incentive,  
9 or other economic incentive from the State or a local  
10 government.

11 (3) Use any bonds, bond proceeds, or bond benefits from  
12 the State or a local government.

13 (b) The Director shall provide written notice of any  
14 company identified in subsection (a) of this Section to each of  
15 the following: (i) the Governor; (ii) the General Assembly;  
16 (iii) each State agency; (iv) each institution of higher  
17 education; and (v) each local government.

18 (c) The 7-year period of ineligibility under subsection (a)  
19 of this Section commences on the date of the written notice  
20 provided by the Director pursuant to subsection (b) of this  
21 Section.

22 Section 25. Home rule. A home rule unit may not regulate  
23 companies that outsource jobs from this State to a site that is  
24 located outside the United States in a manner less restrictive  
25 than the regulation by the State under this Act. This Act is a

1 limitation under subsection (i) of Section 6 of Article VII of  
2 the Illinois Constitution on the concurrent exercise by home  
3 rule units of powers and functions exercised by the State.

4 Section 90. The Illinois Procurement Code is amended by  
5 changing Section 30-45 as follows:

6 (30 ILCS 500/30-45)

7 Sec. 30-45. Other Acts. This Article is subject to  
8 applicable provisions of the following Acts:

9 (1) the Prevailing Wage Act;

10 (2) the Public Construction Bond Act;

11 (3) the Public Works Employment Discrimination Act;

12 (4) the Public Works Preference Act;

13 (5) the Employment of Illinois Workers on Public Works  
14 Act;

15 (6) the Public Contract Fraud Act; ~~and~~

16 (7) the Illinois Construction Evaluation Act; ~~and~~

17 (8) the Job Preservation Act of 2007.

18 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

19 Section 95. The State Mandates Act is amended by adding  
20 Section 8.31 as follows:

21 (30 ILCS 805/8.31 new)

22 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the  
2 implementation of any mandate created by this amendatory Act of  
3 the 95th General Assembly.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".