

House Bill 495

By: Representatives Gilligan of the 24<sup>th</sup>, Dunahoo of the 30<sup>th</sup>, Epps of the 144<sup>th</sup>, Stephens of the 164<sup>th</sup>, and Belton of the 112<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the  
2 Department of Economic Development, so as to provide for civil penalties and benefit  
3 recapture from employers that move call centers from the state; to provide for procedures,  
4 conditions, and limitations; to provide for an effective date; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department  
9 of Economic Development, is amended by adding a new article to read as follows:

10 "ARTICLE 10

11 50-7-125.

12 As used this article, the term:

13 (1) 'Employer' means a call center that employs either:

14 (A) Fifty or more individuals, excluding part-time employees; or

15 (B) Fifty or more individuals who, in the aggregate, work at least 1,500 hours each  
16 week for the employer, not including overtime hours.

17 (2) 'Part-time employee' means an individual employed for an average of fewer than 20  
18 hours each week or for fewer than six of the 12 months before the date on which a  
19 determination to relocate is made.

20 50-7-126.

21 (a) An employer that intends to relocate any a call center, or one or more facilities or  
22 operating units within a call center consisting of at least 30 percent of the call center's total  
23 volume when measured against the previous 12 month average call volume, from this state

24 shall notify the commissioner at least 120 days before such relocation is scheduled to take  
25 place.

26 (b) If such employer fails to provide appropriate notice pursuant to subsection (a) of this  
27 Code section, the commissioner shall inform the Attorney General, and the Attorney  
28 General shall commence an action for a civil penalty against such employer in the county  
29 in which such employer's call center is located. On a finding that an employer has violated  
30 subsection (a) of this Code section, the court shall assess a civil penalty of not more than  
31 \$10,000.00 against such employer for each day such employer failed to provide the notice.

32 (c) A court may reduce a civil penalty imposed under subsection (b) of this Code section  
33 if the court determines that an employer has shown just cause as to why notification under  
34 subsection (a) of this Code section was not made in the timeframe required.

35 50-7-127.

36 (a) Beginning July 1, 2017, and every six months thereafter, the commissioner shall  
37 compile a list of every employer that has relocated a call center, or one or more facilities  
38 or operating units within a call center consisting of at least 30 percent of the call center's  
39 total volume when measured against the previous 12 month average call volume, from this  
40 state.

41 (b) The commissioner shall include on the list the name of each employer and the date on  
42 which the call center was relocated.

43 (c) The commissioner shall immediately distribute such list to each state agency and  
44 political subdivision of the state that provides such employers with any grants, loans, or tax  
45 credits.

46 50-7-128.

47 (a) Except as provided in subsection (c) of this Code section, an employer that appears on  
48 a list compiled by the commissioner under Code Section 50-7-127 is ineligible to receive  
49 from the state or any political subdivision of the state any grant, loan, or tax credit until five  
50 years after the date on which the employer relocated the call center.

51 (b) Except as provided in subsection (c) of this Code section, if an employer appears on  
52 a list compiled under Code Section 50-7-127, the commissioner shall recapture from such  
53 employer an amount equal to the unamortized value of any grant, loan, or tax credit that  
54 such employer received from the state or any political subdivision of the state after June 30,  
55 2017. Such employer shall pay the recapture amount to the commissioner within 30 days  
56 of receiving the recapture demand.

57 (c) The commissioner may waive the disqualification provided for in subsection (a) of this  
58 Code section if the employer applying for the grant, loan, or tax credit demonstrates that  
59 one or more of the following will happen if the grant, loan, or tax credit is not provided:

- 60 (1) Substantial job loss in the state;  
61 (2) Harm to the environment of the state; or  
62 (3) A significant economic impact to the state.

63 50-7-129.

64 (a) This Code section applies to contracts entered into on or after July 1, 2017.

65 (b) Each state agency within the executive department shall ensure that all call center and  
66 customer service work performed for the agency is performed entirely within the state.

67 (c) A contractor that performs call center or customer service work for the state shall not  
68 hire an individual to perform that work at a location outside of the state.

69 (d) Beginning July 1, 2019, every individual employed by a contractor to perform call  
70 center or customer service work for the state shall perform that work within the state.

71 50-7-130.

72 This article does not permit withholding or denial of payments, compensation, or benefits  
73 from employees."

74 **SECTION 2.**

75 This Act shall become effective on July 1, 2017.

76 **SECTION 3.**

77 All laws and parts of laws in conflict with this Act are repealed.