

Senate Bill 231

By: Senators Robertson of the 29th, Payne of the 54th, Black of the 8th, Albers of the 56th and Harbison of the 15th

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 definitions,
4 procedures, conditions, and limitations; to provide for related matters; to repeal conflicting
5 laws; and 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 revising Article 10, which was previously
10 reserved, as follows:

11 "ARTICLE 10

12 50-7-125.

13 As used this article, the term:

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

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

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

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

21 50-7-126.

22 (a) An employer that intends to relocate a call center, or one or more facilities or operating
23 units within a call center consisting of at least 30 percent of such call center's total volume

24 when measured against the previous 12 month average call volume, from this state shall
25 notify the commissioner at least 120 days before such relocation is scheduled to take 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
32 appropriate notice.

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

36 50-7-127.

37 (a) Beginning July 1, 2019, and every six months thereafter, the commissioner shall
38 compile a list of every employer that has relocated a call center, or one or more facilities
39 or operating units within a call center consisting of at least 30 percent of such call center's
40 total volume when measured against the previous 12 month average call volume, from this
41 state.

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

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

47 50-7-128.

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

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

- 55 (1) Substantial job loss in the state;
56 (2) Harm to the environment of the state; or
57 (3) A significant economic impact to the state.

58 50-7-129.

59 This article does not permit the withholding or denial of payments, compensation, or
60 benefits from employees."

61 **SECTION 2.**

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