



January 18, 2017

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## SENATE BILL No. 94

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DIGEST OF SB 94 (Updated January 10, 2017 11:38 am - DI MV)

**Citations Affected:** IC 5-28.

**Synopsis:** Call center worker and consumer protection. Requires the Indiana economic development corporation (IEDC) to compile a list of all employers that relocate a call center to a foreign country and to disqualify employers on that list from state grants, loans, and tax credits. Requires an employer receiving a state grant, loan, or tax credit to notify the IEDC if it intends to relocate a call center. Imposes a civil penalty on an employer that does not notify the IEDC.

**Effective:** July 1, 2017.

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### Niezgodski

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January 3, 2017, read first time and referred to Committee on Rules and Legislative Procedure.  
January 17, 2017, amended; reassigned to Committee on Commerce and Technology.

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SB 94—LS 6522/DI 13





January 18, 2017

First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## SENATE BILL No. 94

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-28-39 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]:  
4 **Chapter 39. Consumer Call Center Employee Protection**  
5 **Sec. 1. As used in this chapter, "employer" means a business**  
6 **that employs, for the purpose of customer service or back-office**  
7 **operations, either of the following:**  
8 **(1) Fifty (50) or more individuals, excluding part-time**  
9 **employees.**  
10 **(2) Fifty (50) or more individuals who, in the aggregate, work**  
11 **at least one thousand five hundred (1,500) hours each week**  
12 **for the employer, not including overtime hours.**  
13 **Sec. 2. As used in this chapter, "grant" has the meaning set**  
14 **forth in IC 5-28-28-2.**  
15 **Sec. 3. As used in this chapter, "loan" has the meaning set forth**  
16 **in IC 5-28-28-3.**  
17 **Sec. 4. As used in this chapter, "tax credit" has the meaning set**

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1       forth in IC 5-28-28-4.

2       **Sec. 5.** As used in this chapter, "part-time employee" means an  
3 individual employed by an employer for an average of fewer than  
4 twenty (20) hours each week or for fewer than six (6) of the twelve  
5 (12) months before the date on which a determination is made.

6       **Sec. 6. (a)** An employer that intends to relocate either of the  
7 following from Indiana to a foreign country shall notify the  
8 secretary of commerce at least one hundred twenty (120) days  
9 before the relocation:

10       (1) A call center.

11       (2) One (1) or more facilities or operating units within a call  
12 center comprising at least thirty percent (30%) of the call  
13 center's total volume when measured against the previous  
14 twelve (12) month average call volume of operations.

15       **(b)** If an employer fails to provide the notice under subsection  
16 **(a)**, the secretary of commerce shall inform the attorney general.  
17 The attorney general shall commence an action to impose a civil  
18 penalty against that employer in the county in which the  
19 employer's business is located. On a finding that an employer has  
20 violated subsection **(a)**, the court shall assess a civil penalty of not  
21 more than ten thousand dollars (\$10,000) against the employer for  
22 each day the employer failed to provide the notice.

23       **(c)** A court may reduce a civil penalty imposed under subsection  
24 **(b)** if the court determines that an employer has shown just cause  
25 why a notification under subsection **(a)** was not made in the time  
26 required.

27       **Sec. 7. (a)** Beginning July 1, 2017, and every six (6) months  
28 thereafter, the corporation shall compile a list of every employer  
29 that has relocated an operation or facility described in section  
30 **6(a)(1)** or **6(a)(2)** of this chapter.

31       **(b)** The corporation shall include on the list the name of the  
32 employer and the date on which the call center or facility was  
33 relocated.

34       **(c)** The corporation shall immediately notify each state agency  
35 that is providing the employer with any grant, loan, or tax credit.

36       **(d)** The corporation shall include the list in the incentives  
37 compliance report required by IC 5-28-28.

38       **Sec. 8. (a)** Except as provided in subsection **(c)**, an employer that  
39 appears on a list compiled by the corporation under section 7 of  
40 this chapter is ineligible to receive from the state any grant, loan,  
41 or tax credit until five (5) years after the date on which the  
42 employer relocated the operation or facility described in section



- 1 6(a)(1) or 6(a)(2) of this chapter.
- 2 (b) Except as provided in subsection (c), if an employer appears
- 3 on a list compiled under section 7 of this chapter, the corporation
- 4 shall recapture from the employer an amount equal to the
- 5 unamortized value of any grant, loan, or tax credit that the
- 6 employer has received from the state after June 30, 2017. The
- 7 employer shall pay the recapture amount to the corporation within
- 8 thirty (30) days after receiving the recapture demand.
- 9 (c) The corporation may waive the ineligibility under subsection
- 10 (a) if the employer applying for the grant, loan, or tax credit
- 11 demonstrates that one (1) or more of the following will happen if
- 12 the grant, loan, or tax credit is not provided:
- 13 (1) Substantial job loss in Indiana.
- 14 (2) Harm to the environment.
- 15 (3) A significant economic impact to Indiana.
- 16 Sec. 9. (a) This section applies to contracts entered into on or
- 17 after July 1, 2017.
- 18 (b) Each state agency within the executive department shall
- 19 ensure that all call center and customer service work performed
- 20 for the agency is performed entirely within Indiana.
- 21 (c) A contractor that performs call center or customer service
- 22 work for the state shall not hire an individual to perform that work
- 23 at a location outside Indiana.
- 24 (d) Beginning July 1, 2019, every individual employed by a
- 25 contractor to perform call center or customer service work for the
- 26 state shall perform that work within Indiana.
- 27 Sec. 10. This chapter does not permit withholding or denial of
- 28 payments, compensation, or benefits to employees.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 94, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Commerce and Technology.

(Reference is to SB 94 as introduced.)

LONG, Chairperson

