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SENATE BILL 414

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO CALL CENTERS; REQUIRING CERTAIN CALL CENTERS THAT RELOCATE TO A FOREIGN COUNTRY TO NOTIFY THE WORKFORCE SOLUTIONS DEPARTMENT; REQUIRING THE SECRETARY OF WORKFORCE SOLUTIONS TO COMPILE A REPORT OF CALL CENTERS THAT RELOCATE TO A FOREIGN COUNTRY; PROHIBITING STATE FINANCIAL SUPPORT FOR FIVE YEARS TO A CALL CENTER THAT RELOCATES TO A FOREIGN COUNTRY; REQUIRING A CALL CENTER THAT RELOCATES TO A FOREIGN COUNTRY TO REMIT FINANCIAL SUPPORT PROVIDED BY THE STATE; PROVIDING AN EXCEPTION; REQUIRING THAT CALL CENTER-RELATED SERVICES PROVIDED TO THE STATE BE PERFORMED BY STATE-CONTRACTED CALL CENTERS; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. NOTIFICATION OF RELOCATION OF CALL CENTER TO A FOREIGN COUNTRY REQUIRED--PENALTY FOR VIOLATION--LIST OF

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1 RELOCATED CALL CENTERS--RELOCATED CALL CENTERS INELIGIBLE FOR
2 STATE FINANCIAL BENEFITS--REMITTANCE OF STATE FINANCIAL
3 SUPPORT--PROCUREMENT OF CALL CENTER SERVICES TO BE WITH
4 CONTRACTORS LOCATED IN THE STATE.--

5 A. A call center that relocates from the state to a
6 foreign country, or transfers a facility or operating unit
7 composed of at least thirty percent of the call center's total
8 operational volume of telephone or electronic communications
9 when measured against the previous twelve-month average of the
10 call center's operational volume from the state to a foreign
11 country, shall notify the secretary at least one hundred twenty
12 days prior to the relocation or transfer.

13 B. A call center that violates the notification
14 requirement pursuant to Subsection A of this section shall be
15 subject to a civil penalty in an amount not to exceed ten
16 thousand dollars (\$10,000) for each day that the call center
17 fails to provide the notification.

18 C. The secretary shall compile and maintain a
19 report of call centers required to provide notification
20 pursuant to Subsection A of this section. The call center
21 shall remain on the report for a period not to exceed five
22 years of the relocation or transfer. The secretary shall
23 update the report and distribute the list to all state agencies
24 at least on a semiannual basis. Except as provided in
25 Subsection D of this section, during the period of time a call

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1 center is listed in the report, the call center shall:

2 (1) not be eligible to receive direct or
3 indirect financial support from the state, including grants,
4 guaranteed loans, tax benefits or other financial support
5 provided by the state; and

6 (2) remit to the appropriate state agency the
7 unamortized value of any direct or indirect grant, guaranteed
8 loan, tax benefit or other financial support provided by the
9 state agency.

10 D. A call center shall not be subject to the
11 provisions of Subsection C of this section if the secretary, in
12 consultation with the appropriate state agency providing the
13 financial support, finds that the lack of financial support to
14 the call center would result in a substantial loss of jobs in
15 the state.

16 E. The provisions of Subsections A through D of
17 this section apply to a call center that accepts a direct or
18 indirect grant, guaranteed loan, tax benefit or other state
19 financial support beginning on or after July 1, 2013.

20 F. Beginning on July 1, 2015, if a state agency
21 contracts for services with a call center to provide customer
22 service for state-related business, the customer service shall
23 be performed by a contractor, or a contractor's agent or
24 subcontractor, that is located entirely within the state;
25 provided that, after July 1, 2013, if a contractor, or the

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1 contractor's agent or subcontractor, is located in the state
2 and hires an employee to perform customer service for state-
3 related business, that employee shall be employed in the state.

4 G. The workforce solutions department shall
5 promulgate rules to implement this section.

6 H. Nothing in this section shall be construed to
7 impair a contract that is in force on the effective date of
8 this section.

9 I. As used in this section:

10 (1) "call center" means a business that
11 accepts and processes telephone or electronic communications
12 for the purpose of providing customer service and that employs:

13 (a) fifty or more full-time employees;
14 or

15 (b) fifty or more employees who work at
16 least one thousand five hundred hours per week in the
17 aggregate, not including hours an employee may work that exceed
18 forty hours per week;

19 (2) "secretary" means the secretary of
20 workforce solutions; and

21 (3) "state agency" means the state of New
22 Mexico or any of its branches, agencies, departments, boards,
23 instrumentalities or institutions.

24 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2013.

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